

European Union Network for  
the Implementation and Enforcement  
of Environmental Law

## **ENFORCEMENT ACTIONS I**

### **Learning by doing**

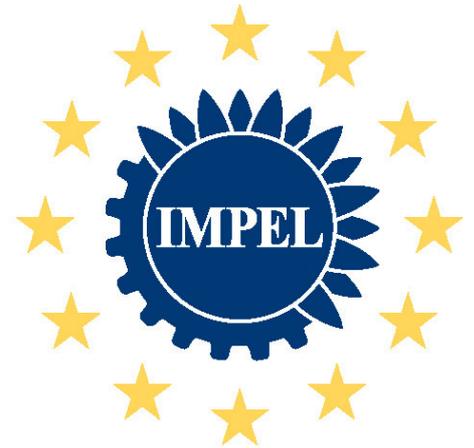
#### **Draft Final report IMPEL-TFS Enforcement Actions project**

Enforcement of EU Waste Shipment Regulation

May 2008

Draft Final report





European Union Network for  
the Implementation and Enforcement  
of Environmental Law

The European Union Network for the Implementation and Enforcement of Environmental Law is an international association of the environmental authorities of EU Member States, EU acceding and candidate countries, and Norway.

The network is commonly known as the IMPEL Network

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on certain of the technical and regulatory aspects of EU environmental legislation. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. It promotes the exchange of information and experience and the development of greater consistency of approach in the implementation, application and enforcement of environmental legislation, with special emphasis on Community environmental legislation. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourages the development of enforcement structures and best practices.

Information on the IMPEL Network is also available through its web site at:  
<http://europa.eu.int/comm/environment/impel>.



<b>Title report:</b> <ul style="list-style-type: none"> <li>• IMPEL-TFS project on Enforcement Actions, project report September 2006 – June 2008</li> </ul>	<b>Number report:</b> 2006/21
<b>Project manager:</b> <ul style="list-style-type: none"> <li>• Jolanda Roelofs</li> <li>• Albert Klingenberg, principal</li> </ul>	<b>Report adopted at IMPEL Plenary Meeting:</b> PM
<b>Authors:</b> <ul style="list-style-type: none"> <li>• Mr. Tom Houben, Royal Haskoning</li> <li>• Mr. Kees Wielenga, FFact Management Consultants</li> <li>• Mrs. Erika Ustailieva, Royal Haskoning</li> </ul>	<b>Number of pages:</b> <b>Report: 34</b> <b>Annexes: 17</b>
<b>Project Group Members:</b> <ul style="list-style-type: none"> <li>• Mr. Walter Pirstinger, Bundesministerium für Land- und Forstwirtschaft, Austria</li> <li>• Mr. Hans Delcourt, Belgian Environmental Inspectorate, Belgium</li> <li>• Mrs. Marinka Bogdanova, Ministry of Environment and Water, Bulgaria</li> <li>• Mrs. Vlastica Pašalic, Ministry of environmental protection, Croatia</li> <li>• Mrs. Heidi Hilbert, Danish Environmental Inspectorate, Denmark</li> <li>• Mr. Matthew Williamson, Environment Agency of England and Wales</li> <li>• Mr. René Rajasalu, Estonian Environmental Inspectorate, Estonia</li> <li>• Mr. Jonne Säylä, Finnish Environment Institute, Finland</li> <li>• Mrs. Patricia Grollet, Agency for fight against environmental and health crime, France</li> <li>• Mrs. Katrin Cordes, Ministry of Environment (UBA), Cologne, Germany</li> <li>• Mr. Jozsef Kelemen, Ministry of Environment and Water, Hungary</li> <li>• Mr. Pat Fenton, Ministry of the Environment Ireland</li> <li>• Mrs. Mara Sile, Regional Environmental Board, Latvia</li> <li>• Mr. Audrius Zelvyis, Lithuanian State Environmental Inspectorate, Lithuania</li> <li>• Mrs. Allison Townley, Environment and Heritage Service, Northern Ireland</li> <li>• Mr. Thor Henriksen, Norwegian Pollution Control Authority (SFT), Norway</li> <li>• Mrs. Magda Gosk, Chief Inspectorate for Environmental Protection, Poland</li> <li>• Mr. Mario Gracio, Instituto dos Resíduos, Portugal</li> <li>• Mr. Alan Harper, The Scottish Environment Protection Agency, Scotland</li> <li>• Mr. Branislav Galesev, Ministry of Environmental Protection, Serbia</li> <li>• Mrs. Jarmilla Durdovica, Slovak Inspectorate of the Environment, Slovakia</li> <li>• Mrs. Marija Urankar, Inspectorate of RS for Environment and Spatial Planning, Slovenia</li> <li>• Mrs. Lena Pettersson, County Administrative Board of Stockholm, Sweden</li> <li>• Mr. Beat Frey, Swiss Agency for the Environment, Switzerland</li> <li>• Ms. Jenny van Houten, VROM Inspectorate, The Netherlands</li> </ul>	
<b>Executive Summary:</b> <p>This report describes the results of the IMPEL-TFS Enforcement Actions project carried out by 22 EU Member States and three European countries. After the Seaport project and Verification project this Enforcement Actions project is the new enforcement project under the umbrella of the IMPEL-TFS Network.</p> <p>Main aim of this Enforcement Actions project is to contribute to a permanent and consistent level of enforcement of Waste Shipment Regulation within Europe.</p> <p>A management summary is enclosed further on in this report.</p>	
<b>Disclaimer:</b> <p>This report on the Enforcement Actions is the result of a project within the IMPEL-Network. The content does not necessarily represent the view of the national administrations or the Commission.</p>	



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## 0 MANAGEMENT SUMMARY

### Introduction

The amount of waste shipped around the world is increasing. In the European Union approximately 15% of all shipments involve waste. In most cases waste ends up in environmental sound processing facilities. Waste however is also being shipped by road, railway, marine or air transport all over the world for making profits, saving costs or transferring environmental and health problems to other places, as the Probo Koala and Trafigura scandals in 2007 clearly demonstrated. In order to prevent such 'illegal' waste shipments and its potential risks for the environment and health, worldwide provisions are in place.

EU Regulation 259/93, on the supervision and control of shipments of waste within, into and out of the European Union is replaced by Regulation 1013/2006 on shipments of waste. This revised Waste Shipment Regulation (WSR) came into force on 12 July 2007. Revised WSR contains a new and important Article 50 on the enforcement in European Member States (MS). Paragraph 5 of Article 50 states that *"Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments"*.

This report describes the results of the IMPEL-TFS Enforcement Actions project carried out by 22 EU Member States and three European countries. After the Seaport project and Verification project this Enforcement Actions project is the new enforcement project under the umbrella of the IMPEL-TFS Network.

Main aim of this Enforcement Actions project is to contribute to a permanent and consistent level of enforcement of Waste Shipment Regulation within Europe. Following objectives are derived from the projects' aim:

- continue performing inspections;
- improve (inter)national cooperation and exchange of knowledge and experience;
- develop and improve enforcement tools.

### Project description

The Enforcement Actions project lasted from September 2006 to June 2008 and was organised, managed and financed by VROM-Inspectorate (The Netherlands) and co-financed by IMPEL-TFS.

In total 25 European countries joined the project. In this period three project conferences are organised, four inspection periods are planned and performed and 34 inspectors joined the international exchange programme. During the conferences the inspections were prepared and plans for improvement were agreed on. During the Start conference the participating countries agreed, among other things, to focus on transport inspections, company inspections and (customs) documents. The inspections were held in between the conferences and the results both of the conferences and inspections are reported. As a growing document this final report is the synthesis of all (interim) reports.

### Project results

The project shows several results that can be subdivided into:

- Inspections
- Cooperation.

### Inspections

During the project four inspection months are organised in February, June and October 2007 and in January 2008. In order to prevent and detect (illegal) waste shipments seventeen countries carried out a total amount of 168 inspections, most of which (65%) transport inspections. During these 168 inspections a total number of almost 14.000 transports were inspected out of which more than 2.000 (15%) concerned transfrontier shipments of waste. From these 2.000 waste shipments more than 300 (15%) turned out to be in violation of the requirements of European Waste Shipment Regulation. Of these violations 40% concerned illegal shipments and the other 60% were administrative violations. There are countries that detected no violation whatsoever (0%) but also countries with a hit rate of 100% violations.

The total amount of violations of new WSR 1013/2006 is half as big as of old WSR 259/93 and most violations of new WSR concern infringements of Annex VII.

The most common cases of illegal shipment are either exports of hazardous waste destined for non-OECD countries or shipments of wastes that are shipped under the procedure for green listed waste, where this is not allowed.

In the cases of illegal waste shipments waste electrical and electronic equipment (WEEE) comes out as most important waste stream, followed by end-of-life vehicles (ELV) and vehicle parts, plastic waste and metal waste.

One important aspect of inspections is to verify whether the inspected waste shipment is allowed. Verification can be done after administrative checks (inspecting the transport documents) and/or physical inspection of the load. In such cases where verification on inspection location is not possible, verification requests can be done. Although the total amount of formal verification requests during the project is low (eighteen), a lot of verification requests are done informally by contacting people within the network directly via email or phone, but have not been registered. Main reasons for this phenomenon are gaining of time and close network relations, not only the network within this project, but also the IMPEL-TFS network (Competent Authorities, National Focal Points, etc.).

### Cooperation

Another objective of the project was to stimulate cooperation by organising joint inspections and exchange (send or invite) inspectors to and from other countries. Joint inspections mean inspections where different enforcement authorities cooperate on national or international level. In most of the countries cooperation is necessary to perform inspections. Cooperation is also important because it mobilises capacity and skills and experiences of different participants can be combined. The project revealed that in 90% of the inspections national cooperation takes place.

