



European Union Network for
the Implementation and Enforcement
of Environmental Law

**IMPEL-TFS CLUSTER
TRANSFRONTIER SHIPMENTS OF WASTE “TFS”**

IMPEL-TFS CONFERENCE 2009 REPORT

*Östersund, Sweden
18, 19 and 20 of March 2009*

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is Gulledele 100, Bruxelles, B-1200 Belgium.

The Association is the continuation of the informal network, which was 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 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.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law, and, as such, it is a unique network. During the previous 14 years IMPEL has developed into a considerable, widely known informal organisation, which is driving the development of the best practice on the ground. This work has resulted in IMPEL and its activities being mentioned in a number of legislative tools, e.g. 6th Environment Action Programme and Recommendation on Minimum Criteria for Environmental Inspections (2001/331/EC)

In accordance with the 6th Environment Action Programme, the core of the IMPEL activities concerns the capacity building, minimum criteria for environmental inspections, exchange of information and experiences on implementation, enforcement and international enforcement collaboration on existing European environmental legislation, development of common views of MS Inspectorates on the coherence and practicality of current EU legislation and on commenting issues of practicality and enforceability at an early stage in the development of new EU legislation, before a proposal is formally tabled.

Information on the IMPEL Network is also available through its website at:

<http://europa.eu.int/comm/environment/impel>

<p>Title report:</p> <p>IMPEL-TFS Conference 2009 report</p>	<p>Number report:</p> <p>2009/05</p>
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	<p>Number of pages</p> <p>Report: 21 Annexes: 13</p>
<p>Executive Summary</p> <p>The annual conference of the IMPEL-TFS cluster was held from 18 to 20 March 2009 in Östersund, Sweden. 99 Representatives from 27 countries and representatives from the Secretariat of the Basel Convention, the World Customs Organization, the European Commission, the Ministry of Environmental Protection of the People’s Republic of China, and other Asian delegates from Japan (Asian network) and Thailand, Interpol and RILO / Asian Pacific region attended the meeting. Also representatives from Industry and an NGO attended a part of the meeting.</p> <p>The main aims of the conference were</p> <ul style="list-style-type: none"> ▪ to inform the participants about new and ongoing activities within the IMPEL-TFS cluster related to the enforcement of the Waste Shipment Regulation 1013/2006, ▪ to share experiences between frontline regulators and ▪ to present and discuss the possibilities to improve collaboration with the Asian and African regions and with the World Customs Organization. <p>For the first time a Public Prosecutor presented experiences and cases on criminal prosecution of illegal waste shipments. The conference ended with a session in which Industry and an NGO’s gave their views on enforcement followed by an open panel discussion.</p> <p>Subgroups discussed items such as</p> <ul style="list-style-type: none"> ▪ the launching of the EU-Africa collaboration project, ▪ a discussion on Modus Operandi, ▪ the progress of the E-waste project, ▪ the study on minimum requirements for waste shipment inspections, ▪ the follow up of the Probo Koala incident and ▪ continued collaboration with Asian authorities. 	
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1. INTRODUCTION

On 18, 19 and 20 of March the IMPEL-TFS conference was held in Östersund, Sweden, relating to the control of Transfrontier Shipments of Waste (TFS) as regulated in the EU Regulation 1013/2006 (hereafter referred to as the WSR).

The conference, which is carried out under the IMPEL network, is an annual event and has been organised since 1992. 99 Delegates from 27 countries including representatives from the Secretariat of the Basel Convention, the World Customs Organizations, the European Commission, the Ministry of Environmental Protection of the People's Republic of China, and other Asian delegates from Japan (Asian network) and Thailand, Interpol and RILO / Asian Pacific region attended the meeting. Also representatives from Industry and an NGO attended a part of the meeting.

The conference concentrated on the ongoing activities and projects of the IMPEL TFS cluster, collaboration with the Asian and African region, further collaboration with Police, Customs and Public Prosecutors and minimum requirements for waste shipment inspections. Furthermore some interesting case studies and national collaboration initiatives were presented.

The main aims of the conference were:

- Promoting exchange of knowledge and experience with the enforcement of the WSR
- Improving contacts with countries and organisations outside the EU
- Discussing the progress of running projects and related activities
- Reaching an efficient collaboration between waste enforcement authorities, police, public prosecutors and customs
- Discussing future enforcement activities of IMPEL/TFS

The conference, which was hosted by the Swedish Environmental Protection Agency, was opened by the County Director of the County Administrative Board Jämtland in Sweden, Ms Pia Sandvik Wiklund. She underlined the importance of cross-border collaboration and enforcement and wished everyone a fruitful meeting.

