

European Union Network for
the Implementation and Enforcement
of Environmental Law

**IMPEL CLUSTER 2
TRANSFRONTIER SHIPMENTS OF WASTE "TFS"**

IMPEL-TFS CONFERENCE 2012 REPORT

*Liverpool, United Kingdom
29-31 May 2012*

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 EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. 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. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

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

www.impel.eu

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Executive Summary <p>Between 29 and 31 May 2012 the annual IMPEL-TFS conference was held in Liverpool, UK. 100 Delegates from 26 IMPEL Member Countries, Serbia and Switzerland attended the meeting. They were joined by global organisations including Interpol, the World Customs Organization, the Secretariat of the Basel Convention and the Asian Network on the Prevention of Illegal Transboundary Movements of Hazardous Waste. Representatives from industry and NGOs also attended the meeting.</p> <p>The conference concentrated on the ongoing activities and projects of the IMPEL cluster that is dedicated to the issue of transfrontier shipments of waste (TFS). New project proposals, activities from partner organisations, the consequences of the end-of-waste criteria in relation to the enforcement of the Waste Shipment Regulation, national case studies, improving the recycling of end-of-life vehicles and compliance tools were presented and discussed. High interest was there for the development of a network of public prosecutors under the umbrella of IMPEL. A separate session was held on the emerging issue of ship dismantling and recycling.</p> <p>The conference remains a good opportunity to network and share experiences with good inter-agency involvement and the discussions at the conference created valuable input for the work of the Waste Shipments Correspondents. Participation by industry was again welcomed.</p> <p>It was recommended that IMPEL TFS should gather case studies, do further research on end markets for used equipment and e-waste in relation to possible import restrictions by the receiving countries, consider to perform a project or draft guidance documents on the implementation and enforcement of the end-of-waste criteria regulation and gather input and feedback concerning the usability of Correspondents Guideline N°9 on waste vehicles, for possible guidelines on GC010 and GC020 and suggestions for HS codes.</p> <p>It was recommended that the European Commission should take into account the outcomes of the Practicability and Enforceability Assessment of the Waste Shipment Regulation, carried out by IMPEL TFS and consider the recommendations concerning a better enforcement of the End-of-Waste Regulation in relation to the Waste Shipment Regulation.</p>	
Disclaimer This report on the IMPEL TFS Conference 2012 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.	

TABLE OF CONTENTS

1. INTRODUCTION	8
2. CONFERENCE PROGRAMME	9
3. CONFERENCE CONCLUSIONS AND RECOMMENDATIONS	24
4. SUBGROUP DISCUSSION - SUMMARY OF THE OUTCOMES	25

Annexes:

I. Conference Programme

II. Attendance List

III. Terms of Reference

IV. Speech Lord Taylor of Holbeach

1. INTRODUCTION

Between 29 and 31 May 2012 the IMPEL-TFS conference was held in Liverpool, UK. The conference, which since 1992 is organized annually by the IMPEL network, relates to the control of Transfrontier Shipments of Waste (TFS) as regulated in the EU Regulation 1013/2006 (hereafter referred to as the WSR).

100 Delegates from 26 IMPEL Member Countries, Serbia and Switzerland attended the meeting. They were joined by global organisations including Interpol, the World Customs Organization, the Secretariat of the Basel Convention and the Asian Network on the Prevention of Illegal Transboundary Movements of Hazardous Waste. Representatives from industry and NGOs also attended the meeting.

The conference concentrated on the ongoing activities and projects of the IMPEL TFS cluster, new project proposals, activities from partner organisations, the consequences of the end-of-waste criteria in relation to the enforcement of the WSR, national case studies, end-of-life vehicles and supportive tools. A new topic on this year's agenda was the topic of ship dismantling and recycling.

The main aims of the conference were:

- To exchange, share and discuss experiences and best practises with the enforcement of the WSR;
- To inform the participants on the progress of running IMPEL TFS projects and discuss possible new activities of IMPEL TFS;
- To increase awareness and build capacity among all involved authorities responsible for the enforcement of the WSR;
- To stimulate cooperation and form partnerships with relevant third countries and international organisations;
- To reach an efficient collaboration between waste enforcement authorities, police services, customs authorities and public prosecutors.

2. CONFERENCE PROGRAMME

The conference was chaired by **Mr. Matt Williamson** of the Environment Agency for England and Wales on the first day and by members of the IMPEL TFS Steering Committee: **Mr. Kevin Mercieca, Mr. Jon Engström and Ms. Magda Gask** on the second and third days respectively.

Day 1 Programme

The first day of the conference was divided in two parts. A session in the morning was dedicated to the IMPEL-TFS National Contact Points, while the afternoon programme included a number of presentations updating a wider audience on activities related to the transfrontier shipments of waste.

The conference, which was hosted by the Environment Agency for England and Wales (United Kingdom), was opened by **Lord Taylor of Holbeach, Parliamentary Under-Secretary**. He welcomed all the participants to Liverpool, an important port in the UK. His speech underpinned the importance of working towards a zero-waste economy and not only to improve the recycling of waste materials, but also the quality. He also recognized the role of IMPEL as a facilitator for good collaboration among the frontline regulators.

A copy of his speech is included in annex IV.

Mark Easedale, Environment Manager, Merseyside, Environment Agency (UK) then provided a welcome address to the group. After explaining the origin of the “Super Lambananas” that can be found throughout Liverpool, he presented an overview of the Environment Agency, their aims and activities.