During international joint inspections enforcement agencies of two countries or more prepared and performed inspections on the same day and at the same border crossing and they assisted each other with the inspections. Another way to stimulate cooperation and exchange of knowledge and experience was to join the inspector exchange programme that was financed by IMPEL-TFS. In total fifteen countries joined this programme and 34 inspectors were exchanged to other countries.

More information on the project results and experiences are presented in more detail in chapter 3 and Annex IV.

## Conclusions

Based on the objectives, results and experiences of this Enforcement Actions project the following main conclusions can be drawn:

- The project was **stimulating, useful and successful** in many ways.
- The project however also clearly demonstrates that **the enforcement of Waste Shipment Regulation is not yet institutionalised equally** in the European countries. A 'level playing field' within Europe is still a goal to be reached.
- Although a lot of good results have come out until now, **solely a bottom-up approach** as in the Verification, Seaport and Enforcement Actions I projects **is not enough** to create a permanent and consistent level of enforcement in all European countries. This challenge can only be accomplished by the appropriate (decision) levels.

These three main conclusions are worked out in more detail in chapter 4.

## Recommendations

Generally, having concluded that the project was a success, but more top-down support should be given and basic conditions and facilities need to be established and improved first in order to create a (more) level playing field, main recommendations are:

1. **Create more political and high management support** for the enforcement of WSR by:
  - more political awareness;
  - involving as much Member States as possible;
  - enabling new countries to start with small steps;
  - establishing minimum requirements for inspections;
  - more investment in institutional strengthening and capacity building;
  - more education and training on the enforcement of WSR;
  - include all relevant authorities involved in national enforcement of WSR;
  - communicating more structural.
2. **Establish a more level playing field** by:
  - a Gap analyses and Needs assessments in the European Member States;
  - 'tailor-made' national enforcement actions plans and appropriate investments;
  - bilateral collaboration with neighbouring countries;
  - more meetings and training courses on national level.
3. **Organise a follow-up** by starting Enforcement Actions project II:
  - as soon as possible;
  - with all national enforcement authorities;
  - based on developed waste flows/waste flow analyses;
  - with clear instructions how to handle Annex VII of WSR;
  - with focus on chain enforcement and custom (harmonised) codes;
  - and help developing a training programme;
  - with extended and improved exchange programme;
  - with more communication internally and externally.

These three general recommendations are explained, worked out in more detail and assigned to specific target groups in chapter 4.



## 1 INTRODUCTION

### 1.1 Background

Transfrontier shipment of waste is defined as transport of waste across national borders and is a result of worlds' economy of demand and supply of waste and available waste treatment facilities. The amount of waste shipped around the world is increasing. In the European Union approximately 15% of all shipments involve waste. In most cases waste ends up in environmental sound processing facilities. Waste however is also being shipped by road, railway, marine or air transport all over the world for making profits, saving costs or transferring environmental and health problems to other places, as the Probo Koala and Trafigura scandals in 2007 clearly demonstrated. In order to prevent such waste shipments and its potential risks for the environment and health, worldwide provisions are in place.



**Figure 1.1.1: Example of unwanted waste shipments (Probo Koala, Ivory Coast)**

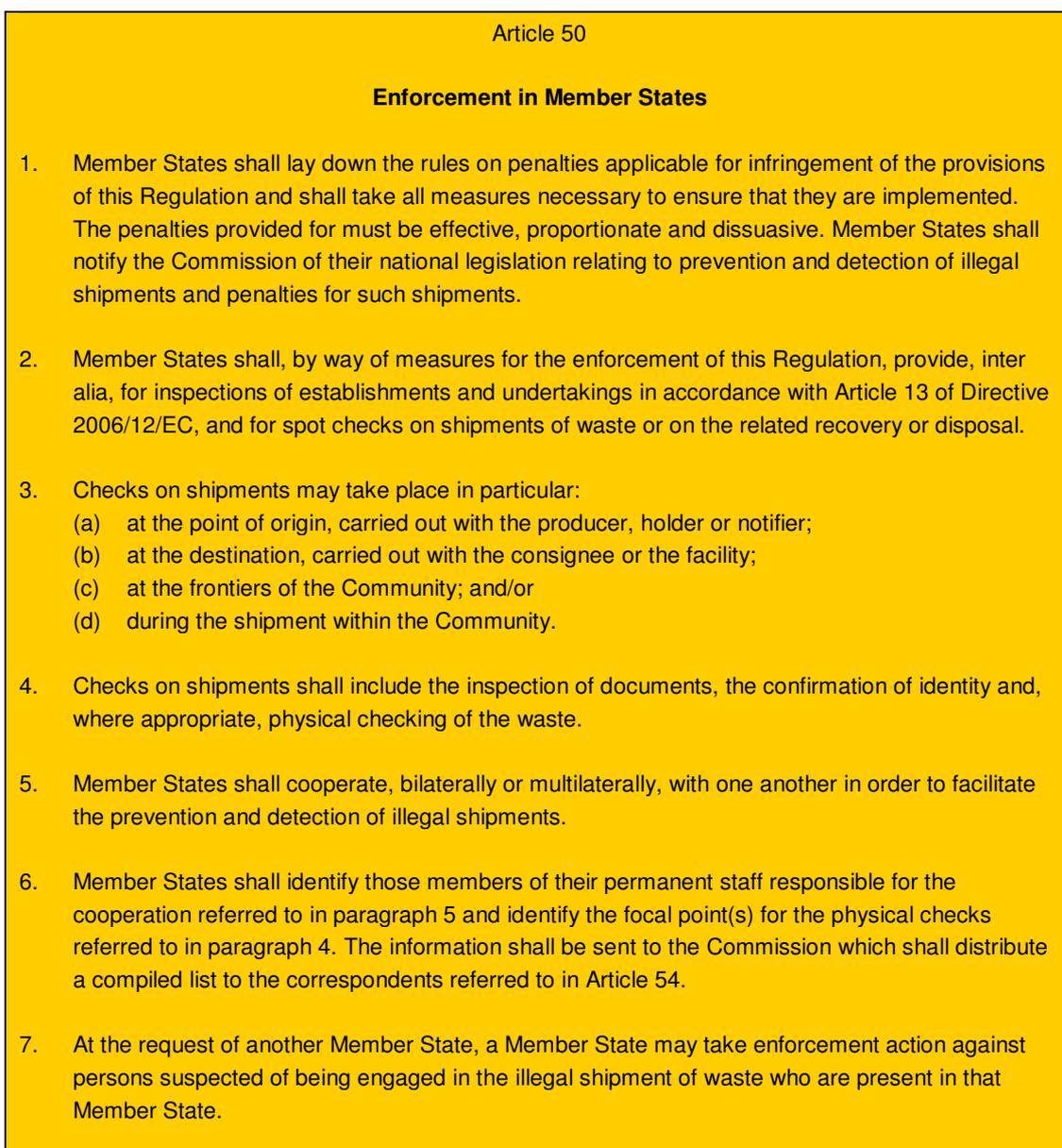
In 1994 European Council Regulation 259/93 (OJ L30, 1993) on the supervision and control of shipments of waste within, into and out of the European Community, came into force. One of the main purposes of the European waste regulation was to take care of the environmentally sound processing of the waste. Another purpose was to prevent the shipment of environmentally harmful waste to countries that do not have the provisions to cope with these wastes.

Regulation 259/93 is replaced by Regulation 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.07.2006, p. 1-98).

This new Waste Shipment Regulation (WSR) came into force on 12 July 2007 and is based on:

- the Basel convention (1989), which regulates the movement of hazardous waste;
- OECD decision (1992), which regulate shipment for recovery into European regulation;
- Council Directive 2006/12/EC on waste (OJ L 114, 2006) that replaces EU Waste Framework Directive 75/442/EEC on waste (OJ L 194, 1975).

Article 50 of the new WSR contains the provisions on enforcement (see figure 1.1.2)



**Figure 1.1.2: WSR Provisions on enforcement**

## 1.2 IMPEL-TFS

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an informal Network of the environmental authorities of the Member States, future Member States and candidate countries of the European Union and Norway. The network is commonly known as the IMPEL Network. The European Commission is also a member of IMPEL and shares the chairmanship of meetings.

The IMPEL-TFS (Trans Frontier Shipment of waste) network was set up in 1992 in order to harmonise the enforcement of EU Regulation 259/93 (replacing EC Directive 84/631) on Transfrontier Shipments of Waste with regard to the supervision and control of waste shipments into, out of and through the European Union.

IMPEL-TFS is one of the IMPEL network clusters. The network consists of *representatives from enforcement authorities* of the Member States and some other European countries working on Transfrontier Shipment of Waste.

Main aim of the IMPEL-TFS network is to promote compliance with WSR through enforcement, to carry out joint enforcement projects and to promote exchange of knowledge and experience. In addition, the network aims to develop methods and common minimum standards for monitoring and enforcing compliance to waste shipment regulations throughout the European Union. The network has also established collaboration with other authorities including Interpol and authorities outside the EU. In the Multi Annual Work Programme 2007-2010 the targets are set as follows:

- capacity building;
- improving methodologies;
- development of good practices;
- promotion of IMPEL and dissemination of its products.

Since 2003 the IMPEL-TFS cluster has carried out several enforcement projects. The overall aim of the projects is to support effective cross-border control of waste shipments. The intention of this enforcement collaboration is to target only those waste shipments suspected of being illegal and not disrupt the business of compliant operators. The collaborative activities involved are the exchange and sharing of information and performance of joint inspections by regulators from several European countries. Some obstacles and challenges still exist. Cooperation between the various involved authorities, such as environmental agencies, Customs and Police, is not yet a routine. However it is undeniable that they need to call upon each other's skills and experience. Sharing information between authorities at national and international level is also a challenge due to the different systems used and some of the legal restrictions that constrain information sharing in some organisations.

