



Third edition

Newsletter

IMPEL-TFS

Seaport Project



European Union Network for
the Implementation and Enforcement
of Environmental Law

June 2004

1. Introduction

The first two newsletters of the IMPEL-TFS Seaport project were published in October 2003 and March 2004. This third newsletter, which is the last one within this current project, will highlight the results of the second project meeting and the overall outcomes of the project. A special issue concerns an opinion of an Indian non-governmental organization involved in waste enforcement matters. Last but not least, attention is given to short-term activities on the next meeting as part of the follow up project.

2. Results second meeting, Mechelen

The second project meeting, held from 21 – 23 April 2004 in Mechelen, Belgium, was again very successful and productive. Representatives of all six participating countries were present at the meeting. Overall results, conclusions and recommendations to be given and experiences gained during the project were important points of discussion.

Some general conclusions were:

- The manual and report forms were found to be a good and effective instrument for performing waste checks during the project;
- Information exchange and cooperation has been set up on national and international scale: between enforcement authorities, as well with custom authorities and police;
- All involved countries performed inspections and – in most circumstances – violations have been detected and tracked down;
- Insight into port hopping has been gained, and illegal shipments to non-OECD countries have been detected and prevented from being shipped.

Recommendations have been discussed and agreed upon as well.

Main recommendations given are:

- IMPEL-TFS, IMPEL and the European Commission should work on an enforcement strategy on TFS regulations, with special attention to minimum principles of adequate enforcement, capacity and means, and conditions for cooperation;
- IMPEL-TFS should take the lead in building a new website with extensive information about TFS regulations, involved organizations and information about waste streams, like a digital

reference book, classification, project reports, standard forms, et cetera;

- The national enforcement organizations should take the lead in setting up (formal) agreements with custom organizations on cooperation and information exchange and should make priorities for enforcement and capacity building;
- The project management should (and will) take the lead in further strengthening and enlargement of the network, e.g. by a follow up project with new countries and new seaports.



Participants Mechelen meeting

The results of the meeting have been laid down in a meeting report, which is available at the project management.

More information: Ms. Nancy Isarin, The Netherlands, e-mail: nancy.isarin@minvrom.nl

3. Successful interception of illegal household shipments

As mentioned in the previous newsletter, illegal export of waste destined for India, Singapore and Indonesia has been detected. The power of the network stretches even further than the EU borders, because the Western economy is responsible for an environmentally friendly disposal of waste due to its prosperity.

Dr. Alvares of the *Monitoring Committee on Hazardous Wastes* (appointed by the Supreme Court of India) reports about the Indian vision on the importance of (joint) enforcement in the EU regarding waste shipments:

“Despite the globe being electronically connected, I became aware of the Seaport Project of the European Union only recently that, too wholly by accident, when an inspector of the Dutch government sent India a query asking whether certain consignments from Ireland destined for India, in transit through Rotterdam, were approved by the Indian government.

Though the containers, according to the official documents, carried “paper waste” they turned out - on inspection - to be filled with household wastes or garbage. The Indian government was unaware of the transport of such materials to India since the import of paper waste itself into India is not forbidden; industrialists officially import paper waste for use in making cartons.



Household waste

Due to the Dutch query, the Indian government was able to respond quickly, informing the Netherlands that no permission had been granted for the import of household waste into India. The containers were then sent back by the Dutch officials to Ireland.

The Basel Convention prohibits OECD countries from exporting their hazardous and other wastes to non-OECD countries. It is therefore far more effective, as a preventative strategy, to have consignments that originate or transit through European ports inspected in Europe to ensure they meet the provisions of the Basel Convention or of EU Regulation 259/93. It is far more difficult to carry out such inspections at the tail end or the port of destination. For example, despite the fact that India has well-equipped customs laboratories at its major ports, the sheer volume of materials, testing of suspect consignments, high demurrage costs, demands for speedy clearance of consignments often create conditions for the entry of dubious consignments. And no one can pretend that port authorities in countries like India or Asia generally are not immune from corruption and abuse as well.

As the case of the “paper waste” scandal indicates, activities under the Seaport Project can become a major source of information for countries like India that are committed to implement the provisions of the Basel Convention and which have their own local legislations to prevent the import of hazardous wastes. In the past, a bewildering variety of dubious materials were sent to Africa and then to India for disposal or “recycling”. The quantities have come down after Basel. But exporters find newer ways of bypassing the regulations on hazardous wastes.