The programme of the conference was presented by **Matt Williamson, Environment Agency (UK)**, chair person for the first day, and after the adoption of the programme the first session of presentations started.

Paul Batty, project manager, Environment Agency (UK) introduced the project: ‘European Pathway to Zero Waste’ - achieving zero waste to landfill (EPOW). The project aims to reduce waste crime and support new markets for reuse and recovered materials. Three pilot studies have been carried out under the project, and for this presentation the focus was on the study: ‘Good practice guide for managing illegal waste exports’. The guide answers questions like: ‘how can I prevent non-compliant waste exports’, ‘what are the consequences of non-compliance’ and ‘what regulations do I need to comply with’. The guide further contains reference to the ‘Environment Agency Waste Exports Controls Tool’, includes various case studies and explains relevant terms, such as waste, recovery and properly sorted.

Further information about the EPOW project is available at the website:

<http://www.environment-agency.gov.uk/aboutus/wfo/epow/123624.aspx>.

The guide is available here:

<http://publications.environment-agency.gov.uk/PDF/GEHO0412BUML-E-E.pdf>

After the presentation of the EPOW project, the audience was provided with an update on all running IMPEL TFS projects by the project managers.

▪ Public Prosecutors Project – Rob de Rijck (Netherlands)

This project aims to develop a European network for public prosecutors dealing with Waste Shipment Regulations cases and assess the possibilities to set up a database for the exchange of case law and sanctioning policies in Waste Shipment Regulation cases. During the two project team meetings that took place an outline for such a database was drafted. Also a programme for a workshop for 20 – 25 European prosecutors was developed. This workshop will take place in 13 and 14 November 2012 in Spain and should outline the further development of the network.

Some actual information exchange between the project team members has taken place. In a case in the UK, reference was made to a Dutch sentencing. Also penalty policies were shared among the team members.

To the question if this project was for EU public prosecutors only, the project manager responded in the affirmative.

▪ Enforcement Actions 3 Project – Katie Olley (Scotland)

Katie Olley presented the aims of the project, which are to develop operation enforcement collaboration across participating countries, to prevent and detect illegal waste shipments, to deter illegal waste exporters and to work towards an adequate level of inspection in all Member States. The results of the first inspection action held in March 2012 during which 15 countries participated, led to 1703 inspections of which 17,6% were waste shipments. The average non-compliance rate during this action was around 17%. Most frequent violations were shipments subject to the export ban, for example e-waste, ELVs and car parts to non-OECD countries.

As this inspection action took place before the official project conference, the expectations are that for future actions more countries will participate and more inspections will be performed.

Furthermore 2 exchanges took place between inspectors from Belgium, Netherlands and Germany.

The project manager and the newly appointed consultant are currently preparing the project conference that will take place back-to-back with the DTRT-TFS workshop, 19-20 June in Utrecht (NL).

Two more inspection actions will take place in 2012.

The question was asked what the basis was for the inspections. This varied per country; some performed their inspection based on intelligence, others at random.

▪ Waste Sites Project – Thomas Ormond (Germany)

The Waste Sites Project aims to develop a better understanding of problematic waste streams and the role of upstream waste sites in them, to exchange of best practices concerning such waste sites, to develop guidance on site identification, inspection and follow-up and to promote better collaboration between relevant agencies. Besides several project team meetings and a workshop September last year, the project team outlined the content of the guidance material. Test inspections are foreseen to take place after the summer, followed by finalising the guidance tools.

The biggest challenge is to identify and understand smaller/informal/illegal sites involved in (illegal) waste treatment and/or transport operations.

Thomas posed two questions to the audience:

1. Do you have new national guidance for detection, inspection and compliance measures regarding waste sites?

2. Do you want to join test inspections in September 2012?

A member from the audience asked if the project also includes temporary sites, such as auctioning sites.

Thomas responded by saying that all type of upstream facilities are in principle included.

- Doing-the-Right-Things TFS – Marina de Gier (Netherlands)

The aim of this project is to provide a practical tool based on the DTRT Guidance Book developed by IMPEL Cluster 1 to improve the organisation and implementation of waste shipment inspections. During the project the team, assisted by a consultant, combined the criteria on minimum criteria of waste shipment inspections (study EC) with the inspection cycle of the DTRT methodology.