The conference was chaired by members of the IMPEL TFS Steering Committee: Mr John Burns, Environment Agency of England and Wales, Ms Marina de Gier, VROM Inspectorate of the Netherlands, Mr. Rainer Werneburg, Regierungspräsidium Kassel in Germany and Mr Pat Fenton, Department of the Environment, Heritage and Local Government of the Republic of Ireland on the first, second and third days respectively.

Day 1 Programme

The first day of the conference was divided in two parts. A separate session in the morning was organized for the IMPEL-TFS National Contact Points. The afternoon programme included a number of presentations.

The first one aimed at adopting the conference programme and updating the participants on the developments within the IMPEL TFS cluster and was given by Mr John Burns, Chair of the IMPEL TFS Steering Committee.

Secondly Mr Rob de Rijck, public prosecutor in the Netherlands, presented the framework for criminal prosecution of non compliance with the waste shipment regulation, the structure of penalization in the Netherlands and some case studies. He underlined the importance of EU collaboration in the field of prosecuting EU regulations on waste shipments.

Mr Peter Wessman, desk officer at the European Commission, informed the conference participants about the current measures the Commission is taking to improve the implementation and enforcement of the Waste Shipment Regulation. Besides their support for the European Enforcement Action II project, the Commission has commissioned various contracts and studies:

1. One concerns a study on possible requirements for waste shipment inspections.
2. A second study is a feasibility study on the establishment of the Waste Implementation Agency at European level.
3. Thirdly the Commission is preparing a meeting for senior managers responsible for the enforcement of the waste shipment regulation, at the end of April in Brussels. The Commission will also continue to support IMPEL TFS activities.

Ms Francesca Cenni, project officer at the Secretariat of the Basel Convention, presented the outcomes and key decisions adopted at the Conference of the Parties to the Basel Convention (COP9) that was held in June 2008 in Bali. She suggested that IMPEL could provide input for the Strategic Plan of the SBC and ideas on how the role of the BCRC's could be improved.

Furthermore she explained the composition and role of the Compliance Committee. IMPEL TFS will be invited as an observer for the next meeting of the Committee that will take place in June 2009 in Geneva. IMPEL TFS could instruct its members on how to submit a case from a party and help the secretariat to improve national reporting. And finally she indicated three areas for further cooperation between IMPEL and the SBC, also within the framework of the MoU that exists between IMPEL and the SBC:

1. E-Waste Africa project
2. Probo Koala phase II project building capacity of states with port facilities
3. Development of technical/policy guidelines on E-Wastes

For the first time, a representative of the World Customs Organization attended the IMPEL TFS Conference. Mr Hui Fu, technical attaché Compliance and Facilitation at the WCO, introduced the WCO and their role in combating environmental offences. He underlined the critical role of Customs in enforcing Multilateral Environmental Agreements. The WCO Secretariat supports Customs officers with capacity building initiatives, facilitating data gathering, exchange and assessment and providing operational support. The WCO has developed several intelligence tools. Furthermore is the WCO a partner in the Green Customs Initiative. For the future the WCO intends to organise joint operations if possible, compile best practises and case studies, provide and prepare trainings followed by operational exercises and expand international cooperation.

The final presentation of day 1 was given by Mr Per Knut Vistad, police officer in Norway, about the investigation into the explosion of a tank at Vest Tank in Norway, May 2007.

Day 2 Programme

The second day of the conference started with an introduction by Mr Bart Palmans, environmental inspector at the Flemish Environmental Inspectorate, and Mr Marc van Cauteren, public prosecutor in Antwerp, about the Waste Fraud Project in the Antwerp Port. This project aims at an integrated collaboration between all services involved in the controls and enforcement of waste shipments in the Antwerp Port region. The project involves risk analyses, followed by targeted and joint controls and prosecution and fines.

The remainder of the day was scheduled for workshop sessions. A summary of the outcome of the discussions is outlined in Section 3.

Day 3 Programme

The third day was dedicated to Industry's view on enforcement of transfrontier shipments of waste and activities by the Environmental Investigation Agency, an NGO.

