

European Union Network for the Implementation and Enforcement of Environmental Law

TRANSFRONTIER SHIPMENTS OF WASTE "TFS"

CONFERENCE REPORT

Bonn, Germany 10, 11 and 12 May 2006

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1. INTRODUCTION

On 10, 11 and 12 May 2006 a conference was held in Bonn, Germany, relating to the control of Transfrontier Shipments of Waste (TFS) as regulated in the EU Regulation 259/93 (i.e. the WSR).

The conference, which is carried out under the IMPEL network, is an annual event and has been organised since 1992. There were 78 representatives from 20 countries including representatives from the Commission and NGOs.

The conference concentrated on the discussion and adoption of the Multi-Annual Programme which outlines the goals of IMPEL/TFS for the years 2006 – 2008 and proposes a number of potential projects to achieve these.

The main aims of the conference were:

- Enhancing knowledge of the new European Waste Shipment Regulation (WSR) and their consequences for its enforcement
- Discussing the progress of running enforcement projects
- Promoting compliance with the WSR and the Basel Convention through enforcement
- Promoting exchange of knowledge and experience with the enforcement of the WSR and the Basel Convention
- Reaching an efficient collaboration between waste enforcement authorities, police and customs
- Discussing future enforcement activities of IMPEL/TFS

The conference, which was hosted by the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, the Hessian Ministry for the Environment, Rural Space and Consumer Protection, and the Ministry of Environment and Nature Conversation, Agriculture and Consumer Protection of North Rhine Westphalia was opened by Dr Wendenburg and Mr Freund.

The conference was chaired by Mr. Edgar Freund, Hessian Ministry for the Environment, Rural Space and Consumer Protection, Ms Alida Oppers, Inspectorate of the Ministry of Housing, Spatial Planning and Environment and Mr Pat Fenton, Department of the Environment, Heritage and Local Government on the first, second and third days respectively.

The first day of the conference, the program included a number of presentations on the new waste shipment regulation and the implementation and impact in the enforcing of the regulation. Reports were provided on the Seaport II and Verification of Waste Destination II Projects. A presentation was also given on the Multi Annual Program 2006-2008 of the IMPEL/TFS Cluster which was adopted at the conference and will be presented to the IMPEL Plenary Conference later in May.

Mr Jim Puckett from the Basel Action Network (BAN) showed a film entitled "The Digital Dump" examining the situation of exports of waste electronic equipment to African countries. The Asian Network was also represented by Mr Kikuhara, who gave a presentation, which highlighted the Asian experience.

The second day covered the introduction and subgroup discussion on the following issues/projects:

- National Threat Assessment
- Enforcement Week
- TFS National Contact Points
- Better Collaboration Enforcement Partners
- Non-OECD Network
- Waste Database
- End of Life Vehicles (ELVs)

A summary of the outcome of the discussions is outlined in Section 4.

The last day of the conference included presentations on examples of police cooperation in enforcement against illegal export of ELVs from the Baltic Sea Region and also a case study report on illegal shipments of waste to the Czech Republic. Another film was shown which drew attention to the shipment of vehicles from Europe to Africa.

The conference was closed with an overview of the main outcomes of the conference and action list for the future (See Section 2 and 3).

Main upcoming meetings and conferences include:

- The IMPEL Plenary Conference will be held later in Pörtschach, Austria, from 31 May to 2 June 2006.
- The IMPEL/TFS Steering Group Committee will meet next in Dublin on 2 and 3 of October 2006.
- The next IMPEL/TFS Conference will be hosted by France in May/June 2007.

2. CONFERENCE PRELIMINARY CONCLUSIONS

There have been many positive results of this conference:

- Adoption of the IMPEL/TFS Multi Annual Program 2006-2008 (MAP) at the Conference. The MAP will be presented at the IMPEL Plenary conference from 31 May to 2 June 2006.
- There is much enthusiasm for the continuation and improvement of enforcement activities within the mechanisms already established and in accordance with MAP.
- There are an encouragingly large number of existing and new participants for the new IMPEL/TFS projects for coming years.
- There is an increased awareness of the situation of waste shipments to non-OECD countries which was highlighted in particular by the Basel Action Network (BAN) and Asian Network presentations.
- Their participation in the conference has resulted in improved and strengthened contacts with the Asian Network and an offer of support by BAN to assist in establishing these contacts.
- The 1st formal meeting of the National Contact Points (NCPs) of the IMPEL/TFS Cluster was held. More participants provided a nominee to be the NCP for their country.
- There has been initial discussion and preparation for the transition to the new Waste Shipment Regulations and the implementation and impact on enforcement activity these will have.
- The positive reports on the Seaport and Verification Projects demonstrates the IMPEL/TFS Cluster's ability to collaborate and run successful enforcement projects – and it was evident that this will continue.
- The collaboration by the waste enforcers was evident from active involvement of police, customs and other key players in the conference and enforcement on the ground.