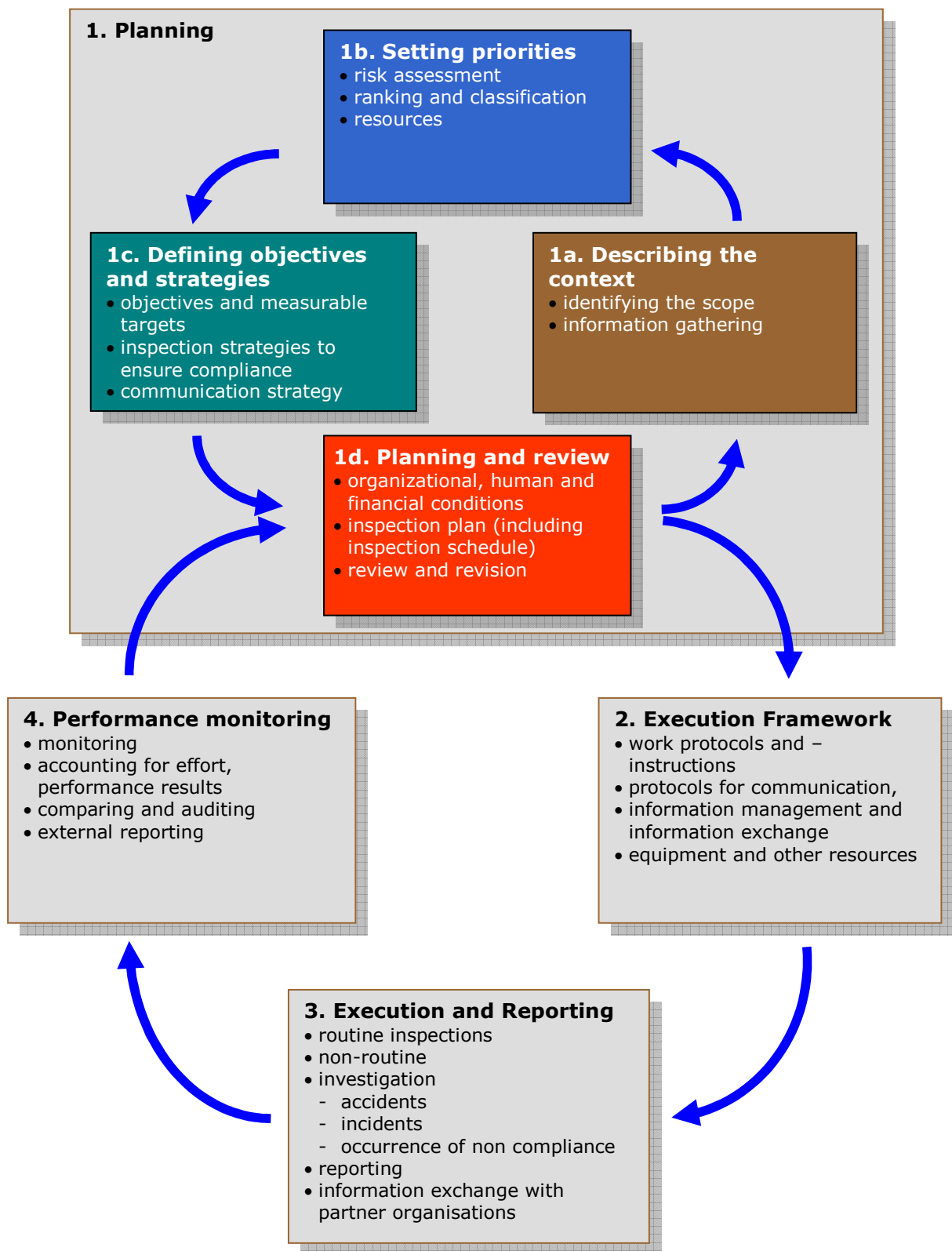


Figure 1; Environmental Inspection Cycle (from DTRT-TFS Step-by step Guidance book, draft November

Input by other member countries has been facilitated by sending out a questionnaire at the end of last year. The next steps are to explain, to discuss and to improve the draft DTRT-TFS Guidance Book during a workshop that will take place 18-19 June in Utrecht (NL). Based on the outcome of the workshop, the Guidance Book will be finalised and presented to the IMPEL General Assembly in December 2012 for adoption.

▪ Asian Collaboration – Marina de Gier (Netherlands)

As various countries in the Asian regions play a key role in waste exports from the EU, improved collaboration between the EU and the Asian countries is required. This project aims to share experiences between the IMPEL TFS programme in Europe and the Asian Network, to clarify the national laws and requirements of waste imports and exports, to gather information about licensed facilities in Asia that work in an environmentally sound manner and facilitate verification requests to check the (final) destination and treatment of shipped waste.

Over the last couple of years representatives of the Asian Network have participated in the IMPEL TFS conferences and members of the IMPEL TFS Steering Committee participated in the Asian conferences. This has led to a better understanding of the legislative frameworks, an improved contact regime and a higher number of verifications. The next step is for IMPEL TFS together with the Asian Network, to develop a proposal to further exchange and share information in relation to transboundary movements of waste and ESM facilities in Asian countries. The idea is to set up a special area on Basecamp where Asian and IMPEL contact persons can ask and share information regarding: verification, facilities, legislation, return shipments etc. This will be led by Carl Huijbregts (NL).

Questions after the presentation related to the involvement of Pakistan, India and Bangladesh and the role of customs in general in the Asian collaboration. The mentioned countries are not served by the two Basel Convention Regional Centres that are involved in the Asia network. The role of customs is there but limited and also depends on the individual countries.

▪ Practicability and Enforceability Assessment of the WSR – Nigel Homer (UK)

Drawing on the work of the IMPEL Better Regulation Cluster (Cluster 3) to develop and use a checklist on the practicability and enforceability (P&E) of legislation, this project carried out an assessment of the WSR. A questionnaire was produced to collect views from the project participants. The responses were then discussed during a project workshop November last year in Brussels. The report highlights the key practicability and enforceability questions and areas which, in the opinion of the IMPEL experts, need particular attention, such as:

- Enforcement remains an issue for many MS. It was recognized that inspection could be carried out more effectively, but one size doesn't fit all;
- Problems with waste classification
- Common Electronic Notification system needed, also for Annex VII
- The role of brokers and their accountability
- Lack of a de minimus

Once the report has been officially adopted by the IMPEL General Assembly, it will be sent to the European Commission.

Asked was about the state-of-play concerning the EUDIN project. This is unclear, but Sweden informed the group about the Nordic system that is being developed to facilitate electronic notifications. This system will also be presented at the upcoming Waste Shipments Correspondents meeting.

