

TOR Reference No.:	Author(s): Katie Olley
Version: 4 (Final)	Date: 4 September 2015
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	<input type="checkbox"/>
Waste and TFS	<input checked="" type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting – tools and approaches -	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input checked="" type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input checked="" type="checkbox"/> (best practice meeting)
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
<i>IMPEL TFS Enforcement Actions on waste shipments</i>	
1.4 Abbreviated name of work or project	
Enforcement Actions	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)
<p>Regulation 1013/2006/EC on shipments of waste</p> <p>Article 50(2) – ‘2. Member States shall, by way of measures for the enforcement of this Regulation, provide, inter alia, for inspections of establishments, undertakings, brokers and dealers in accordance with Article 34 of Directive 2008/98/EC, and for inspections of shipments of waste and</p>

of the related recovery or disposal.’

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

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

2.2 Link to IMPEL MASP priority work areas

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

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

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

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

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

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

The Enforcement Actions projects have formed the bedrock of practical activity of the IMPEL-TFS cluster for some time. The outcomes and data provided by the project are seen as very important by the European Commission and were used in its recent impact assessment for the revision of the Waste Shipment Regulation (660/2014).

The objectives of this project are:

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

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

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

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

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

'Repatriation' was the most common outcome in Year I of the Enforcement Actions III project and it can be a cumbersome and protracted process as different authorities have different procedures and evidential requirements. The 'Repatriation Manual' (now entitled 'A Guide to Repatriating Waste') has been re-drafted under the project and it is hoped that the streamlined approach to returning illegal shipments of waste to the country of dispatch or otherwise dealt with in an environmentally sound manner, will assist participants in their daily work. The Guide will be sent to the General Assembly for adoption. If adopted, Enforcement Actions participants will trial it for 12 months.

It is also hoped that the popular Waste (S)Watch developed under the project will be updated in 2016 to include the amendments made to the Waste Shipment Regulation (including burden of proof issues).

The best practice meeting in June 2016 would discuss the revisions to the Waste Shipment Regulation and participants' experiences with it on an operational level.

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

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

Exchanges would also be open to participants of other IMPEL-TFS projects. Participants would be encouraged to use the Waste Sites II manual for company inspections.

3. Structure of the proposed activity

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

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

- Co-ordinated inspections during three months in 2016 (three days per inspection month) to provide a 'snapshot' of inspection data revealing the problem shipment routes, waste types and destinations.
- undertaking an adequate level of inspections with other competent authorities (such as Police and customs) on waste shipments (harbours, trains, companies and road traffic)
- Chain approach: competent authorities to check sites of loading and storage, verify transport arrangements and the final recovery facility in order to ensure that a shipment accords with the principle of 'environmentally sound management'. Also verification with non-OECD countries which have interrelation with IMPEL- TFS Asia project.
- Communication about this project and the different inspections via bi-monthly online meetings and newsletters
- Collation and analysis of the results of the inspections
- Organisation of an 'annual best practice' meeting
- 16 exchanges of front-line inspectors during inspections periods each year. The focus will be on bringing new countries in to the project and inspecting waste streams and illegal routes of mutual concern between countries.
- Neighbouring countries will be asked to arrange border inspections in an effort to increase participation.
- Attendance at National Contact Point meeting 2016 to reflect upon project and discuss requirements and proposals for next phase.

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

- A report that contains the following information (due in 2017):
 - ▲ The results of the exchanges and the lessons learned by inspectors;
 - ▲ An evaluation of existing enforcement gaps, based on the results of inspections and verifications, Member State Annex IX reporting, Enforcement Actions outcomes and co-ordinated analysis by competent authorities;
 - ▲ Recommendations for future activities.
- A network of contacts in countries needed for the collaboration on enforcement of the Regulation, e.g. the Police and Customs.
- Update newsletter to participants
- Webex presentations for exchange of best practice
- Updated Repatriation Manual
- 'Snapshot' inspection data to assist Member States and the Commission in planning
- Contributions to the IMPEL photo library
- Press releases on the findings of participants.
- Maintenance of a network of operational contacts, extending to all Member States (if possible); incorporating the principles of Article 50 of the EU Waste Shipment Regulation

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

December 2015 – Finalisation of project report for 2014-2015 inspections and activity
 February 2016 – Approval of final report
 Spring 2016 – Presentation of final report to General Assembly
 March 2016 – Inspection and exchange period
 June 2016 – Best Practice meeting and meeting of Project Group

June 2016 – Inspection and exchange period
 October 2016 – Inspection and exchange period
 October 2016 – Update to NCP meeting
 November 2016 – Collation on 2016 results and Update to General Assembly

In addition – quarterly accounts reporting to IMPEL Secretariat

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

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

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Katie Olley, Scottish Environment Protection Agency, UK

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

Alfred Sharples, MEPA, Malta
 Anno Loonstra, ILT, Netherlands
 Mark Preston, NIEA, Northern Ireland
 Katharina Aiblinger-Madersbacher , Regierung von Niederbayern, Germany
 Sébastien Nochez
 Naomi Ross, Scottish Environment Protection Agency, UK
 Pádraig O’Shea, Scottish Environment Protection Agency, UK