3. CONFERENCE ACTION LIST

Action list Bonn, Germany, 10, 11 & 12 May 2006

Responsible	Action	Before
Steering Committee	To present MAP and Project ToRs to the IMPEL Plenary	May/June 2006
Steering Committee Alida Oppers	Determine participation from Malta & UK on Steering Committee	May 2006
Netherlands Niekol Dols	Discussion with European Commission concerning the IMPEL/TFS Secretariat. Feedback to the Steering Committee for further action.	18 May 2006
Steering Committee	MAP – Finalisation to include amendments agreed at the conference	Mid June 2006
Rainer Werneburg	Update by a Working Group - Manual on Illegal Shipments	July 2006 – May 2007
All participants	Forward the names, e-mail addresses, fax/phone numbers of the TFS NCP, if not already done, to Pat Fenton. Network neighbouring countries contacts to assist with this task.	As soon as possible
Pat Fenton	Non-OECD Project – Amend the ToR in light of the subgroup discussions and seek volunteers to lead the project. French speaking participant needed for the African part of project. Other follow up as per subgroup discussion.	
Richard Parker	Threat Assessment Project - Produce summary of presentation for information to be circulated via the NCPs – comments welcome.	
Jolanda Roelofs	Advance Enforcement Project in light of subgroup discussion.	
Pat Fenton	TFS NCP Project – Advance discussion concerning definition of responsibility of NCP with the Correspondence Group. Other follow up items as per subgroup discussion.	May 2006
Madga Gosk	Better Collaboration Enforcement Partners – Questionnaire to be distributed on key partners and contact persons.	
Niekol Dols	Waste Database – Project to be advanced as per subgroup discussion. Presentation of Database at next IMPEL/TFS Conference	May/June 2007
All participants	Provide proposals for problematic waste streams to Niekol Dols regarding the Waste Database Project	As soon as possible
Sonia Dean	ELV Project – Project to be advanced as per subgroup discussion and follow up at meeting in Dublin	September 2006
Germany	Send all participants the Final Report on the Conference	June 2006
Steering Committee	Next meeting of the Steering Committee in Dublin	2/3 October 2006
Nancy Isarin	To present Seaport Project results at IMPEL Plenary	May/June 2006
Niekol Dols	To present Verification Project results at IMPEL Plenary in Finland	December 2006
France	To host IMPEL/TFS Conference in 2007	May/June 2007
All participants	Energise! Energise!	

4. SUBGROUP DISCUSSION SUMMARY OUTCOMES

Subgroup – National Threat Assessment

It is important for each Member State to have knowledge about illegal shipments in order to tackle them. A Threat Assessment Final Report has been produced on the basis of information collated by the completion of a questionnaire by Member States. A Threat Assessment is a way to assess a risk in a structured way e.g. regarding illegal shipments the costs / risk involved if the waste has be to repatriated. The Report is only a starting point as the findings of the Report indicate there is a lot not known about illegal shipments. The next steps are to establish better data and intelligence through collaboration and co-operation with all enforcement agencies, improve the threat assessment methodology and tackle the illegal activity with supporting enforcement activity.

Subgroup Discussion Conclusion/Recommendations:

- Questionnaire to be re-circulated and be completed by members countries, supported by appropriate internal national expertise e.g. police & customs (via NCP).
- Consideration should be given to carrying out threat assessments on specific waste streams e.g. ELV or WEEE.
- Alternatively, IMPEL/TFS projects dealing with ELV or WEEE should take on board threat assessment principles.
- R. Parker will produce a summary of his presentation for information to be circulated via the contact points and comments would be welcome.
- Consider completing eco-messages for detected incidents of illegal traffic to assist in the collection of data across the IMPEL Network.

Countries that pledged their participation are: UK (lead) and Austria.

Subgroup - Enforcement Week

It is recommended that on foot of the Seaport and Verification II Project to continue with the enforcement activity of the IMPEL/TFS network through further projects. The aim is to establish a permanent level of enforcement and maintain the co-ordinated inspections. This can be supported by setting up training for inspectors and an exchange programme for them. Another important element is to have easy access to environmental legislation.

