

Name of Project: Transfrontier Shipments of Wastes Project	
ToR Reference No.: 2022-IV	Author(s):
Version: <input type="checkbox"/> Draft <input type="checkbox"/> Final <input checked="" type="checkbox"/> Adopted	Date: 11-Mar-22
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
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"/>
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 type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input checked="" type="checkbox"/>
Other, (please describe):	<input type="checkbox"/>
1.3 Full name of work	
Transfrontier Shipments of Wastes	
1.4 Abbreviated name of work or project	
TFS project	

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

2.1 Name the legislative driver(s) where they exist	
<ul style="list-style-type: none"> Regulation (EC) No 1013/2006 on shipments of waste (WSR) 	



- Regulation (EU) No 1257/2013 on ship recycling (SRR)
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989) included the Ban Amendment (2020)

Hong Kong International Convention for the safe and environmentally sound recycling of ships, 2009

Directive (EC) No 2012/19/EU on Waste electrical and electronic equipment (WEEE)

- Regulation (EC) No 1418/2007 shipment of green listed waste to non-OECD countries
- Directive 2008/98/EC on waste (Waste Framework Directive)
- Directive 94/62/EC on packaging and packaging waste
- Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment (Single-Use Plastics Directive)
- Basel COP 14 Decision (BC – 14/12) amending the Convention to enhance the control on the transboundary movements of plastic waste

2.2 Link to IMPEL MASP priority work areas

- | | |
|---|-------------------------------------|
| 1. Assist members to implement new legislation. | <input checked="" type="checkbox"/> |
| 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. | <input checked="" type="checkbox"/> |
| 4. Other, (please specify):
Improving communication and cooperation within Waste enforcement authorities | <input checked="" type="checkbox"/> |

2.3 Why is this work needed?

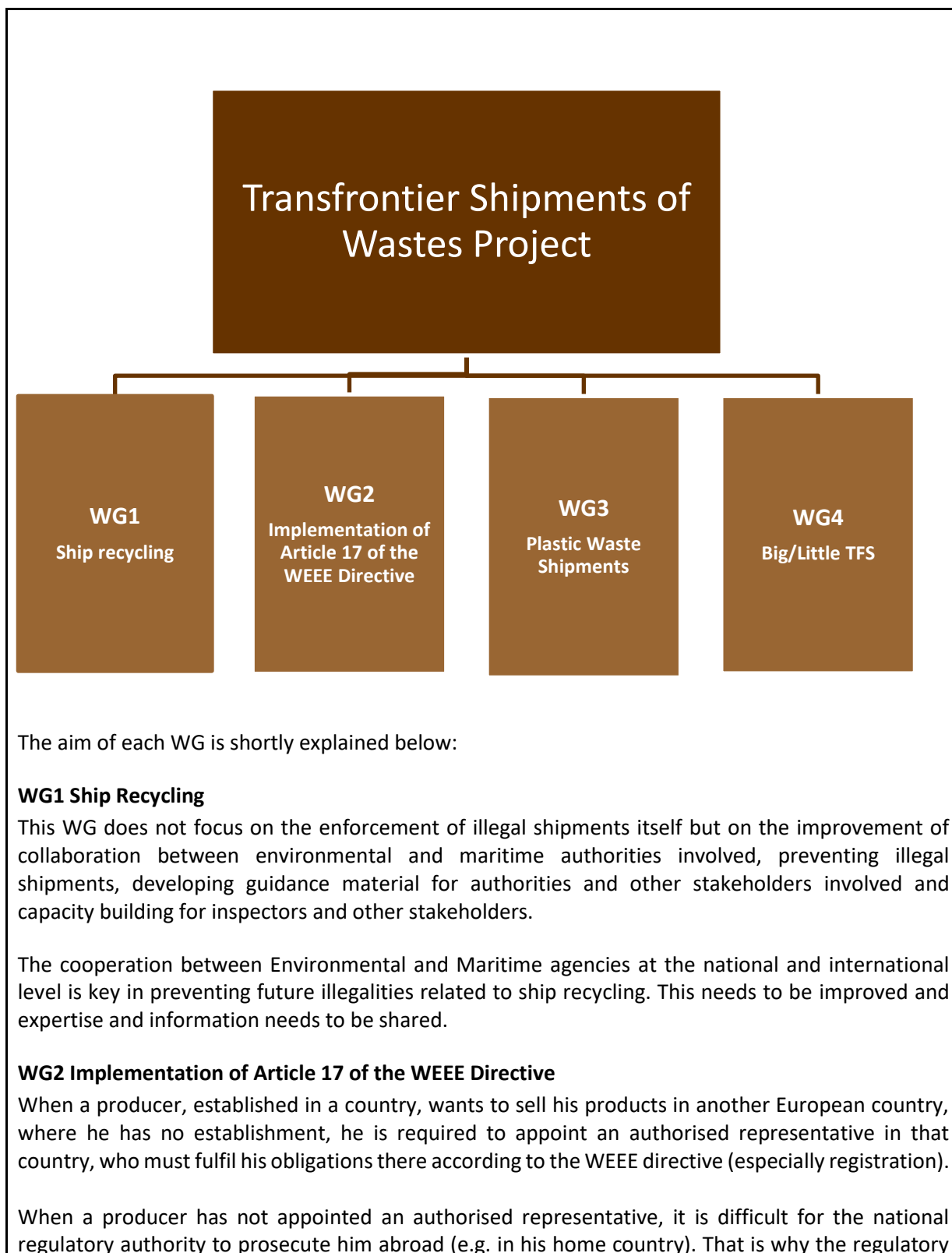
It is clear that further effort needs to be put into improving communication and cooperation between organisations on all levels across various networks to combat waste crime. There is a need to share best practice on stopping organised crime and coordinating action against waste criminals. The Waste and TFS Expert Team and project team will continue to play an important role in sharing best practice on waste regulation and enforcement and transfer of know how between countries that are making good progress and countries that are facing implementation challenges to help improve overall level of compliance and achievement of required actions and targets thus leading to a level playing field in the waste industry.

