

TOR Reference No.: 2018/04	Author(s): Katie Olley
Version: 1	Date: 1 November 2017
<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

## 1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<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"/>
1.2 Type of work you need funding for	
Exchange visits	<input checked="" type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input checked="" type="checkbox"/> (best practice meeting)
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"/>
1.3 Full name of work (enough to fully describe what the work area is)	
<i>IMPEL TFS Enforcement Actions on waste shipments (including Waste and TFS conference)</i>	
1.4 Abbreviated name of work or project	
Enforcement Actions	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
Regulation 1013/2006/EC on shipments of waste Article 50(2) – ‘2. Member States shall, by way of measures for the enforcement of this Regulation, provide, inter alia, for inspections of establishments, undertakings, brokers and dealers in

accordance with Article 34 of Directive 2008/98/EC, and for inspections of shipments of waste and of the related recovery or disposal.’

Article 50(2a) also requires Member States to list their ‘arrangements for cooperation between authorities involved in inspections’

Article 50(5) – ‘Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments’

**2.2 Link to IMPEL MASP priority work areas**

1. Assist members to implement new legislation	X
2. Build capacity in member organisations through the IMPEL Review Initiatives	<input type="checkbox"/>
3. Work on ‘problem areas’ of implementation identified by IMPEL and the European Commission	X

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

The Enforcement Actions project was set up for the following reasons:

- Competent authorities expressed the need for a formalised project framework in order to integrate enforcement inspections in their own countries;
- International cooperation is essential to tackle international environmental problems; and
- The network of enforcers in the field needs to be maintained and extended to cover all Member States to ensure an effective inspection regime.

These reasons are still valid for continuing the Enforcement Actions project. Enforcements Actions projects have allowed participants to gain valuable experience on inspection methods, enforcement structures, planning inspections and exchange of staff and information.

Participants of the Enforcement Actions project have given resounding support for the project and revealed how continued co-ordinated effort amongst competent authorities could further enhance the effectiveness of waste shipment inspections, and overcome the ‘problem’ areas for regulatory authorities that have been identified during the project.

The Enforcement Actions projects have formed the bedrock of practical activity of the IMPEL-TFS cluster for some time. The outcomes and data provided by the project are seen as very important by the European Commission and were used in its recent impact assessment for the revision of the Waste Shipment Regulation (660/2014). UNEP has also used its data and guidance to inform its work and produce reports. Interpol has also leant on the project to implement its activities.

The objectives of this project are:

1. To work towards an adequate level of inspections in all Member States and a consistent level of enforcement at all exit points of the EU
2. Promote site inspections at points of loading and encourage a cradle-to-grave approach to inspection to minimise illegal shipments
3. To verify waste destination and the treatment at their destination within or outside Europe;
4. To provide an easily accessible European enforcement project for all co-operate with each other, and also with other regulatory authorities, e.g. Police and Customs
5. To detect illegal shipments and deter future ones through effective communication and guidance
6. To facilitate take-back procedures after an illegal shipment has taken place and

7. Demonstrate that the Member States take the enforcement of the WSR seriously

The IMPEL Waste and TFS conference has not been held for two years. Combining the travel for the Enforcement Actions best practice meeting and the conference should enable cost savings.

**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 network will primarily seek to maintain and improve the network of front line waste shipment inspectors, inspection methods, exchange of information and inspectors' knowledge on the Waste Shipment Regime. Co-operation with other regulatory authorities continues to develop within the project with Police and Customs officers frequently taking part in joint activity.

The project has recently focussed on the importance of bilateral and regional co-operation and joint inspections and officer exchanges will foster this. This aspect is of particular importance as new countries join or re-enter the project, and new officers come through the system. The project is looking to continue using 'smarter exchanges' focussing on certain waste streams and operators that act across national borders.

The snapshot data derived from the project inspections are particularly important in highlighting the areas of weakness in inspection regimes and focussing future inspections. Different inspection locations, e.g. railheads will also be targeted by participants.

The best practice meeting in April 2018 would discuss the revisions to inspection working procedures and how best to modernise reporting arrangements. Combining the travel of the participants so that they may attend the conference would foster the established network and minimise travel.

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

Yes, follow on project from the Seaport I & II projects, the Verification I & II projects and the Enforcement Actions I, II and III projects. These projects showed the need for cross-border collaboration at an operational level in order to implement and enforce the WSR effectively. Participation has been increasing since the first Seaport project and needs to be maintained through the formalised structure that this project offers.

Exchanges would also be open to participants of other IMPEL-TFS projects.