1-Mr Fredrik Alvelöv, TFS officer at SAKAB AB, presented the activities of SAKAB AB which are high temperature incineration, waste-to-energy, soil remediation, landfilling and trading waste. After discussing the pro's and con's of the new waste shipment regulation, he ended his presentation with some questions and points for the audience, which were discussed at the panel session.

2-Mr Thierry van Kerckhoven, Umicore Precious Metal Refining, gave a presentation about electronic scrap and the question whether this stream is valuable or potentially dangerous. He explained the different ways of recycling e-scrap and current losses in the e-scrap chain and the consequences. He stressed that if shipments of e-waste or second hand goods can not be controlled properly, these shipments should not be allowed.

3-Ms Fionnuala Walravens, Environmental Investigation Agency (EIA), presented the role and activities of this NGO. The EIA is specialised in exposing environmental crime in the areas of illegal logging and trade, illegal trade in endangered species and smuggling of controlled chemicals. The EIA can generate public pressure to achieve political will, provide intelligence to enforcement authorities and support capacity building through training. She sketched the parallels between illegal trade in Ozone Depleting Substances and E-waste and the similar enforcement challenges that exist in these two scenarios. To tackle illegal smuggling of e-waste, an improved collaboration is required as well as further information gathering.

After the presentations, a panel discussion was facilitated between the group and the speakers. The discussion touched upon topics as the consequences of waste flows due to the financial crises, anonymous reporting by Industry to NGO's and authorities and problems with tracking and tracing waste to their end destinations if the current annex VII of the waste shipment regulation will be revised.

During the open session, Mr Frans Geysels, Belgian Federal Police and Chair of the Interpol Pollution Crime Working Group, gave an update on the activities within the Working Group. One of the Pollution Crimes Projects is 'Operation Clean Seas', which focuses at pollution at sea. The project has produced an investigative manual 'Illegal oil discharges from vessels' and established

a worst offenders database. The next step will be to develop and provide a training course based on the manual. Then there is the 'Penalties Project' which has produced an advocacy memo with recommendations for countries to review their level of penalties and fines which is available on the internet and can be used for prosecutors as an argument to their court systems. Other projects are 'Organised Crime related to Electronic and Electrical Waste', 'Carbon Emission Trading', 'Taskforces' and 'White Paper'.

Ms Nancy Isarin, IMPEL TFS Secretariat, informed the group about the main upcoming meetings and conferences:

- IMPEL TFS workshop on the WEEE recast proposal, 27 April 2009 in Brussels;
- High Level Management Meeting, 28 April 2009 in Brussels;
- Strategic IMPEL TFS Steering Committee meeting, 9 June 2009 in Faro;
- IMPEL conference, 23-25 September 2009 in Sibiu, Romania
- NCP Exchange Day, September 2009 in Helsinki

The conference was closed with an overview of the main outcomes of the conference. And lastly the host organisation, the Swedish Environmental Protection Agency, was thanked for their hard work and excellent organisation of the 2009 conference.

2. CONFERENCE CONCLUSIONS

The conference discussed issues concerning:

1. The experience of enforcing the new Waste Shipment Regulation and case studies.
2. The importance of cooperation with colleagues in worldwide enforcement agencies.
3. Impact of waste export on destinations in Asia and Africa
4. The launching of the IMPEL TFS 'EU-Africa Collaboration project'
5. The recommendation to IMPEL TFS to organise side meetings specific for law enforcement agencies
6. Ongoing and future enforcement projects
7. Industry perspective on waste shipment regulation and its enforcement.
8. The role and activities of NGO's
9. Opportunities to collaborate with other projects being run by international organizations including Secretariat of the Basel Convention and the World Customs Organization.
10. More involving the judiciary in the IMPEL TFS activities.

3. SUBGROUP DISCUSSION SUMMARY OUTCOMES

Workgroup 1 – IMPEL-TFS collaboration with Asian Authorities

Co-chairs: Piyanee Thangtongtawi & Pat Fenton
Reporter: Carl Huijbregts

Introduction

Mr. Pat Fenton opened the workshop. In 2007 the first steps were made for a IMPEL-TFS- Asia collaboration when representatives of IMPEL-TFS and the Netherlands attended the annual workshop of Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Waste in Beijing. Since then representatives from Asia and EU attended each others annual meetings. Now it is time to intensify this collaboration. Therefore the IMPEL-TFS steering Committee has prepared a draft ToR.