In the period between 2003 and June 2006 two enforcement projects were run under the umbrella of the IMPEL-TFS network:

- Seaport (1 and 2);
- Verification project (1 and 2).

### Seaport project

The main objective of the Seaport projects was to improve the joint enforcement of WSR 259/93 in the participating ports by aligning the enforcement activities and joint enforcement of waste shipped through ports. To reach this goal the enforcement structures in the participating ports were drawn up and the cooperation between national and international authorities involved in the enforcement of waste shipments started and intensified. Joint inspections were carried out in participating seaports, according to a uniform inspection method. Furthermore, experience, best practices and knowledge regarding the implementation and enforcement of WSR 259/93 were shared between the participating countries.

### Verification project

The IMPEL-TFS Verification project includes projects 1 and 2. During the first project the participating countries checked if notified wastes reached the final destination in accordance with the given notification. These checks were based on a three-day prior notification. Seven EU countries participated in this project. The second Verification project focused on all waste streams of WSR 259/93.

The Verification project as well as the Seaport project ended in June 2006. The conclusions from both projects were similar: **many illegal shipments were detected**, and most illegal transports were found to be defined as green listed waste or not defined as waste at all, while the actual transported waste must have been defined as 'not listed', amber or red listed waste (lists of waste according to WSR 259/93). Within these projects the first step towards work on an EU wide level playing field concerning the enforcement of waste shipments was made, but there was a need for follow up. The final Seaport project conference in Liverpool and the Verification Project meeting in Zagreb concluded that both projects had ended too early. Through these projects valuable experience has been gained regarding inspection methods, planning inspections and exchange of staff and information. One of the recommendations was to combine the methods used in both projects into one strategy and apply in future TFS activities. Based on these findings all involved enforcement organisations stressed the need to **continue joint inspections and enforcement of waste shipments**.

### Enforcement Actions project

Based on the above reasons IMPEL-TFS started a new enforcement project which also aims to prepare the EU MS for the enforcement of the new WSR (1013/2006). The Enforcement Actions (EA) project combines the objectives and activities of both Seaport and Verification projects.

With the Enforcement Actions project IMPEL-TFS aims at further improvement of implementation and enforcement of environmental legislation by the EU Member States. Within the project EU Member States can continue to develop their expertise in enforcement inspections and the new Member States can acquire the skills that are necessary to enforce the legislation in their own countries. The current Enforcement Actions project (Enforcement Actions I) is finishing and will probably be followed up by Enforcement Actions project, part II.

### 1.3 Set-up of report

This report is the final report of Enforcement Actions I project and presents a description of the project, products, performed activities and results and gives recommendations for improvement.

The report is structured in five chapters:

- Chapter 2 introduces the IMPEL-TFS Enforcement Actions Project, by explaining the project objectives and priorities, participating countries, project management, project approach and project products and activities;
- Chapter 3 describes the project results subdivided into results of the inspections and verifications (3.2), cooperation and exchange of inspectors (3.3), products and materials (3.4) and project evaluation (3.5);
- Chapter 4 summarises the results in conclusions and gives recommendations for improvement in Enforcement Actions II project.

### 1.4 Target group

The results of this Enforcement Actions I project will be distributed to the various stakeholders, namely IMPEL network, European Commission, Member States, IMPEL-TFS National Contact Points, European Parliament, Waste Shipment Correspondents Group, Basel Secretariat and NGO's. Furthermore, the report will be published on the IMPEL Official Website.

## 2 PROJECT DESCRIPTION

### 2.1 Objectives and priorities

As explained in the previous Chapter the Enforcement Actions I project is a project organised by IMPEL-TFS, the network of enforcement agencies of the EU Waste Shipment Regulation (WSR). The aim of the project is improving the implementation and enforcement of WSR by the Member States. Within this project Member States can continue to develop their expertise in enforcement inspections. New Member States can easily access the project and acquire the skills that are necessary to enforce the legislation in their own countries. The project started in October 2006 when Council Regulation 259/93 on the supervision and control of shipments of waste within, into and out of the European Community, was in force. During the execution of the project the new WSR (1013/2006) came into force, on 12th July 2007. Therefore the project also aims to prepare the EU MS for the enforcement of the new WSR.

Main objectives of the Enforcement Actions I project are to:

1. contribute to a permanent and consistent level of enforcement within Europe;
2. demonstrate that the Member States continue the joint European enforcement;
3. provide for an easy accessible European enforcement project for all Member States.

More practical objectives are:

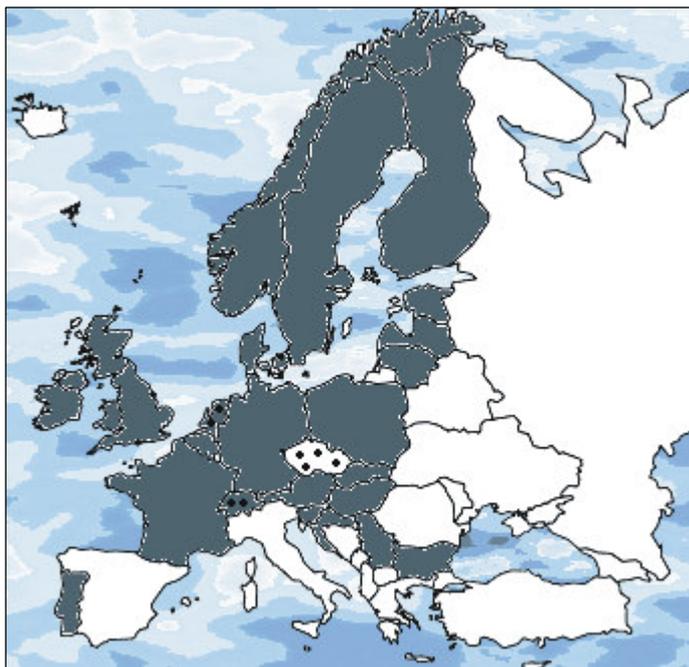
4. to detect illegal waste transports including verification and monitoring or to verify and monitor waste destinations and the treatment at their destination within or outside Europe in order to improve environmentally and humanly sound waste processing.
5. to set up training and exchange programmes for inspectors in order to exchange knowledge en experience.
6. to deter potentially illegal waste exporters.
7. to maintain and improve the network of front line inspectors, inspection methods, exchange of information and exchange of knowledge.
8. to improve the collaboration between the different competent authorities and enforcement partners.

### 2.2 Participating countries

The following 22 EU Member States and three European countries (Croatia, Serbia and Switzerland) participate in this Enforcement Actions I project.

1. Austria	10. Germany	19. Scotland
2. Belgium	11. Hungary	20. Serbia
3. Bulgaria	12. Ireland	21. Slovakia
4. Croatia	13. Latvia	22. Slovenia
5. Denmark	14. Lithuania	23. Sweden
6. England & Wales (UK)	15. Norway	24. Switzerland
7. Estonia	16. Northern Ireland	25. The Netherlands.
8. Finland	17. Poland	
9. France	18. Portugal	

Although not all participating countries carried out inspections, as will be shown in the next chapter, the amount of participating EU countries in this project is substantially bigger than in the Seaport and Verification projects: 25 instead of thirteen and nine.



#### Legend

*Grey:* participating countries

*Dots:* countries that send additional results of ad hoc inspections

**Figure 2.2.1: Participating EU countries**

## **2.3 Project management**

The Netherlands provided funding for the project and supplied the project manager. The coordinator of the project is the Dutch Ministry of Housing, Spatial Planning and the Environment (VROM) under the umbrella of the IMPEL-TFS. The project management comprise of a principal and a project manager from the Netherlands. The project consultants are from Royal Haskoning and FFact Management Consultants. The members of the Project management team can be found in Annex I, part B.

## **2.4 Project approach**

This project was divided into different phases: preparation, implementation and reporting. Within these phases a number of activities were encompassed. The project period was September 2006 to June 2008. The planning of the main activities is presented in figure 2.4.1.

The general approach of this project consists of:

- preparation: organising conferences where project products, plans for and results of inspections and expert exchanges were agreed on;
- operation: planning, preparing and executing inspections, verifications and inspector exchanges;
- reporting: collecting data, reporting and communication of the inspection and exchanges results.

PHASE	ACTIVITIES																					
	2006				2007								2008									
	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6
Preparation	Yellow	Yellow	Green	Yellow	Yellow																	
Implementation						Red	Green			Red				Red		Green	Red	Red				Red/Black
Reporting								Yellow	Yellow			Yellow	Yellow			Yellow				Yellow	Yellow	Yellow

Figure 2.4.1: Project phasing and activities

Legend:

 Project execution

 Conferences:

- Start conference, The Hague, The Netherlands, 15-17 November 2006;
- Interim meeting, Paris, France, 20-21 March 2007;
- Conference, Brussels, Belgium, 6-7 December 2007;

 Joint inspections

During the last conference in Brussels plans were also made for joint inspections and exchange of inspectors in May 2008. This in order to continue joint enforcement actions.

#### 2.4.1 Project preparation

The project preparation was mainly done by organising conferences where the joint inspections and exchanges of inspectors were planned.

##### Start conference

The Start conference of the project was in November 2006 in The Hague, The Netherlands.



Figure 2.4.1.1: Participants of the Start Conference

During the Start conference representatives of enforcement authorities from the eighteen countries agreed to:

- intensify joint inspections, exchange inspectors and information;
- focus on transport inspections, company inspections and (customs) documents;
- pay special attention to undeclared waste shipments, waste electronic equipment, end-of-life vehicles, green listed waste, batteries, household waste, waste disguised as second hand goods;
- focus on waste export to non-OECD countries and imports into new Member States;
- cooperate with national authorities like Environmental Inspectorates, custom services, police and port authorities.