A member of the audience asked about the use of financial guarantees. As far as Nigel was aware, they were there but they never have been used to cover the costs for return, storage and/or treatment in case a shipment was not carried out according to the information provided during the notification.

Ireland informed the group about a web-based system they have developed for Annex VII forms. It was recommended that this system should be shared among the other TFS colleagues.

▪ **EU – Africa collaboration - Simonne Rufener (Switzerland)**

Simonne Rufener provided this presentation on behalf of Joseph Domfeh, project manager of the Africa collaboration project.

The main aim of the project is to effectively clamp down on illegal shipments of waste to Africa by establishing a formal network of contacts in key African countries, raising awareness and promoting the implementation of the Basel Convention, assessing current situation regarding imports from EU and possible import restriction in African countries and agreeing on how to deal with verification requests, detected illegal shipments and their return.

This project is closely linked with the E-waste Africa project which is coordinated by the Secretariat of the Basel Convention (SBC). Component 4 of the project, on enforcement, is implemented with another implementing partner: the Basel Convention Coordinating Centre in Nigeria (BCCC-Nigeria).

The project started in November 2009 with a joint workshop in Ghana, which created the foundation for contacts and information sharing. Under component 4 of the SBC E-waste Africa project a training curriculum for port and customs authorities, governmental officials and accreditation authorities has been developed by IMPEL, the BCCC-Nigeria and SBC, including training workshops in the participating countries and an exchange programme for officials of these countries in Europe. In particular, IMPEL experts supported a two-week training programme on e-waste inspections and management organised in the Netherlands and Belgium in 2010 as well as were they involved in four national e-waste training workshops carried out in Ghana, Benin, Nigeria and Egypt in 2011.

Furthermore, as a part of the component 4 of the E-waste Africa project, a communication tool for exchanging information on shipments of used electrical and electronic equipment (UEEE) and waste electrical and electronic equipment (WEEE or e-waste) between exporting and importing states in Africa and Europe and E-waste Inspection and Enforcement Manual was developed.

The final report of the project will be presented at the upcoming IMPEL General Assembly for adoption.

Ms. Juliette Voinov Kohler, Policy and Legal Advisor, Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, informed the group about the activities undertaken by the Secretariat to improve the enforcement of the Basel Convention and about relevant outcomes of the tenth meeting of the Conference of the Parties (COP-10, held on 17-21 October 2011 in Colombia).

One of the key outcomes of the COP-10, which was attended by 118 Parties well as 2 non-Parties, UN agencies and intergovernmental organizations and a number of non-governmental organizations, private sector and business organizations, was the agreement reached over the requirements necessary for the entry into force of the Ban Amendment that pertains to the prohibition by OECD Parties of transboundary movements of hazardous wastes to non-OECD States

Furthermore the COP adopted elements for the Strategic Framework (SF) 2012 – 2021, such as the vision, guiding principles, strategic goals and objectives, the means of implementation, the indicators for measurement of achievement and performance and evaluation. The SF provides the roadmap for BC implementation for the next decade and beyond in a progressive manner.

The COP also adopted a decision in relation to the Indonesian-Swiss Country-Led Initiative (CLI) to improve the effectiveness of the Basel Convention. Key elements of this decision are:

- Addressing the entry into force of the Ban Amendment;
- Developing guidelines/framework for environmentally sound management (ESM);
- Providing further legal clarity and guidance on BC terminology and related terms + options for how to deal with end-of-life goods;

- Further strengthening the BCRCs: identification of priority activities to be included in the business plans;
- Combating illegal traffic: stimulation of networks, best practices on the take back procedure, reporting of cases of illegal traffic, the Implementation and Compliance Committee to oversee activities;
- Assisting developing countries to prohibit imports of hazardous waste (HW);
- Capacity building.

Ms Voinov Kohler also reported on the other decisions adopted by COP-10, including on the Regional Centres, Technical Guidelines on the ESM of used and waste pneumatic tyres, the ESM of mercury wastes, co-processing of hazardous waste in cement kilns, MPPI guidance document on ESM of used and end-of-life mobile phones, PACE guidance document on ESM of used and end-of-life computing equipment (adopted without chapter on TBM, yet).

She then presented developments that took place since COP-10, in particular the work of the technical expert group working on developing a draft ESM framework and the Secretariat's enforcement activities (EU Africa E-waste project, the Probo Koala Programme, Workshop for prosecutors and development of training tools for Customs and police). The last topic of the presentation concerned the work carried out by the Implementation and Compliance Committee (ICC) on the issue of illegal traffic: draft ToRs concerning cooperative arrangements for preventing and combating illegal traffic are being finalized, and the ICC has initiated its work towards the elaboration of guidance on the take-back provision.

The European Commission/DG Environment was represented by Mr. George Kiayias. He presented the activities by the European Commission in the area of improving implementation and enforcement of EU waste law. He first informed the audience about new legislation that came into place or will come into place in the near future: in 2011 Commission Regulation (EU) No. 664/2011 of 11 July 2011 amending Annex IIIA with new mixtures of 'green'-listed wastes was adopted and in 2012 Commission Regulation (EU) No. 135/2012 of 16 February July 2011 amending Annex IIIB to include certain unclassified wastes as 'green'-listed wastes came into force. In the pipeline are amendments of Annexes VII (Box 10), IC and VIII.