But a strong inspectorate in Europe is also necessary for another reason: Pressures are being exerted on Asian or African countries to vacate the restrictions on the movement of some categories of hazardous wastes. Effective implementation of the ban from the European side will nullify any such misguided moves since the movement of hazardous wastes is always from the developed countries to the less developed. It therefore makes sense to have a permanent team of inspectors that will remain forever alert to ensure that EU Regulation 259/93 is strictly followed. That would be a major contribution of Europe to the health of people in developing countries and to the safeguarding of their environment as well.”

Dr. Alvares is a member of the Monitoring Committee on Hazardous Wastes appointed by the Supreme Court of India to enforce regulations dealing with management of imported hazardous wastes.

More information: Mr. Louis van der Ploeg, The Netherlands, e-mail: louis.vanderploeg@minvrom.nl

4. Case: re-use of single use cameras

In April 2004 the police and the competent authority of Hamburg came across an ambiguity: two containers of used Single Use Cameras (SUC) including batteries, to be shipped to Hong Kong. At the first look, it seemed quite obvious, inherently from the name ‘used Single Use Cameras’ that the containers contained waste. In the amber list, used SUC have the code AD 130; *without* batteries they are listed as GO 050 in the ‘green’ list. According to the EU Regulations 1547/1999 and 1420/1999, the latter could be exported to Hong Kong, but not to China.

The two containers which were stopped, were sent through an export company in the UK, packed in a town in the German federal state of Lower Saxony, and put in containers in the German federal state of Hamburg.

By law, the competent authority is the one from Lower Saxony where the cardboard boxes were actually packed. After some enquiry a copy of a letter from the Ministry of Environment of Lower Saxony was received, which stated that if the used SUC could still function, they are not regarded as waste. Parallel, a photo of a recycled SUC was received to prove how such used SUC are being recycled in China and brought back into the market.

The competent authority in Lower Saxony was informed in writing.

The letter included some photos of the shipment, showing some broken used SUC *with* batteries, which could definitely not function in any case (see picture below). They had to decide how to deal with this particular case, and how to, in the future, deal with this kind of (waste) streams.



“Used (broken) single use cameras”

During a meeting with the company it was decided that the two containers would be brought back to Lower Saxony for separating the used SUC bodies that could be ‘recycled’ for re-use from those which are scrap. The scrap rate should be below 15%. To guarantee this in the future, the company will set up a QMS (quality management system).

Products that are designed for one use and are being regarded as waste after that single use, can - over time - be developed into a reuse product, which (as long as it can be brought back to its previous purpose without harming the environment) could be located outside normal waste streams.

This recognition of a change in handling certain waste products should be developed in close cooperation with the competent authority on the other end of the chain. In particular for the question of finding a kind of proof that this new material (waste) stream does not harm the environment nor particular local societies. Cooperation with other authorities, which are in charge of the particular production/recycling facilities, is necessary, although it is not an easy task.

More information: Mr Klaus Willke, Germany, e-mail: klaus.willke@bsu.hamburg.de

5. Output IMPEL-TFS conference in Malta

The project report of the IMPEL-TFS Seaport project was an important point of discussion at the IMPEL-TFS conference in Malta (7-9 June 2004). The outcomes of the project were presented during the first day, and a subgroup discussed the outcomes of the project and a proposal for a second seaport project during the second day.

At the conference, all (60) representatives from 14 Member States and Norway underlined the successfulness of the project. With regard to the conclusions and recommendations stressed in the report, the following points were decided:

- In spring 2005 a IMPEL-TFS management conference will be organized in the Czech Republic. One of the issues to discuss is a EU enforcement strategy regarding the Waste shipment regulation and a multi-annual working programme;
- Cooperation between national authorities, such as the environmental inspectorates, customs and police, will be set up. Starting with identifying possible partners, contacting them, asking them to cooperate, and then start with concrete joint inspections. The experiences of these joint inspections can be used for establishing more structural agreements (like a Memorandum of Understanding);
- The possible contents of a IMPEL-TFS website. Not yet is decided who will manage such a website;
- Continue and expand the Seaport project. This will be done by the start of the second seaport project in September 2004. Until now 13 EU Member States showed interest in joining the second project: Sweden, Poland, Latvia, Germany, Ireland, United Kingdom, The Netherlands, Belgium, Catalonia, Portugal, Malta, Slovenia and Italy. Norway and Denmark will consider participation. Also the number of ports per country will be expanded. For example Szczecin (Poland), Bremen (Germany), Amsterdam (The Netherlands) and Southampton (United Kingdom) will participate.