Presentations

Ms. Piyanee Thangtongtawi introduced the presentations by MEP China and the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Waste.

The Ministry of Environmental Protection of the People's Republic of China was presented by Mr. Zheng Yang. In 2008 China has imported 42 Mtons of non-hazardous waste used as raw materials; about one third were from European countries. Mr. Zheng Yang summarised the legislation in China and the collaboration with the Netherlands. In 2008, 5 shipments of waste have been verified from Rotterdam to their end destination in China. One example of verification was highlighted. This shipment was destined for an illegal company in China. After it was stopped in Hong-Kong the owner refused the acceptance of the container and then it was shipped back to Europe. In 2008 MEP received about 150 e-mails from EU countries with questions about waste shipments from Europe to China. Most of the questions came from Netherlands, Belgium and Ireland.

MEP offers a database of all licensed waste importers & recycling facilities in China on the internet: <http://datacenter.mep.gov.cn> . This database is in Chinese. MEP has planned to add also the names in English but that is very difficult at present, as clear translations sometimes lack. English names will not be available before 2010.

European authorities that have questions on waste shipments to China can send these questions to: swmd@mep.gov.cn

When EU authorities ask information about a company in China, it is necessary to send more information than only a name in English. A telephone number and address make it easier to verify the destination. EU authorities could ask to check containers in China, but it is preferred to only do this when there is real suspicion of hazardous waste or contamination. As follow up of the workshop in Brussels, China would like to organise a workshop in Beijing later in 2009

The Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Waste was presented by Mr. Junya Kikuhara. Mr. Kikuhara explained the role of the Network and the outcomes of annual workshops. Information about the workshops can be found at:

http://www.env.go.jp/en/recycle/asian_net/

On this website is a list of National Contact Points of the participating countries.

Mr. Kikuhara showed the results of a research on waste movements within the Asian region and between EU and Asia. At this moment BCCC China is contracted by the Network to research e-waste legislation in the Asian region. Main focus is legislation about distinction between waste and second hand. It became clear that there are shipments of used electronics to countries that prohibit the import of this material. This could result in environmentally unsound recycling with for example cyanides and nitric acid. The report of this investigation is expected soon.

Discussion

The participants noticed that exchange of information between EU and Asian authorities is required and resultful to execute article 49 of the WSR and to stop illegal waste shipments to Asia. Capacity is in many countries a problem, therefore it is important to not overload each other. A clear structure of information exchange will make it more efficient.

Conclusions

- IMPEL-TFS should send 2 or 3 persons to the annual conferences of the Asian Network;
- IMPEL-TFS should invite representatives of the Asian Network for the Annual TFS conference;
- IMPEL-TFS will add links to the Asian network and Asian Authorities on the website and the Asian Network is asked to do the same;
- A standard format for questions and verification from the European to the Asian authorities has to be developed;
- Set up of a database with answers of verification requests, to prevent repetitious questions by different countries.

Workgroup 2 – Criminal Investigations & Modus Operandi

Chair: Huib van Westen

Reporter: Pia Jonsson

During the workshop cases concerning illegal transboundary waste shipments were presented by Karl Frauenberger, Bundeskriminalamt Austria, by John Burns from the Environment Agency for England and Wales and by Caroline Mackaie from OCLAESP, French Gendarmerie.

Austria presented three cases and mentioned the importance of international cooperation. In one of the cases they had very good experiences with Czech Republic. A case concerning the illegal trade and shipment of old car batteries was related to a certain group of people. It appeared that other countries have same experiences with the similar group of people and same illegal trade.

England and Wales gave a presentation about a case where household waste was illegally exported to Asia. The waste, declared as waste paper, was shipped via various transport routes out of the UK. In cooperation with other authorities in Belgium and the Netherlands these shipments were stopped and at the end the case was brought to Court successfully.

The Environment Agency asked attention for the intelligence led enforcement and the need for sharing information.

OCLAESP, the special unit of the French Gendarmerie for combating environmental crime, presented in general the possibilities of their unit. Also the experiences with inspections and investigations concerning illegal waste shipments were presented as far as possible. Also the outcomes of the seminar concerning the illegal trafficking of toxic waste which was well organised by OCLEASP and held in October 2008 in Paris, were presented.