#### Interim meeting

The results and some lessons learned during the inspections and inspector exchanges in February 2007 were presented during the interim meeting in Paris, France on 20 March 2007. Participants discussed their enforcement actions, successes and bottlenecks and agreed on new joint inspections and inspector exchanges.

During the Interim meeting on 20 March 2007 representatives of enforcement authorities from eighteen countries agreed:

- to extend and intensify joint inspections, exchange of inspectors and information, especially since the new WSR will come into force on the 12th of July, 2007;
- on a programme for further joint inspections and exchange of inspectors in 2007;
- to intensify and improve cooperation on national and international level;
- to contact neighbouring European countries that have expressed their interest in joining this project.



**Figure 2.4.1.2: Participants of the interim meeting in Paris**

#### Conference Brussels

The last conference took place in Brussels on 6-7 December 2007. Representatives of seventeen EU Member States attended this conference. The conference included subgroup and plenary sessions, presentations, interactive sessions and discussions.

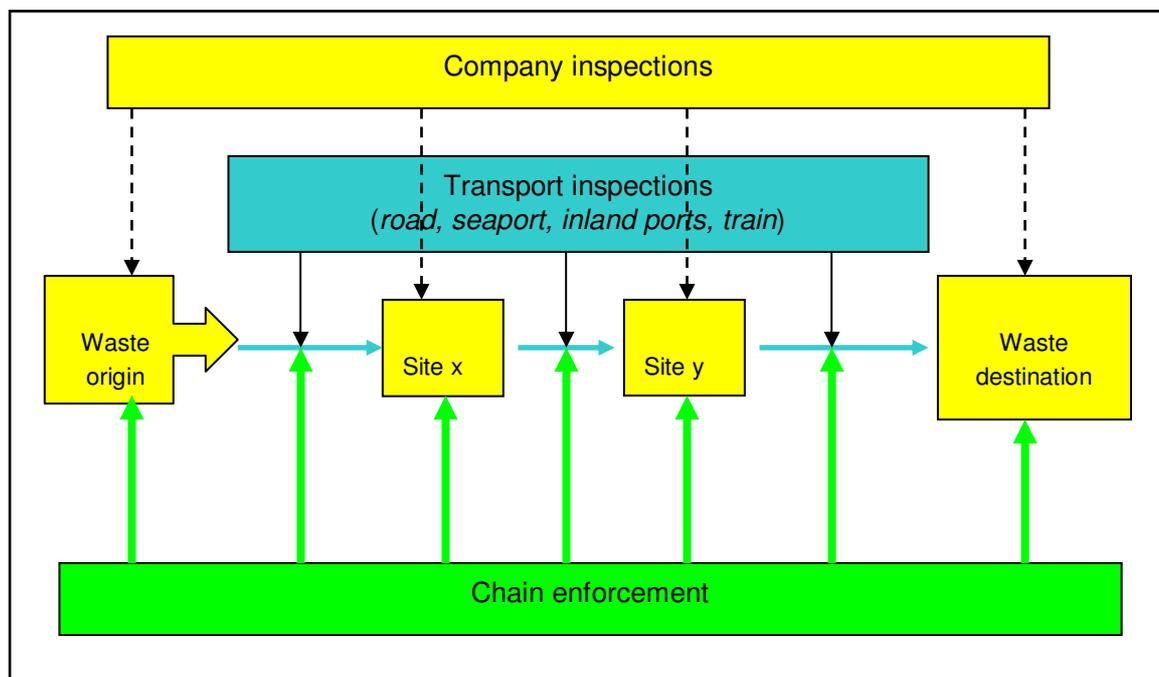


**Figure 2.4.1.3: Participants of the conference in Brussels**

The results of the inspections that took place in June and October 2007 and experiences were discussed during this conference. Also an evaluation of the project's activities (joint inspections, exchange of inspectors), instruments (manual, communication plan, Viadesk website, newsletter, etc.) and management was made and ideas for improvement regarding the project activities and instruments were discussed. Also new inspection and expert exchange plans for 2008 were agreed on.

## 2.4.2 Project operation

The lifecycle of waste can be described as a waste chain. From 'cradle to grave' waste is produced, transported, stored, transferred, sorted, reused, recycled, recovered and (finally) disposed off. Almost every waste stream has different chains and links. In order to prevent and deter potentially illegal waste activities supervision and control over waste chains should ideally be achieved by means of chain enforcement. This concept is illustrated in figure 3.1.1.



**Figure 3.1.1: Waste chain and chain enforcement**

Chain enforcement is a strategic and intentionally prepared way of enforcement. It is executed deliberately based on waste chain analyses, threat assessments, pre-selected waste streams, companies, locations and/or sites prior to the actual inspections.

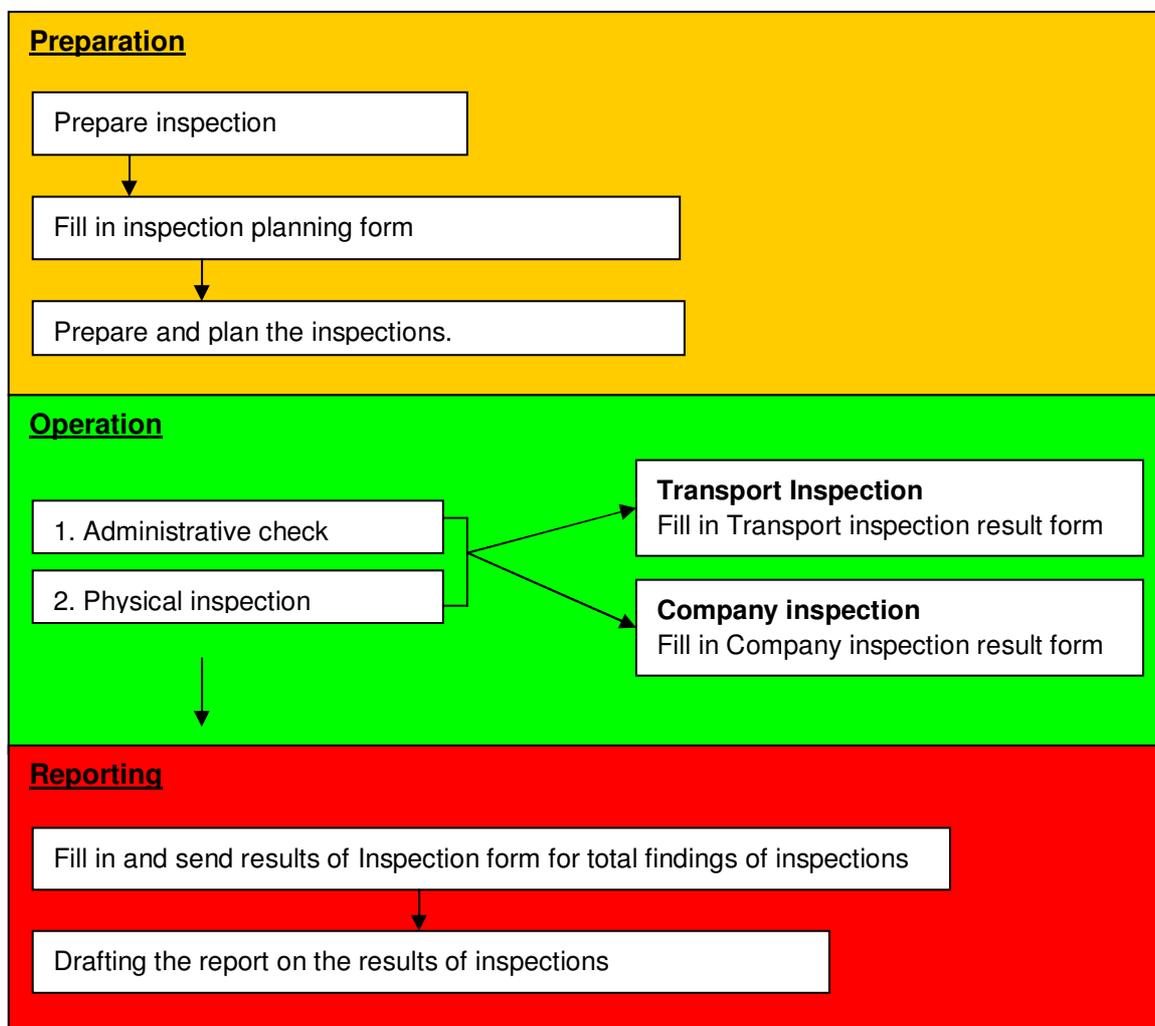
Based on the waste chain approach the starting points for inspections can be different:

- transport (road, water, rail or air)
- companies where physical activities with waste take place
- others (administrative checks of documents at customs and other governmental authorities and waste trading companies such as waste brokers).

During the inspections transport vehicles or vessels are selected for inspection. The advantage of seaport inspections over road inspections is the possibility to make a pre-selection of waste shipments based on customs documents. First, the documents are checked to see if the transport is a transboundary movement of waste. If this is the case the documents are scrutinised to check if the administrative requirements of the Waste Shipment Regulations are fulfilled. The inspectors may then decide if they want to do a physical check of the load too to see if the material that is transported corresponds to the information in the (transport) documents. Violations of the requirements of the Regulation are found if a shipment does not have the necessary documents, if the material that is transported does not correspond to the information in the documents or In case of illegal treatment or a ban.

The extent to which and the way supervision and control over waste shipments is organised varies in the participating countries. For the sake of this project a 'standard' project organisation and operation was introduced as described below.