The Terms of Reference will be updated (based on the discussions at the conference) and will be forwarded to Member States, which have shown interest.

6. Follow-up project and next conference

The preparations for the follow up project will start on short term. Countries, which have shown interest in the follow up project, will be asked for active participation, also based on an updated version of the Terms Of Reference. The present manual will be updated, based on the results of the Mechelen meeting, and a programme for the kick off meeting of the follow up project will be drafted. The kick off meeting is foreseen from 13 till 15 September 2004. Latvia is asked to host this conference. Information on this meeting will be sent to interested organisations on short term. Points of attention during this start conference will be the participation of other involved authorities, such as police and customs, the use of the Viadesk website (especially with the growing number of participants), the new type of inspection method and discussion regarding concrete enforcement problems (e.g. how to deal with car wrecks versus second hand cars).

More information: Ms. Nancy Isarin, The Netherlands, e-mail: nancy.isarin@minvrom.nl

7. Proposals new EU regulation 259/93

Under the Irish Presidency of the EU the proposal of the Commission (of 30 June 2003) for a Regulation on shipments of waste (revision of EU Waste Shipment Regulation 259/93) was considered intensively. The European Parliament had adopted a resolution regarding the Commission proposal in November 2003 (first reading). It is likely that a political agreement in the Council will be reached at the Council (Environment) on 28 June 2004. A common position in the Council is likely to be achieved in autumn 2004 under the Dutch Presidency (conclusion of the first reading). Afterwards the dossier will go for the second reading in the European Parliament, maybe at the end of the year.

The notification procedure in the new WSR has been streamlined; it is laid down in title II. All competent authorities have to give their consent in written form, except for competent authorities of transit which may give tacit consent. The current three lists: green, amber and red for recovering of waste are merged into two: green and amber. Green listed waste has to be accompanied with a certain form (Annex VII). An additional list for mixtures of green listed waste will be developed (Annex IIIA). For notifications for interim recovery and disposal operations additional requirements apply. In those cases all further recovery or disposal facilities must be mentioned. Each notification needs to have a separate financial guarantee. Besides other obligations, the enforcement and reporting gets on a stronger base.

8. Things worth knowing

- The project report of the IMPEL-TFS Seaport project can be obtained at the project management (digital and hardcopy). As PDF-file the report has been placed on the IMPEL-TFS website (<http://europa.eu.int/comm/environment/impel/news.htm>);
- On short term, the final project report will be distributed to our main target groups and other organisations involved in this project, like the European Commission, IMPEL-secretariat, the national IMPEL coordinators, Basel Convention Secretariat, etc.;
- The report of the Mechelen meeting can be obtained at the project management as well;
- An outline of the results of this project have been presented at the plenary IMPEL meeting in Dublin, during 2 – 4 June 2004.

For more information about above-mentioned issues, please send an e-mail to nancy.isarin@minvrom.nl.

Colophon

Final editor: Nancy Isarin
VROM Inspectorate
P.O. box 29 036
3001 GA Rotterdam
The Netherlands
nancy.isarin@minvrom.nl

Editing: ARCADIS
Date: June 2004

Country	Contact person	Tel nr.	Email	Contact
Belgium	Mr Bart Palmans	+32 15 284511	bart.palmans@ovam.be	
Germany	Mr Klaus Willke	+49 40 428452249	klaus.willke@bsu.hamburg.de	
Latvia	Mr Ojars Gerke	+371 7465575	ojars.gerke@jvp.gov.lv	
Netherlands	Mr Huib van Westen	+31 10 2244306	huib.vanwesten@minvrom.nl	
Poland	Mrs Magda Gosk	+48 22 5792729	m.gosk@gios.gov.pl	
United Kingdom	Mr Lyndon Essex	+44 14 73 273984	lyndon.essex@environment-agency.gov.uk	