### 3. Structure of the proposed activity

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

The main activities can be summarised as follows (in addition to the daily exchange of information):

- Co-ordinated inspections during three months in 2018 (three days per inspection month) to provide a 'snapshot' of inspection data revealing the problem shipment routes, waste types and destinations.
- Undertaking an adequate level of inspections with other competent authorities (such as Police and customs) on waste shipments (harbours, trains, companies and road traffic)
- Chain approach: competent authorities to check sites of loading and storage, verify transport arrangements and the final recovery facility in order to ensure that a shipment accords with the

principle of 'environmentally sound management'. Also verification with non-OECD countries which have interrelation with IMPEL- TFS Asia project.

- Communication about this project and the different inspections via bi-monthly online meetings
- Collation and analysis of the results of the inspections using an online visualisation tool
- Organisation of an 'annual best practice' meeting
- 16 exchanges of front-line inspectors during inspections periods each year. The focus will be on bringing new countries in to the project and inspecting waste streams and illegal routes of mutual concern between countries.
- Neighbouring countries will be asked to arrange border inspections in an effort to increase participation.
- Attendance at National Contact Point meeting 2018 to reflect upon project and discuss requirements and proposals for next phase.

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

- A report that contains the following information (due in 2018):
  - ⤴ The results of the exchanges and the lessons learned by inspectors;
  - ⤴ An evaluation of existing enforcement gaps, based on the results of inspections and verifications, Member State Annex IX reporting, Enforcement Actions outcomes and co-ordinated analysis by competent authorities;
  - ⤴ Recommendations for future activities.
- A network of contacts in countries needed for the collaboration on enforcement of the Regulation, e.g. the Police and Customs.
- Updates to participants
- Webex presentations for exchange of best practice
- 'Snapshot' inspection data to assist Member States and the Commission in planning
- Contributions to the IMPEL photo library
- Press releases on the findings of participants
- Maintenance of a network of operational contacts, extending to all Member States (if possible); incorporating the principles of Article 50 of the EU Waste Shipment Regulation

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

March 2018 – Inspection and exchange period  
 April 2018 – publication of 2016-2017 inspection findings  
 April 2018 – Best Practice meeting and meeting of Project Group & Waste and TFS Conference  
 June 2018 – Inspection and exchange period  
 October 2018 – Inspection and exchange period  
 October 2018 – Update to NCP meeting  
 November 2018 – Collation on 2016 results and Update to General Assembly

In addition – quarterly accounts reporting to IMPEL Secretariat

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

There is a risk that some competent authorities will be unable to participate for part or the entire project due to staff cut backs and re-organisations in their respective organisations. Support will be offered to those countries, and neighbouring countries will be asked to assist in taking on the

responsibility for arranging joint border inspections where possible.

## 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)

Katie Olley, Scottish Environment Protection Agency, UK

### 4.2 Project team (who will take part: name, organisation and country)

Alfred Sharples, MEPA, Malta  
 Arno Vink, ILT, Netherlands  
 Jonas Lundin, County Administrative Board of Norbotten, Sweden  
 TBC, NIEA, Northern Ireland  
 Katharina Aiblinger-Madersbacher, Regierung von Niederbayern, Germany  
 Naomi Ross, Scottish Environment Protection Agency, UK  
 Pádraig O'Shea, Scottish Environment Protection Agency, UK

### 4.3 Other IMPEL participants (name, organisation and country)

Austria - Walter Pirstinger  
 Belgium - Bart Palmans  
 Bulgaria - Lina Patarchanova  
 Croatia - Jelena Manenica  
 Cyprus - Demetris Demetriou  
 Czech Republic - Martin Zemek  
 Denmark - Dorte Skjøtt Jakobsen, Maria Lauesen  
 Estonia - Rene Rajasalu  
 Finland - Emma Nurmi  
 France – Amelie Frey  
 Germany - Bettina Voigt, Jürgen Braun, Maria Polixa,  
 Greece – Alexandos Mouzakis  
 Hungary – Andrea Szabo  
 Ireland - Vivienne Ahern  
 Italy – Barbara Villani  
 Latvia - Evita Muizniece  
 Lithuania - TBC  
 Luxembourg - TBC  
 Macedonia – Darko Blinkov  
 Netherlands – Arno Vink  
 Norway – Beate Langset  
 Poland - Edyta Kozłowska, Justyna Mordon  
 Portugal - Marco Candeias  
 Romania – Huber Razvan  
 Serbia - Branislav Galesev  
 Slovenia – Bojan Pockar  
 Spain – Francisco Rico  
 Sweden - Agnes Andersson, Andreas Wikstrom, Helge Ziolkowski,  
 Jonas Lundin  
 Switzerland - Simonne Rufener

United Kingdom - Laith Yasseen and Mark Rhodes

(Due to pressure on resource the individuals listed could change and other participants may be added due to the dynamic nature of the project).