The general procedure and working methods used for the inspections within the project are illustrated in figure 2.4.2.1.



**Figure 2.4.2.1: General procedure and working methods for inspections**

On international collaboration level the *country coordinators* played a central role in this project. Every Member State delegated one country coordinator (see Annex I for the list of country coordinators) who represents all national authorities involved in the enforcement of WSR and was responsible for the implementation and coordination of the project and the agreements on joint inspections and inspector exchanges. Secondly the country coordinators also collected the inspection results and report to the project management.

On national level the extent to which and the way inspections of waste shipments are organised vary because in every country the tasks, responsibilities and authorities are differently organised.

### 2.4.3 Project reporting

#### Reporting

After the inspections had been executed, the country coordinator gathered all (individual) inspection result forms, filled in the total result form and send it to the project management and project consultants.

The project consultants gathered and analysed all total result forms as well as the results (reports) of the inspector exchanges over that period. Based on the facts & figures an interim report was drafted with the main conclusions and recommendations of that inspection period. Every interim report was discussed during the next conference. As a growing document this final report is the synthesis of all (interim) reports.

#### Communication

Communication internally and externally is a very important aspect, not only to demonstrate that Member States are able to organise joint European enforcement of transfrontier waste shipments, but also to spread and expose the results and benefits of projects' activities and to raise awareness on the (potential) dangers of illegal waste shipments.



Based on the Communication plan plans and products were made for external communication and internal communication.

Regarding external communication the interim reports and conference results are communicated by means of draft press releases to be used by national country coordinators for external communication (see examples in Annex II). Also several countries published articles and press releases on different waste shipment facts issues derived from this Enforcement Actions project.

Regarding internal communication several communication products were made and distributed during the project. More information can be found in paragraph 3.4.

### 3 PROJECT RESULTS

#### 3.1 Introduction

Based on the project objectives as described in paragraph 2.1 in this chapter the results of the inspections, verifications, collaboration and exchange of inspectors are described.

Within this project the most commonly used type of inspection is inspections of (waste) shipments. Most participating countries have organised road transport inspections and a number of them also inspections in seaports. Less common are inspections of inland-water ports and rail transport. Sometimes it may be efficient to inspect companies, e.g. at warehouses or yards in ports where waste is stored prior to shipment. Also inspections of the company of origin or destination of the waste may be efficient ways of enforcement of the shipments regulation.

The project aimed at establishing an EU wide coverage of the enforcement activities and to concentrate the activities of different countries in specific periods to increase the impact and visibility of the activities. During the project four inspection periods were planned and performed in:

- February 2007;
- June 2007;
- October 2007;
- January 2008.

Table 3.1.1 gives an overview of the (type of) inspections during these inspection months.

**Table 3.1.1: Overview of inspections during periods**

Type of inspections	February 2007	June 2007	October 2007	January 2008	Total
Road transport	10	59	31	10	110
Seaport	8	11	8	5	31
Inland port inspections	1	3			4
Train inspections	1		2		3
Company inspections	2			2	4
Combination of inspections	1	3	2	9	15
Total	23	76	43	26	168

Based on the results as summarised in table 3.1.1 following conclusions can be drawn:

- road transport inspections are the most common type of inspections carried out within this project, followed by seaport inspections;
- the fact that the total amount of company inspections is small, does not mean that more company inspections are carried out, they are seldom reported;
- most of the inspections were carried out in June 2007, and the least in February 2007 and January 2008;
- the regression in October 2007 is caused by the fact that the new WSR just came into force and several countries faced problems with both implementation and enforcement of the new regulation.

## 3.2 Inspections, violations and verifications

### 3.2.1 Inspections

The results for the different inspection periods are given in table 3.2.1.

**Table 3.2.1: Inspection results during periods**

Type of action	February 2007	June 2007	October 2007	January 2008	Total
Total number inspections	1.510	6.619	4.007	1.641	13.777
Number of transfrontier shipments of waste	399	795	495	453	2.142
% shipments of waste of total number inspected	26%	12%	12%	28%	16%
Number of violations of the WSR	99	102	65	52	318
% of transfrontier shipments in violation of the WSR	25%	13%	12%	11%	15%

Based on the results as summarised in table 3.1.1 following conclusions can be drawn:

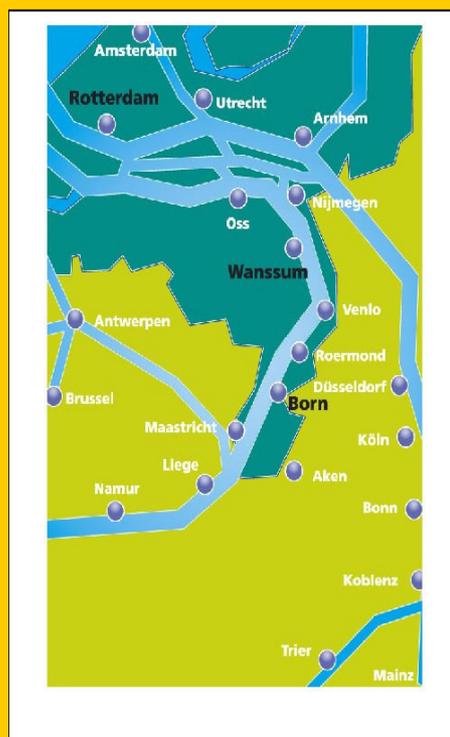
- during the project a total number of 13.777 transports were inspected, this means inspection of containers, trucks, documents;
- out of these 2.142 transports, that is 16%, concerned transfrontier shipments of waste;
- on 250 of these shipments only administrative checks were done and 1877 were also checked physically;
- in total 318 of the shipments, that is 15%, turned out to be in violation of the requirements of WSR.

In the inspection periods with more (sea)port inspections (February and June 2007) the number and percentage of violations is bigger than in October 2007 and January 2008, in which period less (sea)port inspections were carried out. This phenomenon can be explained as follows. With port inspections it is easier to make a pre-selection of shipments that will be inspected. On the basis of customs documents one can select containers that are likely to contain waste. This pre-selection is more complicated when performing a road inspection e.g. via a roadblock where one has to decide within a very short time and on the basis of visual indications only which lorry to select for inspection. Therefore the number of transports that are inspected is during road inspections is generally high, but the percentage of transfrontier shipments of waste within the controlled transports is generally lower than with port inspections.

Moreover, it should be noted that not all the results received from the inspections were made up in the same way. For some inspections only the number of transfrontier shipments were reported and not the total number of transports that were inspected. The total number of transports inspected during the inspection months therefore is somewhat larger than 13.777 and the percentage of transfrontier shipments as reported is probably slightly too high.

### Barge Terminal Born, The Netherlands

In order to trace (potentially) illegal waste shipments early in the waste chain, The Netherlands carried out inspections in barge terminals. And indeed, containers were found with illegal shipment of agricultural plastic sheeting at the barge terminal of Born in The Netherlands in June. The waste was discovered by the Dutch national police, customs and the VROM Inspectorate. VROM Inspectorate marked it as green listed. It was on its way to China, Hong Kong and Sri Lanka. Its origin was a Dutch synthetic recycling company, which sold their waste to a German company. This German company transports the waste to India, where it's manufactured into synthetic pallets. These pallets go back to The Netherlands to be used by the Dutch company that produced the waste. After the waste leaves the Dutch company's property, it's owned by the German company. That's why the Dutch company doesn't deal with the transport of the waste. At the barge terminal 10 containers were inspected, six contained WSR-shipments. There were also containers in Germany and Belgium inspected, because VROM Inspectorate expected that there were more suspicious containers than just the ones they found in Born. This asked for narrow cooperation with German and Belgium colleagues, which went successfully.



### 3.2.2 Violations

For this report a distinction is made between administrative violations and illegal shipments.

- 1 Administrative violations are violations of the Regulation where the papers that accompany the shipment are incomplete, (partly) incorrect or missing.
- 2 Illegal shipments are violations of the Regulation where the waste is shipped without authorisation where such authorisation should have been obtained via a notification, or shipments that are completely prohibited and that, if notified, never would have had authorisation. Also cases where the material that is transported does not correspond to the description in the documents are illegal shipments.

#### Definition of 'Illegal shipment'

According to Article 35 of WSR 1013/2006 'illegal shipment' means any shipment of waste effected:

- (a) without notification to all competent authorities concerned pursuant to this Regulation; or
- (b) without the consent of the competent authorities concerned pursuant to this Regulation; or
- (c) with consent obtained from the competent authorities concerned through falsification, misrepresentation or fraud; or
- (d) in a way which is not specified materially in the notification or movement documents; or
- (e) in a way which results in recovery or disposal in contravention of Community or international rules; or
- (f) contrary to Articles 34, 36, 39, 40, 41 and 43; or
- (g) which, in relation to shipments of waste as referred to in Article 3(2) and (4), has resulted from:
  - I. the waste being discovered not to be listed in Annexes III, IIIA or IIIB, or
  - II. (ii) non-compliance with Article 3(4),
  - III. (iii) the shipment being effected in a way which is not specified materially in the document set out in Annex VII.