Conclusions and recommendations:

- All the workshop participants felt the need for a continuous sharing of best practices.
- The Steering Committee is asked to organise around the yearly IMPEL TFS conference, but at least once a year, a meeting for a half a day specific for Law enforcement agencies. At this meeting best practices and case studies can be presented and discussed.

Workgroup 3 – EU-Africa Collaboration

Chair: Bjørn Bjørnstad
Reporter: Fiona Donaldson

Background

The problem of waste dumping in Africa continues to worsen, despite the actions taken by the European Commission and some European countries. The EU-Africa collaboration workshop focussed on West Africa and aims to clamp down on illegal waste shipments both to this area and Africa as a whole.

Presentations

Francesca Cenni from the Secretariat of the Basel Convention gave a presentation on their work on e-waste going to Africa. They aim to build local capacity to address the flow of e-waste and electrical equipment destined for re-use in selected African countries and to augment the sustainable management of resources through the recovery of materials in e-waste.

There are four components to the project:

1. A study of the flow of e-waste into Benin, Cote d'Ivoire, Ghana, Liberia and Nigeria
2. A national assessment on e-waste in Benin, Ghana and Nigeria which will give a better regional overview.
3. A socio-economic study on e-waste in Nigeria with a feasibility study of international co-operations between African SMEs and European recycling companies.
4. An enforcement programme in Benin, Egypt, Ghana, Nigeria and Tunisia led by IMPEL.

Further discussions on component 4 centred on the main objective of monitoring and control of e-waste movement and the prevention of illegal traffic.

Jenny van Houten from VROM gave a presentation on an ongoing collaboration project between the Netherlands and Ghana. Their aim is for better control of waste shipments. Progress to date includes the identification of key partners in Ghana, including the Environment Protection Agency and in the Customs, Excise and Preventative Service, and joint working to develop an action programme. One visit was carried out in 2008 and another is planned for March 2009. As part of this they hope to meet with the Minister for the Environment and the Dutch Embassy in Ghana.

Joseph Domfeh from the Norwegian Pollution Control Authority gave the final presentation on Innovative Communication. He highlighted some of the reasons for the high demand for used goods in some African countries; motives of the exporters, both legitimate and illegal; advantages of used goods versus problems of waste dumping; the dilemmas of the exporters; and how to convey the necessary information to the exporters. He provided some facts and figures on West African countries including that 35 tonnes or 1000 televisions arrive daily in Ghana or Nigeria.

He also emphasized that communication between waste regulation authorities and the exporters may enhance compliance with Reg. No. 1013/2006. In light of this, Norway is working on a brochure providing the guidelines on export of good quality used goods. This should be available shortly.

Issues to Address

Discussions included the need to distribute the brochure amongst the exporters in Europe to advise them what to look for. Channels for the distribution of the brochure may include: shipping or transport companies; websites of competent authorities and some African countries; Unions of some African communities in Europe etc. The important principle is that the goods must be capable of being used in the destination country and therefore not classed as waste. There needs to be investment throughout Europe to improve the quality of exports and this should include testing, labelling and packaging. There was a desire to have a clear picture of the market and how it works as there is clearly a demand for this material but it must be established where this demand comes from and why.

The discussion identified the need to include the police services in both Europe and the African countries as part of the project. This should link in with the work previously carried out by the Interpol Secretariat.

Subsequent discussion highlighted the need to involve NGOs such as Oxfam. Also there was a need to understand the market in Africa especially for electronic goods and for e-waste. Part of the project should identify the flows of EEE and WEEE and how the financing happens, including import taxes and who buys the imported materials. One participant stated that in their Member State they are aware that CRTs are bought very cheaply with the sole intention of them being shipped abroad. Although they have an idea of the flow in their own MS they do not know what happens to it once it gets to countries such as Nigeria.

Further Work

There was a call for participation by other Member States as the project requires at least two more member states to take part. A project meeting will be planned shortly after Easter. Possible participation at the kick-off meeting in Geneva in May for the Basel Secretariat E-waste Project was discussed. The planned workshop in Ghana referred to in the ToR will presumably take place in October or November this year.

The importance of coordination between the different projects and activities were stressed during the discussion. A compilation based on existing information was suggested as a possible task for the IMPEL-TFS African collaboration project.

The workshop identified that other organisations may need to be involved in the project such as the police authorities and Interpol.