The issue of Electronic System for Data Interchange will be on the agenda of the Waste Shipments Correspondents meeting, where a way forward will be discussed. Mr Kiayias further informed the group about the developments concerning the Correspondents guidelines. Commission's services are also reflecting on the feasibility to amend the HS nomenclature for waste materials, as a follow up of one of the decisions that were taken at COP-10.

Till probably the end of 2016 DG TAXUD is stepwise updating the Customs Tariff Database (TARIC) to include the know-how from the results of a study in the correspondence between Customs codes and Waste codes. DG Trade is preparing an amendment of Regulation (EC) 1418/2007 to include mixtures of waste.

George asked the group for input and feedback concerning the usability of Correspondents Guideline N°9 on waste vehicles, for possible guidelines on GC010 and GC020 and suggestions for HS codes.

Mr. Marco Antonio Araujo de Lima from INTERPOL, Environmental Crime Programme informed the audience about the activities of his organisation. The Environmental Crime Programme was established in 2009 and its mission is to assist all law enforcement agencies in effective enforcement of (inter)national environmental legislation and treaties, by:

- Boosting know-how, skills and co-operation in enforcement;
- Making secure international exchange of intelligence;
- Giving operational support in the field;
- Providing chances to network and share best practices.

Programme manager is David Higgins and Emile Lindemulder is intelligence officer. Marco's role into the programme is to provide operational input. The projects carried out under the Environmental Crime Programme are solely funded by external sources outside INTERPOL. Currently no funding is available to run projects that aim to combat illegal shipments of waste. A new operation on e-waste is waiting for funding to kick off.

Mr. Laurent Pinot from the World Customs Organisation Regional Intelligence Liaison Office West-Europe presented the preliminary outcomes of the operation 'Demeter II'. In this operation, which aimed to detect illegal shipments of hazardous waste, 77 WCO members took part. The Basel Convention Secretariat, Interpol and IMPEL supported the operation. The CENcomm system and warning messages were among the main tools used. Numerous seizures were performed predominantly in Europe and involved shipments of e-waste, plastic waste, used vehicles parts and tyres, mixed metal scrap and CFC-containing fridges. He explained that its final report was in process of preparation and would be shortly available.

After this, the speaker explained the web-based tool Environet, developed by the WCO. Environet is real-time communication tool for information exchange and cooperation in the area of environmental border protection. ENVIRONET aims to:

- Share best practices
- Provide downloadable training materials, identification guides, and other background information
- Exchange information on seizures, and possible on-going trafficking
- Create discussion forums on specific topics
- Facilitate assistance by experts
- Facilitate cooperation between Customs administrations, competent agencies and international organizations

In order to get access to Environet, the applicant can request an access form at the WCO. The access form should be signed by the Customs National Contact Point of Regional Intelligence Liaison Office (RILO) in each country and submitted to the WCO Secretariat. Applicants from international organizations and their regional networks may send their forms to the WCO Secretariat. NCPs of RILO in each country should be the contact point for administrative issues concerning ENVIRONET.

More information about Environet: <http://www.wcoomd.org/press/?v=1&lid=1&cid=6&id=183>

After the presentation by the WCO, Mr. Matt Williamson thanked all the speakers for their presentations and the audience for their participation and closed the first day of the programme.

Day 2 Programme

Mr. Kevin Mercieca (Malta), current chair of the IMPEL TFS Steering Committee and chair person for the morning session of the 2nd day of the conference, opened the session and explained the programme.

Ms. Zofia Tucinska (Sweden), chair of the IMPEL Board, took the floor to inform the participants about the development of an IMPEL Multi Annual Strategic Programme 2013-2015. Input from the members of the IMPEL TFS cluster is kindly requested and can be sent to IMPEL via the IMPEL National Coordinator. More information: <http://impel.eu/work-programme/>

The German State of Bavaria has developed a catalogue of criteria for distinguishing products and waste. This tool was introduced by **Ms. Katharina Aiblinger-Madersbacher (Germany)** and provides guidance for state authorities in Bavaria concerning:

1. End-of-Life-Vehicles (ELV),
2. Spare parts of ELV,
3. Used tyres,
4. Waste Electrical and Electronic Equipment,
5. Used textiles.

With clear photos and workable criteria she went through all the above-mentioned categories.

A member of the audience asked if certain profiles are used for the road inspections. Katharina explained that the two main criteria are the trucks carrying a sign with the letter 'A' or damaged containers.

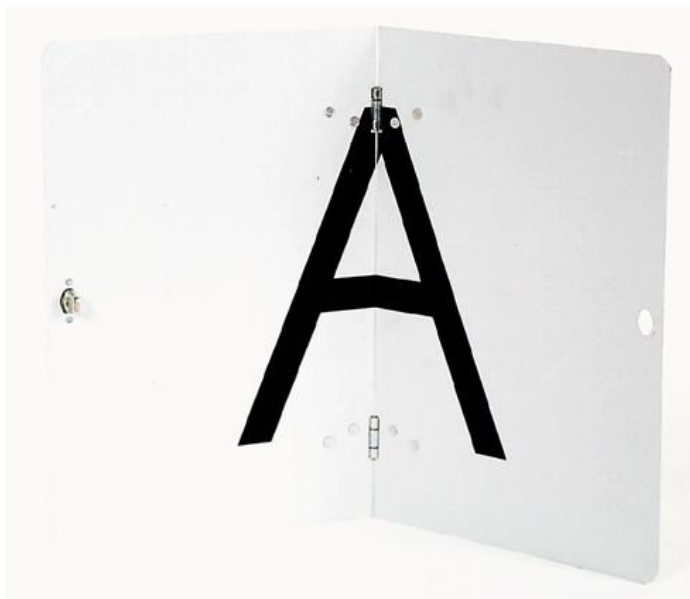


Photo 1. A-sign (source: <http://www.truckdesign.eu>)

Then **Harald Junker from the German Federal Environment Agency** touched on typical cases of infringements of the WSR in Germany. He first explained problems that exist with key transit routes through Germany, followed by examples of infringements such as African storage habits, safety aspects during transport and fake labelling of CFC-containing compressors. He ended his presentation with the enforcement statistics in Germany for 2010.