There is a need to continue to develop an active international community of practitioners both within and outside the EU to deal with trans-frontier shipment of waste and further developing the intelligence-led systems and procedures for inspection and enforcement using new digital technologies

There is a need for regulators and industry to develop improved systems for the tracking of waste from its point of generation through its movement to final treatment or disposal.

Transfrontier Shipments of Wastes Project consists of 4 Subprojects / Working Groups (WG).





authorities need to work together. One solution is to bring the cross border free-riders (producers without registration) to the attention of the competent national authority in that country, in which the producer has his establishment. In this way, there are less difficulties associated with prosecution or with translation of relevant documents.

WG3 Plastic Waste Shipments

An amendment to Regulation 1418/2007 was published in October 2021. This lists the non-OECD destination countries that can accept plastic waste (B3011) under green list and notification controls while also listing the countries that it is prohibited to send plastic waste to from the EU. This has the potential for new countries to emerge as destinations, which will be monitored by this project. It will also be important to monitor 'local controls' introduced by destination countries (e.g. Malaysia) to see how this impacts any pre-inspection requirements for plastic waste exports from Europe. It is still unclear what provisions apply for shipments of plastic waste to certain destinations including OECD and non-OECD countries so it is important to provide some clarity on this topic.

WG4 Big/Little TFS

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".

2.4 Desired outcome of the work

- Capacity building of IMPEL members assisting them to implement new legislation and improve existing implementation.
- Unique interpretation and enforcement of environmental law in all European countries
- Stronger collaboration and networking on all levels including Police, Customs, prosecutors and judges, Asian and African networks
- Fight against waste crime is improved and the contribution to the fight against waste crime at a national, European and international level is enhanced
- Mechanisms and platforms in place to enable the exchange of information and best practice between inspectors
- The development of waste legislation is improved through the provision of technical advice and information

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

- End of Life Ships
- WEEE Directive article 17 'Free-riders' Project
- Implementation of the WEEE Directive – including BRFs (2017)



- LIFE SWEAP
- Operational and Strategic Work of Waste & TFS Expert Team

3. Structure of the proposed activity

3.1 Describe the activities of the proposal

WG1 Ship Recycling

(2022-2024)

Three webinars will be hosted where best practise and problematic issues will be discussed.

At least three guidance documents will be developed in cooperation with other institutions (e.g. EMSA).

Possibilities will be explored to create a predictive model for MS flagged or MS owned vessels based on Artificial Intelligence to prevent illegal ship dismantling.

Three workshops which include at least two site visits to European Ship Recycling approved facilities. During the workshops other Networks like ENPE and EUFJE will be invited as well as other institutions, the DG ENV and NGO's. Cooperation with other instruments like TAIEX will be used when applicable.

Supporting activities to improve the knowledge of other stakeholders like, ship owners, Class/surveyors, Public prosecutors (ENPE), Judges (EUFJE), including representing the IMPEL project during the ENV SHIP RECYCLING Meetings in Brussels.

Social media will be used (LinkedIn, tweets, Facebook etc.) to promote the topic and the role of IMPEL to this topic.

To create insight in reporting challenges by MS via national databases vs Thetis-EU

Study visits to exchange knowledge and best practices, additionally supported by TAIEX when applicable

The final report will include the state of actual situation, guidance on enforcement practices on ship recycling, best practices and recommendations

WG2 Implementation of Article 17 of the WEEE Directive

(2022-2024)

A way to improve and simplify the prosecution of European cross-border WEEE free-riders and to further international cooperation in cross-border prosecution is regular exchange between the responsible colleagues in the enforcement agencies. Within the project regular exchange is planned via virtual and physical meetings. Every three month there will be a virtual meeting for all members to exchange experiences, news and information. One of the meetings will – if COVID-19 allows it – be held as a physical meeting (August 2022 or later). The physical meeting is planned to span two days. By meeting in person the exchange shall be intensified, new ideas developed and discussed and plans made for future collaboration.