The next steps for the project will be the dissemination of the presentations to all participants of the IMPEL conference. Further comments are welcomed.

Workgroup 4 – IMPEL TFS E-waste project: Tackling illegal E waste exports

Chair: John Burns

Reporter: David Bradley

Introduction

This workshop provided an opportunity to demonstrate how the Environment Agency for England and Wales has developed an approach for tackling illegal waste exports which incorporates a control strategy that aims to implement a number of interventions and that is capable of transfer to other project participants.

Aims

- Advise how regulators can better understand E waste export trade
- Explain how a control strategy can be developed.
- Share progress amongst participants to date.
- Agree future actions amongst participants.

Feedback

The outcomes of the workshop were:

- Good practice is being developed but it is recognised that not all participants have access to the resources to develop and implement good practices that are available
- Not all participants are at the same level of understanding that enables a coordinated and consistent application of the legislation
- It is recognised that one approach does not suit all and does not work in all circumstances
- It is recognised that more collaborative work is needed to support less capable participants in developing their enforcement approach and that should be reflected in future workshops and action plans
- There are a range of international projects associated with/dealing with E waste issues either running or planned and in order to avoid wasting resources international coordination is required

Workgroup 5 – Developing Criteria for Waste Shipment Inspections

Facilitator: Andrew Farmer

Reporter: Marina de Gier

Introduction

Effective inspection is critical in ensuring that the objectives of the Waste Shipment Regulation are met. As a result DG ENV has commissioned a project to examine the principles and practice for inspection as required under the Waste Shipment Regulation with the aim of identifying criteria for efficient and effective inspection regimes that may be promoted at EU level. Such criteria could be promoted in various ways, from establishment in EU law to being set out in EU guidance or exchange of information on best practice.

Aims of the workshop

The workshop aimed:

- to support this work by enabling IMPEL members to discuss different aspects of inspection systems (from inspection planning to processes and procedures used and capacities for inspectorates) with a view to considering how criteria can be identified;
- and to encourage participants to identify examples from their own Member States (or indeed other experience) which can contribute to the project's objectives.

Outcome of the workshop

The workshop started with a brief introduction to the project by Andrew Farmer.

The discussion was structured according to 4 specific aspects of waste shipment inspection:

- 1) Planning for waste shipment inspections;
- 2) The inspection process;
- 3) Working with others
- 4) Capacity of authorities

Remarks from the participants about planning for waste shipment inspections:

- While it is important to have a yearly inspection plan, it is also beneficial to have a multi annual inspection plan; it makes it easier to set up collaboration with other partners like police and customs, but also to avoid discussion each year about the needed capacity;
- Most countries have a yearly inspection plan, for example Belgium makes a yearly inspection plan. This plan contains road inspections, port inspections and inspection of facilities;
- It is also important to carry out a risk assessment and focus on the high-risk environmental crimes. Such a risk assessment has different layers. For example, this can begin with a particular waste stream and then the next step is to look at what the risks are in relation to that waste stream and how to react to them;
- Some countries have problems with their capacity. There is a lack of capacity to cover all the priorities;
- While it is important to carry out risk-based projects, it is also necessary to carry out random inspections/checks, because the input from random inspections is needed to provide the information for a risk assessment. Some countries do both, for example Portugal;
- The outcomes of a risk assessment will differ between countries and even between regions within one country;
- Because of a risk assessment you see changes in how inspections are carried out, for example facility inspections instead of road inspections;
- A level playing field is important to avoid port hopping;
- Notified shipments are less important than other waste streams;
- Sometimes it is very difficult to execute the inspection plan. For example if you visit a facility three days in advance before a container is exported, the owner will tell you that the driver is ill and that you have to come back another time and when you come back the driver is still ill or already gone.

Remarks from the participants about the inspection process:

- The inspection process is related to the outcomes of the risk assessment; depending on the outcome of the assessment an inspection can be more or less intensive;
- Also during an inspection the process can change, for example seeing a container with contaminated plastics can be a reason also to carry out a facility inspection;

- There is no one process, it is dependent on different criteria, for example intelligence and cooperation;
- Minimum criteria could be: the level of training of the inspectors, the needed equipment, the level of knowledge how to deal with an illegal shipment (part of the training).

