

Name of Project: The Big/Little TFS project (extension)	
ToR Reference No.: 2022-IV/04	
Version: <input type="checkbox"/> Draft <input type="checkbox"/> Final <input checked="" type="checkbox"/> Adopted	Date: 05-Nov-21
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

## 1. Work type and title

<b>1.1 Identify which Expert Team this needs to go to for initial consideration</b>	
Industry and air	<input type="checkbox"/>
Waste and TFS	<input checked="" type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting tools and approaches	<input type="checkbox"/>
<b>1.2 Type of work you need funding for</b>	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other, (please describe):	<input type="checkbox"/>
<b>1.3 Full name of work</b>	
The Big/Little TFS project – Surveying and acting on details in the legislation in connection to TFS field work which are minor but will increase the environmental protection in a big way. A extension of the projects timeframe in order to include suggestions for solutions to identified issues.	
<b>1.4 Abbreviated name of work or project</b>	
The Big/Little TFS project	

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

<b>2.1 Name the legislative driver(s) where they exist</b>
Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste



## 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.
4. Other, (please specify):

## 2.3 Why is this work needed?

Throughout several years and multiple IMPEL projects the initiators of the project have identified that multiple TFS inspectors together have had thousands of inspections in the field of TFS. All these inspections have boiled down to an extensive knowledge of the legislation connected to physical inspections of transboundary shipments of waste. However, despite several legislative changes and reviews of the legislation, there are still lacking a connect between legislators and inspectors out in the field when it comes to some of the details in the legislation. These "details" could be where there are certain intentions with the legislation but due to the disconnect due to long lines of communication and many agencies between legislators on a EU-level and TFS inspector and the level of which such "details" might not be brought up higher in each nations priorities towards the commission since they are just that, "details".

However, many of these "details" are prohibiting the intended TFS work to take place or to be as efficient as it could be in accordance to intend of the commission. By having a dedicated project to identify these issues and to, via IMPEL, let the commission review the findings to identify and act if there's a disconnect between the intend of the commission and the actual physical work out in the field.

## 2.4 Desired outcome of the work

Guidelines and/or, if possible, legislation will be amended or changed in order to provide a better connection to the physical TFS work out in the field and the intent of the commission.

## 2.5 Does this project link to any previous or current IMPEL projects?

The NCP Best practice meeting.

## 3. Structure of the proposed activity

### 3.1 Describe the activities of the proposal

The project aims to identify these very important details in connection to the physical inspections quantifiably, with the help of IMPEL statistics, as well as via qualitative interviews with TFS inspectors throughout the Member States in order to identify these details.

The used quantitative data will be used in conjunction with the qualitative to identify certain key points that, via statistics, can be identified as a problem for a large part of Europe and use the expert knowledge from TFS officers to boil down the problems with the statistics in connection with physical inspections. Then how these problems manifest themselves in the actual work in



connection to a possible flaw or missed intent of the legislation.

In other words, the quantitative data will be used via qualitative data to boil down big problems down to the individual transport level. And vice versa with the qualitative data. It will be used to see if problems connected to individual transports have a large impact across Europe and it could be cross-checked with the statistics to see if, at least from a statistics standpoint, that seems to be the case.

However, these are complex issues and it is not certain that the quantitative data would be able to help identify the problems as these problems may manifest themselves as non-violations due to misinterpretations of the intent of the legislation itself. Therefore the interviews with TFS officers, qualitative data will be the main source for identifying the problem. The statistics, qualitative data, will be used, if possible, to substantiate the finding from the interview, if applicable.

These very specific details would then be described and solutions to the problem would be submitted in the report. The report would then be looked at by the IMPEL expert team and bring forth the relevant findings to the commission for possible further development.

An example of such a “detail” can be box 6 and 7 in annex VII. Since there is no reference to “actual site of generation” as for similar boxes in annex IB or a reference to the start of the transboundary shipment of waste, illegal shipments are trying to circumvent the traceability that seems to be intended by the commission.

There are other practical details that need to be addressed and the needs and knowledge of the TFS officers are nuanced across the different Member States.

The goal is not to amend new pieces of legislation by bypassing the already implemented structures, but instead adjusting the present structures and legislation by pinpointing these disconnects between the intent of the legislators and the physical work out in the field. This is done by reducing the number of steps between the commission and the TFS officers out in the field whilst maintaining the structure of the decision-making process for each member state.

The extension of the project during 2022-2023 is to allow for the report to include suggestions for solutions for the issues that were identified during the report that is being delivered in 2021. The extension was deemed necessary to reach the project's main goals which are to come up with solutions to the identified big/little problem as the project was more complex than initially anticipated.

### **3.2 Describe the products of the proposal**

Produce a report that identifies the detailed problems with the physical TFS inspections and suggests remedies that align with the commission's intentions. Also the report could fill in gaps for authorities on how to interpret different issues and the report could be used in the same fashion as a guideline, without being a guideline, for the authorities that find the expert TFS officers' options useful. It could also be used as a technical guide such as the Basel convention provides, and it could be used in national courts or other applicable instances.



The report could also provide a list of key issues, connected to individual transports, that have a huge impact due to the lack of compliance with the legislation, but where the uncertainties are so great that they cannot fall into the category of “the intent of the legislation”. However, these grey areas could be included in the report via the interview and be a starting point for other projects or initiatives on how to deal with these grey areas.