Take-backs	73	
Administrative fines	40	Total 23000 €; Maximum 4000 €
Court fines	7	Between 500 and 5000 €
Prison sentences	1	Between 6 and 9 months

After the presentation, Kevin Mercieca introduced the workshop sessions. The reports of the workshops can be found in chapter 4.

After the workshops **Katie Olley (Scotland)** shortly presented the Green List Guide, as developed by the Danish Environment Agency and translated into English with financial support from IMPEL. The guideline is based on guidance developed by Austria and addressed to all actors active in the waste chain: producers, processors, hauliers, exporters and competent authorities. The guideline deals with various criteria that should be kept in mind when classifying green listed waste, such as possible contamination and the Annex III chapeau. Classified by waste streams, the guidance includes images, code and short name, designation, description and examples of EWC codes.

An Austrian representative informed the group that the Austrian guidance is now also available in English.

The Danish guideline is available on IMPEL's website:

<http://impel.eu/news/classifying-green-list-waste-under-the-waste-shipments-regulation>

After the lunch break, **Jon Engström (Sweden)**, member of the IMPEL TFS Steering Committee, opened the afternoon session.

Santiago Davila (Spain) presented the Spanish approach towards improving the quality of recyclates and resource efficiency on ELVs. The aim of the policy is obviously to meet the recovery targets as set out in Directive 2000/53/CE on ELVs. The Directive has been transposed into national law. Once a vehicle is given to an authorised treatment facility (ATF), it automatically becomes a waste and the ATF issues the destruction certificate on behalf of the government.

The national law also establishes that, in order to comply with reporting obligations to the European Commission, waste management companies must provide information to the Regional Governments that have to transmit it to the Ministry of Environment. There are however problems associated with the reliability and availability of required data, making that Regional Governments find serious difficulties in assessing the level of recovery achieved. Even if the information was reliable and Regional Governments had the capacity to process it, shredder facilities need to work with a mixture of different products (ELVs, certain categories of WEEE, etc.) so that it is impossible for them to obtain specific recovery values for each of these flows. In order to deal with these discrepancies, it was decided to carry out an ELVs treatment and recovery trial. ELVs processed in the trial should be a representative sample of the ELVs

that are actually being processed in the country. This trial targeted the procedures and rules for source of the reference weight, the recording and control of all the elements extracted from the vehicle and outgoing fractions.

The trial also included controls of ELVs and waste streams at ATFs, of shredding facilities and dense media plants.

It was concluded that Spain met the legal recovery targets, but only in case the vehicles go through all stages of the treatment chain. The Spanish Environment Ministry is now meeting up with Customs to lay down rules concerning the shipments of second-hand vehicles, ELVs and car parts. In this process, reference will be made to the Waste Shipment Correspondents Guideline N°9 on waste vehicles.

(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines9_en.pdf)

The programme continued with the second series of workshops and the plenary feedback of these. The workshop reports are available in chapter 4.

The final presentation on the second day was given by **Frank Thewes (Luxemburg)** on the issue of financial guarantees. Article 6 of the WSR lays down the provisions for the financial guarantee. After going through Article 6, Frank had the following questions:

1. Which competent authority may release the initial financial guarantee?
2. Who may take the initiative for the release of the financial guarantee?
3. Which competent authority can approve the new financial guarantee?
4. If a release of the initial financial guarantee is intended, what exchanges of information are required between the competent authorities in
 - - the country of dispatch,
 - - the country of transit,
 - - the country of destination?

A short discussion took place, after which Jon Engström closed the second day of the conference.

Day 3 Programme

The third day of the conference was chaired by **Magda Gask (Poland)**, member of the IMPEL TFS Steering Committee.

The day started with a video message from **Judith Merkies, Member of the European Parliament**, on resource efficiency. Many Member States rely mainly on landfills as the preferred waste management option. This situation persists in spite of existing EU waste legislation. Also many Member States still lack adequate infrastructure for separate collection, recycling and recovery. An absence of systematic control and enforcement mechanisms is another obstacle, coupled with a lack of reliable data on waste management. The choice is whether to become resource efficient now, or wait until we are forced because critical resources are exhausted and expensive. Judith Merkies believes we can be innovative in becoming more resource intelligent and work towards a zero waste economy. The EU's waste management and recycling sector is very dynamic, and offers economic opportunities with vast potential for expansion, good jobs and a sustainable Europe.

The video is available here: <http://www.youtube.com/watch?v=qf7U4dXCaAE&feature=youtu.be>

Before the industry representatives provided their presentations, two short updates were given concerning the INECE Seaport Environmental Security Network (SESN) and the collaborative work with the shipping industry. **Huib van Westen (Netherlands)** provided an update on the former, on behalf of Henk Ruessink, co-chair of the INECE SESN. The aim of INECE SESN is to strengthen compliance and enforcement capacity to counteract transnational illegal hazardous waste shipments through international seaports. It is doing this by raising international awareness of the crucial importance of effective compliance and enforcement, by providing learning opportunities for participants and by stimulating interdisciplinary cooperation of authorities and organisations in/around seaports.