Remarks from the participants about working with others:

- It is preferable to have a formal agreement with other involved parties;
- Elements which should be part of the agreement are: training of police/customs, amount of inspections, the assistance of the competent authorities (who does what), intelligence sharing and joining meetings;
- You could have problems with information sharing between customs and other authorities; they have a lot of interesting information which inspectorates are not allowed to see;
- In some countries it is important to improve cooperation with the states/counties in that country who are hardly enforcing the WSR.

Remarks from the participants on capacity of authorities:

- It is difficult to determine, it depends on the outcome of the risk assessment and the type of inspection (port, road or facility inspection);
- Capacity is based on a inspection plan, but an inspection plan is also based on the available capacity;
- Counting the number of notifications is not the way to determine the necessary capacity, the problems are with shipments which are not notified;
- Maybe it is possible to consider it around a certain percentage of the amount of movements.

Workgroup 6 – Probo Koala: ‘Lessons to learn’

Chair: Nancy Isarin

Reporter: There Kjell

The work shop focused on the situation Trafigura – Vest Tank in a broader view, including the Probo Koala incident.

Ms Nancy Isarin opened with a presentation about the similarities between the Probo Koala incident and the Vest Tank explosion. They both included waste from washing high sulphur nafta and were produced by the same company, with only a few months in between.

Two questions arose from the analysis of the incidents:

1. Can/Should we consider high sulphur nafta as waste?
2. It is the same process, the same company and the same waste. Is there cooperation between the separate investigations?

Aim of the Workshop was therefore to discuss the following:

- What can we learn from these cases?
- Were these just incidents or the tip of the iceberg?
- In legal terms (MARPOL versus Basel, competences, etc)
- Practical terms (who inspects, how, information)
- Can we prevent these cases? If so, how?

And should we propose measures within IMPEL or just at MS level?

- What do individual MS's do?
- IMPEL project proposal?
- What kind of project? (assessment, methodology, enforcement, joint investigation team, etc)

The discussions clarified that it is important to distinguish between the oil fraction and the waste fraction. The oil fraction clearly has a value as a product. When it comes to cooperation situation, the investigative teams are in contact and do exchange information. For similarly linked incidents in the future there might be interesting to form a joint investigative team early in the process. The discussions concluded that there is a gap and uncertainties regarding what international conventions apply due difficulties in defining waste and the fact that it is generated on board the vessel. There could be a possibility for IMPEL to play a role in searching for solutions to improve future preparedness, provided that that role is clearly defined.

Ms Francesca Cenni from the Basel Convention Secretariat gave a description of a project they are running in Côte d'Ivoire to follow up on the Probo Koala incident. They are currently in the analysis phase where they go through the national legislation to identify the correlation to international conventions.

Mr Bjørn Bjørnstad from the Norwegian Pollution Control Authority gave a brief presentation on the work that has followed after the Vest Tank incident. One conclusion from the following discussions was that it is clearly more difficult to inspect liquid waste than solid waste. Norway also experiences that it is problematic that there is no inspection before the cargo is on its way to being unloaded. They are looking for other countries that can share experiences and identify methods.

Lastly, the group noted that there was not enough time at the work shop to evaluate the role of IMPEL in the process following these incidents. However, judging from the discussions in the group there is potential for improvement and to enhance our capabilities to meet a similar situation in the future. The role for IMPEL could be to evaluate needs and methods for cargo inspections, but there are possibilities to provide IMPEL with further suggestions on the assistance IMPEL could provide.

Annex I. CONFERENCE PROGRAMME

PROGRAMME IMPEL-TFS CONFERENCE 18 – 20 MARCH 2009 ÖSTERSUND, SWEDEN

DAY 1	IMPEL TFS-conference, 18-20 March 2009, Östersund (Sweden)
Wednesday 18 March	MORNING SESSION UNTIL 13.00 HRS FOR THE IMPEL-TFS NATIONAL CONTACT POINTS ONLY!!!
09.00 hrs	Registration
09.15 hrs	Opening <i>By Jenny van Houten (The Netherlands)</i>
09.30 hrs	Update Multi Annual Workprogramme / IMPEL TFS website <i>By Nancy Isarin (IMPEL TFS Secretariat)</i>
09.45 hrs	Interim operations <i>By Marek Porycki (Poland)</i>
10.15 hrs	‘Waste without Borders in the EU’ - EEA Report <i>By Krzysztof Wojcik (European Environment Agency)</i>
10.45 hrs	Coffee / Tea break
11.00 hrs	Case Study (1) <i>By Audrius Zelvys (Lithuania)</i>
11. 20 hrs	India Visit <i>By Johan Huijbreghts (The Netherlands)</i>
11.40 hrs	Case Study (2) <i>By Mário Grácio (Portugal)</i>
12.00 hrs	Lunch for NCP’s