#### 4.4. Other non-IMPEL participants (name, organisation and country)

National Police, National Customs, Port authorities, EU Commission, local authorities, national coastguard and prosecutors

### 5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	2018	2019	Year 3	Year 4
How much money do you require from IMPEL?	39000	570		
How much money is to be co-financed	staff time	Staff time		
<b>Total budget</b>	39000	590		

### 6. Detailed event costs of the work for 2018

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per day)	Total costs €
<b>Event 1</b>	40 X 360 =		3.800 for catering and venue	29000
<i>Type of event: Best Practice Meeting &amp; Waste and TFS Conference</i>	14400			
<i>Date: April 2018</i>	40 x 3x 90=			
<i>Location: Vienna</i>	10800			
<i>No. participants: 40</i>				
<i>No. days/ nights: 3</i>	Totaal 25.200 Euro			
<b>Event 2</b>	16 X 360			10000 (to be reallocated if SWEAP bid is successful)
<i>Type of event: Exchange of inspectors</i>	= 5760			
<i>Date: March, June and October 2018</i>	16x 3x90 =			
<i>Location: Various locations</i>	4320			
<i>&lt;No. of participants&gt;16</i>				
<i>&lt;No. of days/nights&gt; 3</i>				
<i>Location - TBC</i>				
<b>Total costs for all events</b>				39000

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## 7. Detailed other costs of the work for 2018

<b>7.1 Are you using a consultant?</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
<b>7.2 What are the total costs for the consultant?</b>	
<b>7.3 Who is paying for the consultant?</b>	
<b>7.4. What will the consultant do?</b>	
<b>7.5 Are there any additional costs?</b>	<input type="checkbox"/> Yes Staff time
<b>7.6 What are the additional costs for?</b>	SEPA staff for project management, data collation, analysis, updates and editing (+ any additional hosting costs arising for best practice meeting)
<b>7.7 Who is paying for the additional costs?</b>	SEPA
<b>7.8. Are you seeking other funding sources?</b>	No
<b>7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs</b>	<input type="checkbox"/> Yes Namely: €2000 for printing guidance material (revised Waste (S)watch) and project material. Not included in this ToR but to be considered if SWEAP is successful.

## 8. Communication and follow-up (checklist)

What		By when
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<p><b>8.1 Indicate which communication materials will be developed throughout the project and when</b></p> <p><i>(all to be sent to the communications officer at the IMPEL secretariat)</i></p>	<p>TOR<sup>✓</sup> *</p> <p>Interim report<sup>✓</sup> *</p> <p>Project report<sup>✓</sup> *</p> <p>Progress report(s)<sup>✓</sup></p> <p>Press releases</p> <p>News items for the website<sup>✓</sup> *</p> <p>News items for the e-newsletter</p> <p>Project abstract<sup>✓</sup> *</p> <p>IMPEL at a Glance<sup>✓</sup></p> <p>Other, (give details): Template presentation on Enforcement Actions work</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>September 2017</p> <p>December 2018</p> <p>February 2018 (for 2016-2017 inspections)</p> <p>May 2018 (+updates to Steering Committee)</p> <p>May 2018</p> <p>May 2018 (or as requested)</p> <p>Complete</p>
<p><b>8.2 Milestones / Scheduled meetings (for the website diary)</b></p>	<p>Spring 2018 – Publication of final report for 2016-2017 inspections and activity</p> <p>April 2018 – Annual Best practice meeting</p> <p>(Most of the webinars are for IMPEL members only but there may be an opportunity to host one for externals too on a specific subject)</p>		
<p><b>8.3 Images for the IMPEL image bank</b></p>	<p><input type="checkbox"/> Yes</p>		
<p><b>8.4 Indicate which materials will be translated and into which languages</b></p>	<p>The Waste (S)Watch continues to be translated in to other languages (at participating authorities' cost)</p>		
<p><b>8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required</b></p>	<p>Yes but hosting not required by IMPEL</p>		
<p><b>8.6 Identify which groups/institutions will be targeted and how</b></p>	<p>European Commission, through contact with desk officers (offer of help to assist with reaching additional countries and speaking at meetings)</p>		
<p><b>8.7 Identify parallel developments / events by other organisations, where the project can be promoted</b></p>	<p>IMPEL-TFS update to EU Correspondents meeting</p>		

<sup>✓</sup>) Templates are available and should be used. <sup>\*</sup>) 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.*