Some of the recent activities of INECE SESN include an exchange visit of Nigerian inspectors to the ports of Antwerp (Belgium) and Bremen (Germany), the 3rd Seaport Workshop which was held in Bangkok, the execution of the 2nd inspection project and the development of a stakeholder questionnaire regarding the strategic outlook of INECE Seaport work.

(More information about INECE SESN is available at: www.inece.org/seaport)

The second topic, collaborative work with the shipping industry, was presented by **Marina de Gier (Netherlands)** on behalf of Henk Ruessink. It is considered that the shipping industry plays an important role in counteracting illegal shipments of waste. The sea transport and logistic sector could increase its awareness of the issue of waste trafficking and be as concerned about it as with moving other illegal commodities, such as drugs, narcotics, weapons or dangerous goods. They can also implement action against illegal waste cargo in Corporate Social Responsibility strategies, make a joint effort and statement as a sector and cooperate pro-actively with competent authorities, e.g. by alerting authorities of (potential) violations. The incentives for the sector would be preventing reputational damage, securing operational stability/safety, avoiding costs and liability, being acknowledged as responsible/reliable players and gaining better operational conditions for their business.

A possible collaboration with the competent authorities would result in the following advantages: improved transparency regarding waste shipment operations, extra eyes and ears to help solve the issue, a better information/intelligence position, more targeted actions – focus on real ‘bad guys’ and increased awareness and responsibility in the sector.

In November 2011, the Dutch Environmental Inspectorate and Customs, together with INECE SESN, organised an international stakeholders meeting. The objectives of the meeting were to obtain a

common understanding regarding the issue of transnational trafficking of waste, identify a potential framework for cooperation, develop joint proposals and take concrete initiatives. It was concluded that the awareness of the issue within the transport & logistics sector needs improvement. It was also recognized that information exchange between the sector and authorities is essential. Here one can build on existing experiences (e.g. UK). And finally it was recommended that the feasibility of concrete collaboration between shipping lines and authorities should be assessed.

The industry session kicked off with the film: **'E-waste Land'**. The film, made by filmmaker **David Fedele**, is set entirely at the Agbogbloshie slum in Accra, the capital of Ghana. Situated on the banks of the highly polluted Korle Lagoon, Agbogbloshie is home to over 30,000 settlers, mainly from the poorer Northern regions of Ghana. It is also home to the largest e-waste dump site in Africa. Generally uneducated and with few employable skills, many of the settlers at Agbogbloshie are forced to make a small living salvaging and recycling e-waste. Without dialogue or narration, this film presents a visual portrait of unregulated e-waste recycling in Ghana, West Africa, where electronics are not seen for what they once were, but rather for what they have become.

More information: <http://www.e-wastelandfilm.com/HOME.html>

Ron Smit, consultant to the Raw Materials Group, presented a project on Energy Efficient Recycling of Electric and Electronic Scrap in Ghana. This 2-years project is mainly funded by the Nordic Development Fund (NDF). The main aims of this project are to reduce the climate footprint and to alleviate poverty. There is a huge difference in energy consumption to extract metals from recycled scrap compared to ores. By increasing volumes of metal scrap being recovered and recover other scrap components (circuit boards, plastics, ...) the climate footprint of e-waste scrapping can be reduced. Due to energy content of e-waste (mainly plastics) recycling of e-waste could even generate surplus energy. On the other hand, improving the working conditions and increasing incomes will help combating poverty and contribute to a better health of the workers.

Key activities carried out under the project are:

- Developing and introducing sustainable business models;
- Training, both in Sweden and in Ghana;
- Awareness raising;
- Establishing an information and training center;
- Identification of replication possibilities;
- Estimation of climate change impact.

Currently the project is providing expert advice on the draft Hazardous Waste Bill that is being developed in Ghana. It is mobilising resources and setting up an awareness raising campaign, investigating options for an 'e-scrap centre' and mobilising additional financial resources for capital equipment (cutting/shredding, baling). Talks are ongoing with other private companies to support the establishment of a commercial professional, e-waste recycling company in Ghana.

The reluctance of informal sector workers to provide reliable info on volumes and earnings, getting permission to access land or the existing warehouse for training and protected work areas are some of the challenges the project is faced with. Also the participation by the EPA of Ghana is less than hoped for.

Halfway in the project it is clear that more focus should be put on convincing commercial recyclers to enter the project, as well as the development of a regulatory framework, including adequate enforcement. One of the lessons learned so far is that the problems are not of a technical character, but more on the level of changing the behaviour of the people and institutions involved.

More information: <http://www.ndf.fi/index.php?id=95>

The last industry presentation was given by the **International Ship Recycling Association (ISRA)**, represented by **Tom Peter Blankestijn from Sea2Cradle**. The presentation, titled 'The impact of current regulations on the recycling industry and its future trends', started by showing a short video of a ship demolition practices in Bangladesh and the enormous environmental and health risks involved. The Association promotes the environmentally sound and safe ship recycling and aims to unite the responsible yards of the globe, increase green recycling capacity, establish of alliances with ship owners and create a global level playing field.