The subproject leaders will meet virtually or via phone call between meetings to discuss developments and ideas.

Guidelines and aiding documents will be created when necessary and useful.

For working better together, the regulatory authorities need a platform / SharePoint to exchange information. Basecamp 3 gives the regulatory authorities the necessary platform/sharepoint. They need to know who is responsible in the other member states for transmission of the reports necessary for enforcement and prosecution.

WG3 Plastic Waste Shipments

(2022-2023)

1. Following this project's work producing 'A Guide for Inspectors: Enforcing the Basel COP Plastic Amendments', continue supporting CAs with the implementation of the amendments by hosting a series of webinars. The webinar will also be used to update colleagues on the work of the Inspection Resource Tool.
 - Assuming the document is released in November 2021, hold the first webinar in December 2021
 - Host three additional webinars in March, July and October 2022
2. Development of a web-based Inspection Resource Tool: this tool will provide competent authorities with an easily accessible database, which will identify a list of destination countries and the required documentation that is required for shipments to proceed. Subject to availability, we will provide a link to public registers of permitted facilities in the destination countries. We initially would look to keep the database on a platform like Google Drive though keeping it on a shared document in Basecamp would also be possible. This means the development can be achieved without employing a consultant.

As a significant proportion of European plastic is exported to Turkey, there is merit in meeting with the Turkish CA.

- Hold a meeting of the project team to assign duties. Discuss the role of the Asian Network in providing regular updates to the project team. Discuss efforts by SWEAP project in establishing an online database: February 2022
- Hold a second meeting to confirm the data fields that will be required for the database. Confirm a list of priority destinations: April 2022
- Start contacting the priority destinations and populate the database: May – November 2022
- Visit to Turkey to meet with the CA and conduct a number of site visits: October 2022
- Disseminate the first release of the database: December 2022



- Hold a meeting of the project team to review progress and proposed activities for the year: February 2023
 - Liaise with further competent authorities and add details of remaining countries to the database: March – September 2023
 - Visit to Asia to meet with the CA and conduct a number of site visits: April 2023
 - Project meeting to review progress. Seek input from IMPEL members and decide on the feasibility of developing the database into an App: October – December 2023
3. Networking – since the commencement of this project in 2019, members have been required to represent IMPEL at various events such as the Asian Network conference, 4 Networks conference and various IMPEL meetings This is an important element of the project’s work so it is evident there will be a requirement to continue this work. Events will be documented as they arise.

WG4 Big/Little TFS (2022)

The Working Group aims to identify the 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.

3.2 Describe the products of the proposal

Transfrontier Shipments of Wastes Project

Final report

WG1 Ship Recycling

- Develop at least three guidance documents (1 per year):
 1. Guidance documents for inspectors of maritime and environmental agencies on the reporting obligations for ship owners and recycling facilities
 2. Leaflet WSR vs SRR for other stakeholders like surveyors/Class
 3. Cooperation and information exchange between maritime and environmental agencies at the national and international level.
- Host 3 Webinars
- Organise 3 workshops including at least 2 Site Visits



- Participate in and supporting other networks to improve the awareness and knowledge on the topic of ship recycling
- Organise 3 study visits
- Explore the development of a predictive model for MS flagged/ owned vessels based on AI
- Draft a final report

WG2 Implementation of Article 17 of the WEEE Directive

- Guidelines for the regulatory authorities (e.g. how to prosecute a producer without an authorised representative in the other member states, which national registers are available online and in which format).
- Unofficial* translation of national WEEE laws into English.
- Short study on national measures to reduce free riding.
- Short study on differences in implementation of WEEE Directive in national law concerning enforcement against free riders.
- To use 'Basecamp 3' for better communication between the regulatory authorities of the member states.
- A greater level of more efficient and effective cooperation between member states for prosecuting more free-riders.
- Gain further insight into national WEEE legislation and its enforcement.
- Detect possible improvements to enforcement.
- Annual interim report
- Final report

*The official translation of legislative texts can only be done by the respective Ministry of Justice or other national institutions.

WG3 Plastic Waste Shipments

- Minutes of each webinar held
- A web-based Inspection Resource Tool
- Interim and progress reports detailing the work undertaken as part of the Networking package
- A final report detailing all of the outputs

WG4 Big/Little TFS

Produce a report that identifies the detailed problems with the physical TFS inspections and suggests remedies that aligns 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.