Subgroup Discussion Conclusion/Recommendations:

Inspections:

- Have flexible scheme not "week" maybe month, year etc
- · Collect and share existing inspection methods
- Develop new types and methods of inspections depending on waste and locations
- Connect all projects into one enforcement project & continue exchange of inspectors Communication.
- Set out protocol to communicate (via NCP) and learn from one another
- Exchange and share information via IMPEL website & develop a technical helpdesk
- Improve public perception & adopt approach for communication with the press

Countries that pledged their participation are: Netherlands (lead), Germany, Ireland, Austria, Slovenia, Estonia, Belgium, Portugal, Denmark, France, Finland, UK, Scotland, Northern Ireland, Sweden and Croatia.

Subgroup – TFS National Contact Points (NCP)

The initial purpose of the project is to establish a National Contact Point in all Member States or to establish an interim nominee. The NCP will have an active role in sharing information, documents and acting as the initial point of contact to a country. It is necessary to clarify how the NCP's Group will work and communicate – it is important that there is active participation in its future work and that the information that comes from the contacts is shared.

Subgroup Discussion Conclusion/Recommendations:

- Initiate contact with countries not already involved to nominate NCP
- Further discussion on clarity of NCP's role & Correspondence Group. NCP should feed into the Correspondence Group.
- Information gathered by the NCP should be shared e.g. via use of IMPEL Website.
- Report on the Subgroup discussion should be circulated to all NCP.
- NCP Group should meet at IMPEL/TFS Conferences.

Countries that pledged their participation are: Ireland (lead) and existing NCPs along with new NCPs for Croatia and Denmark.

Subgroup – Better Collaboration Enforcement Partners

Tackling illegal waste shipments is a complex international issue and it is evident that different resources are needed to do so effectively. It is logical to use all resources available such as — other Member States, Customs, Police, Commission, Basel Secretariat and other Networks. The purpose is to bring about improved enforcement by establishing formal arrangements for collaboration and implement in an active operational way.

Subgroup Discussion Conclusion/Recommendations:

- There are few countries with formal agreements for collaboration.
- Developing this cooperation is in an early stage of development.
- The distribution of a questionnaire will provide an overview of key partners and contact persons for collaboration NCP.
- There should be an exchange of good practices and provision of examples of MoU.

Countries that pledged their participation are: Poland (lead), Netherlands and Austria.

Subgroup – Non-OECD Countries – Co-operation

Member States are seeing increased waste shipments to Non-OECD countries e.g. Ireland exports waste plastics to China. Therefore, it is important to develop good communication contacts with the relevant authorities in these countries. However, in some cases this has been difficult to achieve e.g. Ireland with China.

Subgroup Discussion Conclusion/Recommendations:

- Terms of Reference (amended) was agreed
- Use Basel Convention Regional Centres to raise awareness of issue BAN offer to support this by organising workshops in regional centres also
- NGOs involvement discussed. Jim Puckett (BAN) will try to make contact with a Representative of the Asian Regional Centre on trip to Taiwan
- Establish a list of contact points
- IMPEL/TFS member should attend the next Asian Network Workshop Meeting

Countries that pledged their participation are: To be arranged (lead), Germany, Netherlands, Finland, Ireland, Asian Network /J. Kikuhara, BAN/Jim Puckett and Isarin Environmental Consultants.

Subgroup – Waste Database

The aim of this project is to tackle the interpretation differences between Member States. The purpose of the establishment of the Database is to collate and store information in relation to the interpretation of the WSR by Member States in order to identify these differences and overcome problems these differences may pose.

Subgroup Discussion Conclusion/Recommendations:

- General conclusion: support for database, very helpful tool
- Slides of the sample database to be circulated
- Proposals for problematic waste streams to Niekol Dols
- Maintenance by permanent secretariat
- Pilot database: NL, IRL, AU, PL (to be confirmed)
- Presentation of database in Paris 2007

Countries that pledged their participation are: Netherlands (lead), Ireland, Austria and Poland (to be confirmed). Support for the idea by the workshop, within certain conditions

Subgroup - End of Life Vehicles

The purpose of the project is to set out criteria for establishing if a vehicle is a waste or not. The criteria will form the basis of a core procedure so that Member States can adapt the procedure for their country as there are interpretation differences from country to country. The project will involve inspection periods and also an exchange programme for inspectors.