13.00 hrs	Registration Conference participants
13.30 hrs	Welcomes's word by host <i>Ms. Britt Bohlin (County Governor, County Administrative Board, Jämtland)</i>
13.45 hrs	Adoption agenda & Update IMPEL-TFS Steering Committee and Projects <i>by Mr. John Burns (chair IMPEL-TFS Steering Committee)</i>
14.15 hrs	WSR Criminal Cases in the Netherlands <i>By Mr. Rob de Rijck (Public Prosectur, the Netherlands)</i>
15.00 hrs	Coffee / Tea break
15.30 hrs	Update other involved organisations <ul style="list-style-type: none"> - <i>European Commission (Mr. Peter Wessman)</i> - <i>Secretariat of the Basel Convention (Ms. Francesca Cenni)</i> - <i>World Customs Organisation (Mr. Hui Fu)</i>
16.30 hrs	Case study: Vest Tank Explosion <i>By Mr Per Knut Vistad (Police officer, Norway)</i>
17.00 hrs	Closing day 1
18.00 hrs	Departure from hotel lobby for formal diner.

DAY 2	IMPEL TFS-conference, 18-20 March 2009, Östersund (Sweden)
Thursday 19 March	
09.00 hrs	Opening remarks by chair <i>Ms Marina de Gier (member of the IMPEL-TFS Steering Committee)</i>
09.05 hrs	Waste Fraud Project Port of Antwerp - An integrated collaboration" <i>By Mr. Bart Palmans (Environmental Inspector, Belgium) and Mr. Marc van Cauteren (Public Prosecutor, Belgium)</i>

09.40 hrs	<p>Introduction workshops</p> <ol style="list-style-type: none"> 1. Verification at destination countries – Focus on Asia <ul style="list-style-type: none"> - <i>By Carl Huijbregts (Netherlands)</i> 2. Criminal investigations <ul style="list-style-type: none"> - <i>By Mr Huib van Westen (Netherlands)</i> 3. EU – Africa collaboration <ul style="list-style-type: none"> - <i>By Mr Joseph Domfeh (Norway)</i>
10.00 hrs	Workshops 1, 2 and 3
12.00 hrs	Plenary feedback
12.30 hrs	Lunch
14.00	<p>Opening afternoon session by chair <i>Mr Rainer Werneburg (member of the IMPEL-TFS Steering Committee)</i></p>
14.05 hrs	<p>Introduction workshops</p> <ol style="list-style-type: none"> 4. E-waste project <ul style="list-style-type: none"> - <i>By Mr John Burns (United Kingdom)</i> 5. Study on Legal Requirements for Waste Shipment Inspections <ul style="list-style-type: none"> - <i>By Mr Andrew Farmer (IEEP)</i> 6. Probo Koala: lessons to learn <ul style="list-style-type: none"> - <i>By Ms Nancy Isarin (IMPEL TFS Secretariat)</i>
15.30hrs	Plenary feedback
16.00 hrs	Closing Day 2 & Preview Day 3
17.00 hrs	Departure from hotel lobby

DAY 3	IMPEL TFS-conference, 18-20 March 2009, Östersund (Sweden)
Friday 20 March 09.00 hrs	Opening remarks by chair <i>Mr Pat Fenton (member of the IMPEL-TFS Steering Committee)</i>
09.05 hrs	View by Industry and NGO's <ul style="list-style-type: none"> - <i>Sakab AB, by Mr Fredrik Alvelöv</i> - <i>Umicore, by Mr Thiery van Kerckhoven</i> - <i>Environmental Investigation Agency, by Ms Fionnuala Walravens</i>
10.30 hrs	Coffee break
11.00 hrs	Open session <i>Announcements, outstanding questions, remarks, etc</i>
12.00 hrs	Conclusions and Evaluation of the conference
12.15 hrs	Closing of the Conference
12.30 hrs	Lunch
14.00	Departure

Annex II. ATTENDANCE LIST

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