**Table 3.2.2: Overview of inspections and results per country**

Country	Total number inspections	Waste inspections	Number of violations	% transfrontier shipments of waste	% violations
Austria	3.060	212	32	7%	15%
Belgium	1.616	98	20	6%	20%
Bulgaria	15	15	15	100%	100%
Croatia	93	90	13	97%	14%
Denmark	154	125	3	81%	2%
England and Wales	78	4	0	5%	0%
Germany	1.767	384	32	22%	8%
Ireland	707	328	4	46%	1%
Latvia	2	2	0	100%	0%
Netherlands	2.725	613	127	22%	21%
Northern Ireland	312	55	14	18%	25%
Poland	2.118	110	33	5%	30%
Portugal	657	20	1	3%	5%
Scotland	12	12	6	100%	50%
Serbia	19	19	4	100%	21%
Slovenia	446	55	14	12%	25%
<b>Total</b>	<b>13.777</b>	<b>2.142</b>	<b>318</b>	<b>16%</b>	<b>15%</b>

Based on these results it can be concluded that:

- including the countries that provided results from ad hoc inspections (see §3.2.2) in total seventeen countries carried out inspections;
- the percentage of violations varies from 0% up to 100%;
- the ratio of the number of inspections to the number of violations differs substantially between the countries. This can be partially explained by the type of inspection.

### Inspections by Croatia

Croatian environmental protection inspectors gladly participated in the joint inspections of the Enforcement Actions Project.

Inspections of waste shipments held in the 1st inspection period were (road) transport and company inspections and were carried out in cooperation with customs service and police. Road transport inspections were carried out at all road border crossings: the borders with Hungary, Slovenia, Bosnia and Herzegovina, Serbia and Montenegro.

Joint inspections, together with Slovenian IMPEL-TFS representative were carried out at 2 border crossings: Macelj and Bregana. Both sides, Croatian and Slovenian, were satisfied with the cooperation and collaboration, so during the Interim meeting in Paris it was agreed to continue the joint work.



Table 3.2.3 provides an overview of the inspections and results per participating country.

**Table 3.2.3: Overview types of violations**

<b>Violations</b>	<b>February 2007</b>	<b>June 2007</b>	<b>October 2007</b>	<b>January 2008</b>	<b>Total</b>
<b>Administrative violations</b>					
Greenlist information incomplete, incorrect or missing	29	23	26	30	<b>108</b>
Amberlist information incomplete, incorrect	6	5	1	0	<b>12</b>
Non-authorized transporter	16	8	4	1	<b>29</b>
No A sign*	1	2	1	1	<b>5</b>
Other or not specified	1	19	8	4	<b>32</b>
<b>Total administrative violations</b>	<b>53</b>	<b>57</b>	<b>40</b>	<b>36</b>	<b>186</b>
<b>Illegal shipments</b>					
Waste requiring permit shipped as green	28	4	4	7	<b>43</b>
Export hazardous waste destined for non-OECD country	18	12	0	4	<b>34</b>
Waste as transported did not correspond to documentation	0	2	0	4	<b>6</b>
Other or not specified	0	27	21	1	<b>34</b>
<b>Total illegal shipments</b>	<b>46</b>	<b>45</b>	<b>25</b>	<b>16</b>	<b>132</b>
<b>Total</b>	<b>99</b>	<b>102</b>	<b>65</b>	<b>52</b>	<b>318</b>

\* Absence of an A sign – to be used on trucks containing waste in Germany - is not a formal violation of WSR, but of German provisions.

Based on these results it can be concluded that:

- most of the violations are found in the months February and June 2007 during which most of the (sea)port inspections were performed (see table 3.1.1);
- the total amount of violations of new WSR 1013/2006 is half as big as of old WSR 259/93;
- the type of violations found during the inspection rounds are either administrative (61% of the violations that were found), or cases of illegal shipment (39%).

The most frequent administrative violations are the absence, incompleteness or (partly) incorrectness of the information that should accompany a shipment of green listed waste. Under the old WSR 259/93 this was the information as required in Article 11. In the new Regulation 1013/2006 this is the information as required in Article 18 and specified in Annex VII. Also transports of waste by transporters that do not have the required authorisation or registration occur frequently. The most common cases of illegal shipment are either shipments of wastes that are shipped with the procedure for the green list, where this is not allowed or exports of hazardous waste destined for non-OECD countries.

Table 3.2.4 gives an overview of the type of waste involved in shipments that were in violation of the Regulation and the most frequent type of violation for these wastes. Not for all 318 violations this information was provided.

**Table 3.2.4: Overview types of waste involved in shipments that were in violation of WSR**

Waste type	Number of violations	Most frequent violations
Metal wastes	48	Green list information missing or incomplete
Paper and cardboard waste	35	Green list information missing or incomplete
Waste electrical and electronic equipment (WEEE)	30	Waste shipped as product and contamination
Plastic waste	24	Green list information missing or incomplete and contamination
End-of-life vehicles	22	Waste shipped as product and contamination
Municipal waste	17	Various
Wood	13	Green list information missing or incomplete
Textile waste	10	Waste shipped as product
Other	44	Various
Total	243	

When analysing 74 cases of illegal shipments for which some details were documented WEEE comes out as most important waste stream (21 cases), followed by end-of-life vehicles and vehicle parts (eleven cases), plastic waste (eight cases) and metal waste (seven cases).

### 3.2.3 Ad hoc inspections

As demonstrated above a large number of countries participated in the co-ordinated actions during the inspection months. This gives a good picture of the enforcement activities that took place during the enforcement periods. However, these were not the only enforcement activities on Waste Shipment Regulation that took place.

In a number of countries so-called ad hoc inspections took place. These are inspection activities by enforcement agencies, such as customs, police or environmental inspectorates that do not focus on transboundary movement alone, but also on other aspects of regulations they enforce. During these activities they sometimes come across transboundary movements of waste which they then inspect as well. In these cases inspection and enforcement of waste shipment is embedded in daily routine.

Also these ad hoc inspections do reveal violations of WSR. However, since the focus of these enforcement actions was not only on the transboundary movement of waste, they were not included in the reporting about the enforcement actions. They are also not included in the statistics that are presented in paragraph 3.2.

Three countries provided examples of violations they discovered during these ad hoc inspections:

- The Netherlands provided information about their ad hoc inspections in the first three months of 2007 for the period between October 2007 and March 2008;
- Switzerland provided information about their ad hoc inspections in 2006 and 2007;
- Czech Republic provided information about their ad hoc inspections in 2007.

#### The Netherlands

The Netherlands reported 145 violations of the WSR during ad hoc inspections. In a large number of cases these violations involved WEEE (34 cases), plastic waste (25 cases), end-of-life vehicles or vehicle parts (seventeen cases) and ferrous or non-

ferrous metal scrap (fourteen cases). In at least<sup>1</sup> 61 cases the shipments were transits of waste where the Netherlands was neither the country of origin nor the country of destination of the waste.

### Switzerland

Switzerland reported 28 violations of WSR during ad hoc inspections. In particular shipments of tyres were often mentioned in these violations (10 cases). Also WEEE (five cases), metal scrap and ELV's (both four cases) were frequently mentioned.

### Czech Republic

Czech Republic reported three violations of WSR during Ad hoc inspections. In total 450 trucks were inspected in the period of May 2007 until October 2007. Three out of the eight waste related shipments showed administrative violations and concerned glass, paper and, again, tyres.

#### 3.2.4 Verifications

One important aspect of inspections is to verify whether the inspected waste shipment is allowed. Verification can be done after administrative checks (inspecting the transport documents) and/or physical inspection of the load. In such cases where verification on inspection location is not possible, verification requests can be done.

Ideally all verification requests are done formally by sending written verification requests to the authorities concerned, for example a request to verify whether the company of destination does exist or is allowed to treat the shipped waste. In eighteen cases the enforcement agency that inspected the shipment asked for a verification of information at the country of destination and registered the verification request.

Although the total amount of formal verification requests is low, a lot of verification requests – but also general questions related to waste shipments and regulation - are done informally by contacting people within the network directly via email or phone, but have not been registered. Main reasons for this phenomenon are gaining of time and close network relations, not only the network within this project, but also the IMPEL-TFS network (Competent Authorities, National Focal Points, etc.).

### **3.3 Cooperation and exchange of inspectors**

#### 3.3.1 Cooperation

Another objective of the project was to stimulate cooperation by organising joint inspections, which means inspections where different enforcement institutions cooperate on national or international level. If the latter is the case, we talk about international joint inspections. Cooperation is not only necessary to perform inspections, cooperation is also important because it mobilises capacity and skills of different participants can be combined.

During international joint inspections enforcement agencies of two countries or more did inspections on the same day and at the same border crossing and they assisted each other with the inspections.

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<sup>1</sup> Not in all cases both the country of origin and the country of destination were documented

Typically the environmental inspectorate in the country organised the inspection. However, in a number of countries one also sees that enforcement partners such as police and customs do inspections of waste shipments on their own and they only ask for help in specific cases. Table 3.5.1 shows the results of (inter)national cooperation.

**Table 3.5.1: Overview of cooperation**

Type of action	February 2007	June 2007	October 2007	January 2008	Total
Countries organising inspections	10	11	9	10	15 <sup>2</sup>
Number of inspections	23	76	43	25	167
Cooperation between different national enforcement bodies	21	71	43	20	155
International cooperation	7	30	6	2	45

Based on the results as summarised in table 3.5.1 it can be concluded that:

- an average of ten countries per inspection month organised inspections;
- cooperation was most intensive in June and October 2007;
- in more than 90% of the inspections (155 out of 167) national cooperation with other enforcement agencies such as customs and police took place;
- In 45 cases (27%) international cooperation of enforcement agencies of different countries was established.

### 3.3.2 Exchange of inspectors

Another element of the project was a programme of exchange of inspectors. In total fifteen countries and 34 experts cooperated during joint inspections. In table 3.6.1 an overview of the exchanges is given.