Subgroup Discussion Conclusion/Recommendations:

- Main problems are definitions of ELVs in national law, identifying if waste or not, complex problem that goes beyond environmental crime
- Need to established flexible core procedure to determine whether waste or product to be adaptable by all countries
- Exchange of inspectors should be based on shipping routes
- Information arising from the Threat Assessments will be published in the final report confidential information will be disseminated via police channels
- Further discussion on project at meeting in Dublin, September, 2006 Conference to be covered by Press Release
- Request that all attendees at conference complete ELV Questionnaire
- Request for confirmation of participants

Countries that pledged their participation are: Ireland (lead). Other countries to be confirmed.

5. CONFERENCE PROGRAMME

DAY 1	IMPEL/TFS-conference, 10.05. – 12.05.06 in Bonn, Germany
Wednesday 10 May	
09.00 hrs	Reception and registration
10.00 hrs	Official opening Dr. Helge Wendenburg, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, Germany
	Mr. Edgar Freund, Hessian Ministry for the Environment, Rural Space and Consumer Protection
10.20 hrs	Conference remarks Mr. Edgar Freund
10.30 hrs	Coffee/ Tea break
11.00 hrs	"New rules for waste shipments and their consequences for enforcement – a Commission view"
11.30 hrs	Dr. Thomas Ormond, EU-Commission, DG-Environment"The new European Waste Shipment Regulation - challenges for the
11.301113	enforcement" Mr. Michael Ernst, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, Germany
12.00 hrs	"Implementation of European waste legislation in Northrhine-Westphalia – current perspectives" Mrs. Inge Carstens, Ministry for the Environment and Nature Conservation, Agriculture and Consumer Protection of Northrhine- Westphalia
12.30 hrs	Lunch
14.00 hrs	Film and short presentation: the digital dump Mr. Jim Puckett, Basel Action Network
14.30 hrs	 Project Reports Seaport II Project, by Mrs. Nancy Isarin, Ministry of Housing, Spatial Planning and Environment of the Netherlands Verification of waste destination II Project, by Mrs. Niekol Dols, Ministry of Housing, Spatial Planning and Environment of the Netherlands
15.30 hrs	Coffee/ Tea break
16.00 hrs	Presentation of the Multi Annual Program – MAP – Mrs. Alida Oppers, Inspectorate of the Ministry of Housing, Spatial Planning and Environment of the Netherlands
16.45 hrs	Preview day 2 Mr. Edgar Freund
18.00 hrs	Trip to Linz by ship and dinner

DAY 2	IMPEL/TFS-conference, 10.05. – 12.05.06 in Bonn, Germany									
Thursday 11 May										
09.00 hrs	Opening remarks Mrs. Alida Oppers									
09.15 hrs	Threat Assessment – Final report Mr .David Bradley, UK									
09.45 hrs	Introduction to subgroup discussion "National threat assessment", Mr. Richard Parker "Enforcement week", Mrs. Jolanda Roelofs "Communication between the TFS national contact points" Mr. Pat Fenton "Better collaboration enforcement partners" Mrs. Magda Gosk									
10.30 hrs	Coffee/ Tea break									
11.00 hrs	Subgroup sessions Subgroup 1 Subgroup 2 Subgroup 3 Subgroup 4 Mr /Mrs Mr/Mrs Mr/Mrs Mr/Mrs Mr/Mrs E. R. Werneburg J. Roelofs A. Windolph N. Isarin Niamh Drew M. van Leeuwen									
13.00 hrs	Lunch									
14.00 hrs	Plenary feedback									
14.30 hrs	Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Waste Mr. Junya Kikuhara									
15.00 hrs	Introduction to subgroup discussion • "Non OECD-network" Mr. Pat Fenton • "Waste database" Mrs. Niekol Dols • "End of life vehicles", Mrs. Sonia Dean,									
15.30 hrs	Coffee/ Tea break									
16.00 hrs	Subgroup sessions Subgroup 1 Subgroup 2 Subgroup 3 Mr/Mrs Mr/Mrs Mr/Mrs Pat Fenton Niekol Dols Sonia Dean Niamh Drew Tom Houben Jitka Jensovska									
17.00 hrs	Plenary feedback									
17.30 hrs	Preview day 3 Mrs. Alida Oppers									
19.00 hrs	Dinner at the restaurant Auepark near the Rhine									