4.3 Other IMPEL participants (name, organisation and country)

Austria - Walter Pirstinger
 Belgium - Bart Palmans
 Bulgaria - Lina Patarchanova
 Croatia - Jelena Manenica
 Cyprus - Demetris Demetriou
 Czech Republic - Jitka Jensovska
 Denmark - Dorte Skjøtt Jakobsen, Maria Lauesen
 Estonia - Rene Rajasalu
 Finland - Emma Nurmi
 France - Caroline Mackaie, Sebastien Nochez
 Germany - Bettina Voigt, Jürgen Braun, Maria Polixa,
 Greece – Alexandos Mouzakis
 Hungary – Andrea Szabo
 Ireland - Marese Feeney, Vivienne Ahern
 Italy – Barbara Villani
 Latvia - Lilija Dukalska (tbc), Evita Muizniece
 Lithuania - Audrius Zelvys
 Luxembourg - Frank Thewes

Macedonia – Darko Blinkov
 Netherlands - Anno Loonstra
 Norway - Hilde Sundt, Magdalena Kwarta, Thor Jostein Dahlstrøm
 Poland - Edyta Kozłowska, Justyna Mordon -
 Portugal - Marco Candeias
 Romania - Lucian Popa
 Serbia - Branislav Galesev
 Slovenia – Bojan Pockar
 Spain – Francisco Rico
 Sweden - Agnes Andersson, Andreas Wikstrom, Helge Ziolkowski,
 Jonas Lundin, Mattias Lindgren, Pär Kollberg, Viktor Forsell
 Switzerland - Simonne Rufener
 United Kingdom - Laith Yasseen, and Mark Rhodes

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

National Police, National Customs, Port authorities, EU Commission, local authorities

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

	Year 1 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	30990	570		
How much money is to be co-financed	staff time	Staff time		
Total budget	30990	590		

6. Detailed event costs of the work for year 1

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per day)	Total costs €
Event 1	9600	5400	1500	16500
<i>Type of event: Best Practice Meeting</i>				
<i>Date: June 2016</i>				
<i>Location: TBC</i>				
<i>No. participants: 30</i>				
<i>No. days/ nights: 2</i>				
Event 2	5440	3840	1200	10480
<i>Type of event: Exchange of inspectors</i>				
<i>Date: March, June and</i>				

<i>October 2016</i>				
<i>Location: Various locations</i>				
<i><No. of participants>16</i>				
<i><No. of days/nights> 3</i>				
Event 3	360	180	50	590
<i><Type of event> Attendance NCP</i>				
<i><Data of event></i>				
<i><Location></i>				
<i><No. of participants></i>				
<i><No. of days/nights></i>				
Event 4	2040	1080	300	3420
<i>Project group meeting</i>				
<i>TBC – Spring 2016</i>				
<i>Cyprus</i>				
<i>6</i>				
<i>2</i>				
Total costs for all events	17440	10500	3050	30990

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	<input checked="" type="checkbox"/> No
7.2 What are the total costs for the consultant?]
7.3 Who is paying for the consultant?	
7.4. What will the consultant do?	
7.5 Are there any additional costs?	<input type="checkbox"/> Yes Staff time
7.6 What are the additional costs for?	SEPA staff for project management, data collation, analysis, newsletter production and editing (+ any additional hosting costs arising for best practice meeting)
7.7 Who is paying for the additional costs?	SEPA

7.8. Are you seeking other funding sources?	No
7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs	<input type="checkbox"/> Yes <input type="checkbox"/> No Namely:

8. Communication and follow-up (checklist)

	What		By when
8.1 Indicate which communication materials will be developed throughout the project and when <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR [✓] * Interim report [✓] * Project report [✓] * Progress report(s) [✓] Press releases News items for the website [✓] * News items for the e-newsletter Project abstract [✓] * IMPEL at a Glance [✓] Other, (give details): Template presentation on Enforcement Actions work	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	September 2014 December 2015 February 2016 May 2015 (+updates to Steering Committee) December 2016 March 2015 (or as requested) May 2015 (or as required) January 2015
8.2 Milestones / Scheduled meetings (for the website diary)	Spring 2016 – Publication of final report for 2014-2015 inspections and activity June 2016 – Annual Best practice meeting (Most of the webinars are for IMPEL members only but there may be an opportunity to host one for externals too on a specific subject)		
8.3 Images for the IMPEL image bank	<input type="checkbox"/> Yes		
8.4 Indicate which materials will be translated and into which languages	The Waste (S)Watch continues to be translated in to other languages (at participating authorities' cost)		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	No		
8.6 Identify which	European Commission, through contact with desk officers (offer of		

groups/institutions will be targeted and how	help to assist with reaching additional countries and speaking at meetings) Basel Convention Secretariat and INECE – dissemination of Repatriation Manual and collaboration to minimise overlaps (Specific illegal waste operators through co-ordinated action)
8.7 Identify parallel developments / events by other organisations, where the project can be promoted	Basel Convention side event IMPEL-TFS update to EU Correspondents meeting

✓) Templates are available and should be used. *) Obligatory

9. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

*In case of doubts or questions please contact the
IMPEL Secretariat.*

*Draft and final versions need to be sent to the
IMPEL Secretariat in word format, not in PDF.*

Thank you.