**Table 3.6.1: Overview exchanges**

From	To	Period
Scotland, England and Bulgaria	Netherlands	February 2007
Netherlands	Croatia	Mai 2007
Lithuania, Slovenia en Northern-Ireland	Netherlands	June 2007
Portugal	Belgium	June 2007
Denmark and Hungary	Netherlands	June 2007
Netherlands	Latvia	September 2007
Croatia, Germany and Latvia	Netherlands	October 2007
Belgium	Estonia	October 2007
Netherlands	Bulgaria	October 2007
Netherlands	Germany	November 2007

Objective was to establish working relations and to exchange experiences and knowledge. During these exchanges enforcement officers from one country visit another country that has organised an inspection. The objective of these exchanges is to learn from each others inspection methods. Both partners can learn from each others and therefore the quality of the inspections will improve. Moreover, this programme

<sup>2</sup> The total number of countries participating does not add up. Some countries participated in more than one inspection period/month.

establishes working relations between enforcement officers in different countries, which may be important when future cases of illegal shipment have to be resolved.

#### Inspectors from Scotland, England and Bulgaria visited the Netherlands, February 2007

Inspectors from Scotland, England and Bulgaria visited the Netherlands to learn about Dutch road and harbour inspections. *“Participation in joint inspections is very useful. You can gain a lot of knowledge and experience on how to perform complex checks together with transport police and customs”,* stated by the Bulgarian representatives.

The Scottish inspector stated: *“I found the traffic inspection extremely interesting as it showed what can be achieved through joint collaboration with numerous regulators both in your own country and boarding countries”.*



Based on the reports and stories on the exchanges it can be concluded that:

- many countries face similar problems like lack of (political) awareness, lack of capacity and money and interpretation problems;
- the situation and level of enforcement however differs per country: some countries have no or just a few waste treatment facilities and hence more export than import, in countries with closed borders and no or less (sea)ports road transport inspections are most effective;
- if well prepared exchanges are very effective, because it is training ‘on the job’ and higher management and a bigger number of inspectors can be reached by giving lectures and presentations;
- exchanges and enthusiastic people stimulate other countries to join;
- if countries do not enforce WSR, it is found to be frustrating for other countries;
- if inspections are not carried out, no infringement or violation of WSR will be found and in that case apparently there are no problems;
- exchanges and joint inspections improve the quality and results of inspections;
- exchanges with (more) experienced countries are esteemed to be most useful;
- in some countries waste shipment (regulation) experts change jobs frequently so capacity, knowledge and experience will have to be built-up again.

### Exchange Portugal – Belgium, June 2007

Flemish Environmental Inspection (MI) organised an inspection in the port of Antwerp. This inspection focused on the export of end-of-life vehicles (ELV's), targeting the largest vehicle quay in the entire port. MI invited two inspectors from the Portuguese environmental inspector, to evaluate, together, the criteria that have been proposed by the ELV-project. In order to do so, MI engaged a licensed vehicle expert to decide which vehicle should be classified as a non-reparable car wreck.



### 3.4 Products and materials

Within the project four joint inspection periods were planned and performed and three conferences have been held as well the manual for the inspections and communication plan were elaborated. In the course of the project following main products were made:

- a guideline for preparing, performing and reporting joint inspections;
- a communication plan and products to demonstrate projects' activities and results;
- a virtual project website 'Viadesk' and project Email address;
- a practical 'Waste(s)Watch' for daily use;
- several (inspection and exchange) plans and reports.

#### Guideline

The guideline was elaborated and improved based on the inspection methods within Seaports and Verification. The guideline describes the procedures and working methods concerning how to prepare, conduct and report joint inspections. It was presented at the Start conference in November 2006 and it was discussed during the following conferences and improved based on the feedback from the participants. Besides that a new Guideline was elaborated based on revised WSR 1013/2006.

#### Communication plan

This plan aimed to demonstrate that Member States are able to organise joint European enforcement of transfrontier waste shipments, as well as to inform the citizens, politicians and companies about the cooperation with regard to waste enforcement. The communication plan contains the target groups, objectives, messages and methods for communication. Based on the communication plan several press releases are published, for example in the Netherlands publications in national newspapers and specialist journals. Main products that were developed and distributed were:

- a *project flyer* to inform other countries and authorities about the project and to attend them to join the Enforcement Actions I project;
- a digital newsletter '*Up2Date*', that was distributed four times during the project.

### **Viadesk**

Website <https://vrom.viadesk.com> is the virtual project area for IMPEL-TFS Enforcement Actions Project, where all relevant information is published. All project participants have access to this Website from December 2006. During the project a central e-mail address was also opened by the project support office ([impeltfsea@project.royalhaskoning.com](mailto:impeltfsea@project.royalhaskoning.com)).

### **Waste(s)Watch**

For the purpose of daily use during inspections a small and handy 'Waste(s)Watch' is developed containing practical information on the most common waste streams, clarifications and general information with legal and organisational issues.

### **Plans and reports**

As part of the preparation several inspection plans and inspector exchange plans are drafted. These plans describe the what, who, when and where of the joint inspections and exchange of inspectors. The inspection and exchange plans contain an overview of the planned inspections and exchanges and they were prepared and agreed on during each conference.

And last but not least, after every inspection period and every conference the results are being reported separately. All these reports together form the basis for this final report.

More details on these project products and materials are given in Annex III.

## **3.5 Project evaluation**

During the last conference in Brussels, December 2007, the project was evaluated thoroughly. The specific objectives of the Brussels conference included:

- an evaluation of project's activities and instruments;
- to discuss and decide on ideas for improvement for the follow-up of the Enforcement Actions I project.

The main outcomes of the project evaluation are summarised underneath. More details on the outcomes can be found in Annex IV.

First day of the conference consisted of experience exchanges in interactive sessions. Following main results came out:

- WSR is implemented and interpreted differently per country;
- classifying waste (or not) is very difficult, especially ELV's, (W)EEE, tyres, batteries and radioactive waste;
- many countries are facing problems like lack of capacity or support by the management or politics;
- cooperation with customs and police is very important and must be improved and extended to other enforcement authorities;
- sometimes inspectors find (too) stringent enforcement difficult, since in these cases mainly poor people depend on the income out of waste trading;
- apparently waste shipment fraud for money is also being committed, as the Latvian example - with a shipment without waste, but with transport documents with waste on it - shows.

Second day of the conference consisted of filling a questionnaire called the 'Honest Game', discussing and ranking ideas for improvement. All themes, issues and ideas for improvement that came out of the interactive sessions and discussions were then ranked in order of priority.

The results are given below and subdivided into:

1. inspections and verifications;
2. exchange of inspectors;
3. project products (instruments);
4. project management.

### **Inspections and verifications**

Based on the results of the questionnaire and the discussions during the conference following main conclusions regarding inspections and verifications came out:

- inspections of waste shipments creates good insight in waste market and waste flows;
- in the majority of the participating countries organising inspections is difficult;
- cooperation with other (national) authorities is most effective and preferred;
- verification requests should more often be done and followed up.

### **Exchange of inspectors**

Based on the results of the questionnaire and the discussions during the conference following main conclusions regarding the exchange of inspectors came out:

- international exchanges are stimulating to organise national inspections;
- exchanges with (more) experienced countries are esteemed to be most useful.

### **Project products**

Based on the results of the questionnaire and the discussions during the conference following conclusions regarding the products were made:

- the developed guideline is not always used;
- a central project Website like Viadesk and the Newsletter are found to be very useful.

### **Project management**

Based on the results of the questionnaire and the discussions during the conference following conclusions regarding project management were made:

- the project management (project manager, project assistance, country coordinator, location coordinator and inspection specialist) is adequate and sufficient;
- more assistance on national level however is needed;
- thanks to the network cooperation, knowledge and experience improve rapidly;
- other countries should also give more priority to inspection and enforcement of waste shipment.

As mentioned before the ideas for improvement were also ranked in order of priority (high – medium – low – no). The ranked ideas were then translated into recommendations. These recommendations can be found in Annex IV and are integrated in chapter 4 (Conclusions and recommendations).

## 4 CONCLUSIONS AND RECOMMENDATIONS

### 4.1 Conclusions

The current IMPEL-TFS Enforcement Actions I project has come to an end. Based on the project objectives, results and experiences the following main conclusions are drawn. First we start with the facts, figures and experiences, followed by the conclusions. And these conclusions lead to the recommendations.

#### 4.1.1 Inspections

With regard to the performed inspections during the project following main conclusions can be drawn, first on the facts and figures and then on the experiences as reported during the conferences.

##### Facts and figures:

- including the countries that provided results from ad hoc inspections seventeen countries took actively part during the inspection periods and also several bilateral enforcement actions and/or agreements on joint inspections and enforcement were taken;
- road transport inspections are the most common type of inspections carried out within this project, followed by seaport inspections and combined inspections (for example transport and company inspections). Company inspections are carried out, but seldom reported;
- most of the inspections were carried out in June 2007 (76), and the least in February 2007 (23) and January 2008 (26). The regression in October 2007 (43 inspections) is caused by the fact that the new WSR just came into force and several countries faced problems with both implementation and enforcement of the new regulation;
- during the project a total number of 13.777 transports were inspected. Out of these 2.142 transports, that is 16%, concerned transfrontier shipments of waste. On 250 of these shipments only administrative checks were done and 1877 were also checked physically;
- In total 318 of the shipments, that is 15%, turned out to be in violation of the requirements of WSR. The type of violations found during the inspection rounds are either administrative (61% of the violations that were found), or cases of illegal shipment (39%). Most of the violations are found in the months February and June 2007 during which most of the (sea)port inspections were performed;
- the percentage of violations per country varies from 0% up to 100%; Besides that there are countries that perform a lot of waste inspections but detect no or only few violations and countries that perform just a few waste inspections but detect a lot of violations;
- the total amount of violations of new WSR 1013/2006 is half as big as of old WSR 259/93 and most violations of new WSR concern infringements of Annex VII. This could mean that the enforcement of new WSR 1013/2006 is not embedded yet.