DAY 3	IMPEL/TFS-conference, 10.05. – 12.05.06 in Bonn, Germany
Friday 12 May	
09.30 hrs	Opening remarks Mr. Pat Fenton, Department of the Environment, Heritage and Local Government, Ireland
09.45 hrs	"International police cooperation against illegal export of end-of-life vehicles from the Baltic Sea Region" Ms. Pia Jonsson Swedish National Criminal Police
	"Illegal waste shipments to the Czech Republic – a case study" Ms. Jitka Jensovskà CIZP Czech Republic
10.30 hrs	Adoption of the Multi Annual Program Final remarks
11.00 hrs	Coffee break
11.30 hrs	Conclusions and action program
12.00 hrs	Evaluation and closing of the conference Mr. Pat Fenton
12.30 hrs	Lunch

6. ATTENDANTS LIST

	Mr/										
No	Ms	Name	Surname	address	zip code	city	Email	fon	fax	organisation	country
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10	Ms	Sanja	Radovic	25	10 000	Zagreb	sanja.radovic@mzopu.hr	00385 91 2877244	00385 1 3712 791	Inspector	Croatia
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7. PHOTOGRAPHS – CONFERENCE ATTENDANTS & STEERING GROUP COMMITTEE





Annexes:

Annex 1

List of Presentations

New rules for waste shipments and their consequences for enforcement – a Commission view"
 Dr. Thomas Ormond, EU-Commission, DG-Environment:

File: 2_ormond_new_wsr10_05_06.ppt

 "The new European Waste Shipment Regulation - challenges for the enforcement"
 Mr. Michael Ernst, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, Germany

File: 3_ernst_new wsr10_05_06.ppt

3. "Implementation of European waste legislation in Northrhine-Westphalia – current perspectives" Mrs. Inge Carstens, Ministry for the Environment and Nature Conservation, Agriculture and Consumer Protection of Northrhine-Westphalia

File: 4_carstens_wsr_nrw_10_05_06.ppt

4. Seaport II Project, September 2004 – May 2006 Project Report **Mrs. Nancy Isarin**, Ministry of Housing, Spatial Planning and Environment of the Netherlands

File: 5_isarin_seaport2_10_05_06.ppt

Verification of waste destination II Project, Project 2005 - 2006
 Mrs. Niekol Dols, Ministry of Housing, Spatial Planning and Environment of the Netherlands

File: 6_dols_verification2_10_05_06.ppt

6. IMPEL / TFS - Multi Annual Program – MAP –

Mrs. Alida Oppers. Inspectorate of the Ministry of Housing. Spatial Plant

Mrs. Alida Oppers, Inspectorate of the Ministry of Housing, Spatial Planning and Environment of the Netherlands

File: 7_oppers_MAP_10_05_06.ppt

7. Threat Assessment – Final Project Report

Mr .David Bradley, UK

File: 8_bradley_threat.assessment_11_05_06.ppt

8. National threat assessment – subgroup introduction

Mr. Richard Parker- subgroup introduction

File: 9_subgroupthreatassessment.ppt

9. Enforcement week – subgroup introduction

Mrs. Jolanda Roelofs

Files: 10_roelofs_enforcement_1_11_05_06.ppt 11_roelofs_enforcement_1_11_05_06.ppt

10. Better collaboration enforcement partners – subgroup introduction and conclusions **Mrs. Magda Gosk**

File: 12_gosk_collaboration1_11_05_06.ppt 13_gosk_collaboration2_11_05_06.ppt 14_Subg_collaboration_conclusions.ppt

11. Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Waste Mr. Junya Kikuhara

File: 15_kikuhara_asian_network_11_05_06.ppt

Waste database - Waste defined – subgroup introductions
 Mrs. Niekol Dols

File: 16_waste_defined3_subgr11_05_06.ppt 16_dols_Waste database_11_05_06.ppt 16_dols_waste_defined2_subgr11_05_06.ppt 16_dols_waste_defined_subgr11_05_06.ppt

13. End of life vehicles

Mrs. Sonia Dean

File: 17_dean_elv_subgr_11_05_06.ppt

14. International police cooperation against illegal export of end-of-life vehicles from the Baltic Sea Region"
Ms. Pia Jonsson, Swedish National Criminal Police

File: 18_jonsson_elv_12_05_06.ppt

15. Illegal waste shipments to the Czech Republic – a case study"
Ms. Jitka Jensovskà CIZP Czech Republic

File: 19_Czech_Case_12_05_06.ppt

Annex 2

CD with Presentations and Photos