However, the total number of inspections concern different types of inspections per country, so the interpretation of the percentages should be interpreted carefully.

#### Experiences:

- in the majority of the participating countries, especially in new Member States, organising inspections is difficult;
- collaboration with other (national) authorities like customs and police is most effective, but preferably other enforcement authorities should be involved also;
- inspectors are proud of the main inspection result: thanks to the efforts of the participating countries more than 300 unwanted and illegal waste shipments could be detected and prevented potential harm to the environment and health;
- inspections of waste shipments create good insight in the global waste market and waste flows;
- verification requests should more often be done and followed up;
- pre-selecting and targeting 'suspicious' waste shipments is point of particular interest. Custom (harmonised) codes could be used more frequently;
- Annex VII of new WSR is interpreted differently and needs further explanation.

#### 4.1.2 Cooperation and exchange of inspectors

With regard to the cooperation and exchange of inspectors following main conclusions can be drawn on the facts and figures and experiences.

#### Facts and figures:

- in more than 90% of the inspections (155 out of 167) national cooperation with other enforcement agencies such as customs and police was established;
- in 45 cases (27%) international cooperation of enforcement agencies of different countries was established;
- in total fifteen countries and 34 experts joined the exchange programme;
- cooperation was most intensive in June and October 2007.

#### Experiences:

- exchange programmes (sending or receiving inspectors) are found to be very useful. Exchanges stimulate cooperation on international level. Knowledge and experience exchange takes place 'on the job'. Sharing knowledge and experience increases the visibility of the organization and activities and can reveal developing national tools that can be used also in other countries. Inspectors are able - more easily and faster - to verify information on specific waste shipments or general waste shipment issues. Exchanges also stimulate enforcement agencies to act and to organise national inspections;
- exchanges should open up more for customs, police and other authorities involved in waste shipment enforcement;
- non EU Member States should also be involved in exchanges;
- exchanges with (more) experienced countries are esteemed to be most useful;
- in some countries waste shipment (regulation) experts change jobs frequently so capacity, knowledge and experience will have to be built-up again.

#### 4.1.3 General conclusions

Based on the project objectives, results and experiences the following main conclusions are drawn.

The project was **stimulating, useful and successful** in many ways:

- the project provides an easy accessible structure to join the enforcement forces, also for countries outside the EU;
- working together in an international enforcement project stimulates enforcement authorities to act and is necessary for sharing knowledge and experience;
- combining the efforts of different agencies in different countries increases not only the visibility of the activities and competences of the involved enforcement partners, but also provides better insight and grip on the waste chain and international waste trade;
- the project improved and strengthened (permanent) collaboration between the involved enforcement partners, both on international and national level which is in line with Article 50, part 5 of revised WSR;
- thanks to the efforts of all project participants Member States demonstrate to continue European enforcement by means of joint inspections, during which more than 300 violations have been detected and potential harm to the environment and health has been prevented;
- while national cooperation seems to be almost standard practice nowadays, international cooperation is growing and – supported by the exchange programme - the network of enforcement authorities in participating countries has been further extended and contacts have been improved;
- adding up these findings main conclusion is that continuation of IMPEL-TFS enforcement actions is necessary, because the IMPEL-TFS Network provides the European platform for front line inspectors via which professional enforcement knowledge is made available, experience is shared and instruments are developed bottom-up.

However, the project also clearly demonstrates that **the enforcement of Waste Shipment Regulation is not yet institutionalised equally** in the European countries. A 'level playing field' within Europe is still a goal to be reached:

- although the number of participating countries is substantially bigger than in the Seaport and Verification projects, not all Member States joined the project, which is found to be very frustrating. Besides that it turned out that some of the participating countries face realistic and understandable obstacles in staying actively involved all the time;
- most commonly heard arguments for not being able to join the project and/or organise or join inspections are no or not enough: time, money, priority, authority, capacity, knowledge and support from higher management or political level;
- so apparently in some of the countries these kind of basic conditions and facilities are not yet (completely) established yet.

Although a lot of good results have come out until now, **solely a bottom-up approach** as in the Verification, Seaport and Enforcement Actions I projects **is not enough** to create a permanent and consistent level of enforcement in all European countries. This challenge can only be accomplished by the appropriate (decision) levels. A top-down approach is necessary and inevitable to fill the gaps and establish the basic conditions and facilities for an adequate, permanent and consistent level of enforcement within Europe.

## 4.2 Recommendations

### 4.2.1 General

Generally, having concluded that the project was a success, but basic conditions and facilities need to be established and improved first in order to create a (more) level playing field, main recommendations are:

1. to **create more political and high management support** for the enforcement;
2. to **establish a more level playing field**;
3. to **start Enforcement Actions project II** as a follow-up.

These three general recommendations are worked out in more detail and assigned to specific target groups.

#### 1. Create more support for the enforcement of WSR

In order to prevent calamities like Probo Koala and Trafigura and enable enforcement authorities to organise or join enforcement actions and establish basic conditions and facilities to do so following recommendations are made:

- EU and Member States: in order to get more countries involved or at least stimulate cooperation on a more regular level, political awareness and support on EU and high national management level is necessary. Although a lot of good results have come out until now, solely a bottom-up approach as in the Verification, Seaport and Enforcement Actions I projects is not enough. To promote better enforcement and inspections the Commission has already organised sixteen awareness-events across the EU during 2006-2007. Ten more events are planned for 2008. High management meetings are also important and already foreseen.
- EU and Member States: try to involve, if possible, all Member States. Until now it is found to be frustrating if other European countries don't give priority to enforcement of waste shipment.
- EU and Member States: because new WSR does not lay down criteria for inspections of waste shipments, agreeing on a 'standard' set of minimum requirements for inspections throughout the EU would contribute to a more common and consistent level of enforcement and should therefore be prioritised. The Commission is now considering proposing specific legally binding rules for inspections of waste shipments and other measures among which a minimum frequency of inspections, a minimum level of availability of control capacity and a minimal level of training requirements and risk assessments. As stated before, the minimum requirements for inspections should take into account however the fact that the situation and institutionalization grade of enforcement differs per country. For this reason it is recommended that new countries should start with small steps and small-scale or bilateral enforcement projects should be encouraged.
- Member States: invest more time, budget and people for institutional strengthening and capacity building of national enforcement structures, instruments and facilities;
- EU and Member States: stimulate and facilitate more education and training to raise knowledge and experience on the enforcement of WSR, especially in new EU Member States and (pre-)accessing countries.
- Member States: include all relevant authorities involved in national enforcement of WSR like Environmental Inspectorates, customs, police, (road) traffic inspectorates and (sea)port authorities.
- EU, Member States and IMPEL-TFS: Communicate more structural on available enforcement knowledge, experience, tools and results of enforcement actions, both within and outside the IMPEL-TFS network. Communication stimulates cooperation and enforcement consistency. Extension of the current website with a protected part for members where all kind of information on IMPEL-TFS projects can be found, down- and uploaded could be a solution.

## 2. Towards a level playing field

In order to create a (more) level playing field basic conditions and facilities for an adequate, permanent and consistent level of enforcement all over Europe should be established following recommendations are made:

- **IMPEL-TFS:** analyze the enforcement level gaps and needs in the European Member States in order to get better insight in the weaknesses and threats for adequate enforcement of Waste Shipment Regulation and define the basic conditions and facilities to be established or improved. Pay also attention to the presence and division of specific enforcement tasks, responsibilities and authorities;
- **Member States:** start 'tailor-made' national enforcement actions plans based on the GAP-analysis and needs assessment. These national enforcement actions plans should provide for appropriate investments in capacity building, institutional strengthening, training and education, but also in (more practical) enforcement instruments and facilities;
- Member States should also try more actively to start bilateral collaboration with neighbouring countries or get these countries involved in the IMPEL-TFS network and/or follow-up enforcement actions project.
- **IMPEL-TFS:** develop a 'train-the-trainer programme' that can be used in the follow-up project(s) to educate national Environmental Inspectorates, customs, police and traffic inspectorates, preferably combined with exchange programmes.
- **Member States:** organise (more) meetings and training courses on national level with all enforcement partners, starting with 'train-the-trainers' programmes on international level. This kind of happenings helps institutional strengthening and capacity building.

## 3. Start Enforcement Actions project II

Based on the experiences of Enforcement Actions I and in order to fulfill the requirements of Article 50 of new WSR following recommendations are made on the set-up and content of future joint inspections:

- start Enforcement Actions project II as soon as possible to demonstrate a permanent and consistent level of enforcement;
- extend and intensify national collaboration with enforcement authorities like customs, police, road transport inspectorates;
- develop and distribute waste flows/waste flow analyses, make priorities and standards on specific waste streams or issues and work out clear instructions how to handle Annex VII of WSR;
- focus more on chain enforcement (and try to intervene at the weakest link in that chain), formal verification (requests) and custom (harmonised) codes;
- help developing a training programme that can be used to educate national Environmental Inspectorates, customs, police and traffic inspectorates, preferably combined with exchange programmes;
- extend and improve the exchange programme and possibilities to send or receive inspectors from Environmental Inspectorates and customs, police and other authorities. Non EU Member States should also be involved in exchanges;
- communicate internally more structural on available enforcement knowledge, experience, tools and results of enforcement actions. Besides newsletters and a central email address extension of the current IMPEL website with a protected part for members where all kind of information on IMPEL-TFS projects can be found, down- and uploaded seems to be most appropriate;
- communicate externally more frequently on the results of joint enforcement actions in order to deter potentially illegal waste exporters.
- for reasons of communication, cooperation and collaboration distribute and maintain a list with contact details of all authorities in all countries.

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