Figures show that 90-97% of a ship are really recycled and that worldwide only 20% of the activity is done in an environmentally sound way. Examples of hazardous materials on board ships are asbestos, PCBs, chemicals and paints, TBT, fuels/ oil/ sludge and ozone-depleting (or global warming) gases.

Mr Blankestijn then spoke about the history of legislation concerning the construction and management of ships. The legislative framework is based on safety measures and not environmental aspects – for example the former requirement of the use of asbestos as fire protection on vessels by the International Maritime Organisation (IMO). In the past ships were designed for safe operation, not for recycling.

With the growth of awareness and the restriction of hazardous materials on board vessels at a global level (e.g. asbestos recognized as hazard, TBT being banned in paint, ozone-depleting substances phased out, PCB prohibited and mercury limited), international organisations (e.g. IMO and the International Labour Organisation) started to develop guidelines and national legislation was created. The most recent global development was the adoption of the Hong Kong Ship Recycling Convention in May 2009 at an IMO conference. Currently discussions are ongoing how this convention relates to the Basel Convention and especially if it ensures an equivalent level of control. At European level the WSR applies and in March 2012 the European Commission has adopted a proposal for a regulation on ship recycling. At this point it is easy for ship owners to circumvent the legislation. ISRA therefore supports the proposal by the European Commission as it takes away the discussions concerning OECD versus non OECD countries and the flag state. It also enables enforcement of legislation to penultimate owner(s) to max. 6 months after sale and a stricter follow-up on downstream waste management.

Even though the legislation is not yet watertight, there are regulations in place that can be enforced already. As example he mentioned asbestos regulation. The use of asbestos is prohibited since 2002, but it is still being used on board of ships. This is partly due to a lack of enforcement.

In the last part of his presentation, Tom Peter Blankestijn explained the process of ship dismantling from start to end in an environmentally sound manner, which includes surveys from the hazardous components (e.g. asbestos, radiation and PCBs), waste segregation, fumigation, the cutting of light and ventilation holes, removal of loose items and fittings, proper treatment of collected waste streams, refrigerant and mercury recovery, asbestos and oil removal, pre-cleaning, steel cutting, site cleaning and clearance.

The IMPEL TFS Secretariat, Ms Nancy Isarin, added some final remarks and informed the conference about deadlines and upcoming events:

- Reports of the workshops to be submitted by 15 June;
- 31 May – 1 June: Waste sites project team meeting, Liverpool;
- 7-8 June: IMPEL General Assembly in Copenhagen;
- 18-20 June: EA3 and DTRT TFS meetings;
- 27 June: Waste Shipments Correspondents meeting, Brussels;

- 4-5 October, NCP Exchange Days, Stockholm.

Magda Gosk gave a summary of the conference and the main outcomes. The host organisation, the Environment Agency for England and Wales, was thanked for the excellent organisation of the 2012 conference.

The conference was closed by **Mat Crocker, Head of Illegals & Waste, Environment Agency (UK)**. He thanked the audience for their active participation and the positive outcomes of the conference.

3. CONFERENCE CONCLUSIONS AND RECOMMENDATIONS

- The conference noted a variety of case studies concerning the illegal shipments of waste and new emerging issues, such as ship recycling and end-of-waste criteria.
- The conference was updated on progress in relation to IMPEL TFS activities and also from partner organisations.
- The conference remains a good opportunity to network and share experiences with good inter-agency involvement.
- The discussions at the conference created valuable input for the work of the Waste Shipments Correspondents.
- The conference requested to gather case studies and share them on Basecamp.
- Participation by industry was again welcomed.

It was recommended that IMPEL TFS should:

- Develop space on Basecamp to gather case studies;
- Do further research on end markets for used equipment and e-waste in relation to possible import restrictions by the receiving countries and make relevant information available to the IMPEL TFS Network;
- Consider to perform a project or draft guidance documents on the implementation and enforcement of the End-of-Waste Criteria Regulation;
- Gather input and feedback concerning the usability of Correspondents Guideline N°9 on waste vehicles, for possible guidelines on GC010 and GC020 and suggestions for HS codes.

It was recommended that the European Commission should:

- Take into account the outcomes of the Practicability and Enforceability Assessment of the Waste Shipment Regulation, carried out by IMPEL TFS;
- Consider the recommendations concerning a better enforcement of the End-of-Waste Regulation in relation to the Waste Shipment Regulation.

4. SUBGROUP DISCUSSION - Summary of the outcomes

Workgroup 1 – Policing issues of the WSR

Chair and reporter: Huib van Westen

Firstly, the Environment Agency of England and Wales gave an update about their working methods to prevent and enforce violations of the WSR. They are working with an intelligence-led approach, and one of the approaches is to work together with shipping lines. At the moment they are cooperating with 24 shipping lines. The results of this cooperation are impressive - 98% of the inspected cargo has to be considered as illegal. Per year they detect between 250 and 400 containers loaded with waste which is not allowed to be exported at that moment. Normally an 'Intelligence packet' is handed over from the National Intelligence Team to the National Environmental Crime Team for further investigation. This can result in arresting the involved persons but also to a financial investigation and seizure of property.

Secondly, Mr Rob de Rijck, Dutch public prosecutor, gave an update about a Dutch initiative in which different organizations are working together in the fight against environmental crime. Involved in this 'experimental set-up approach (inter)national organized environmental crime' are police forces, customs, environmental inspectorates and public prosecutors; it should eventually lead to the development of recommendations to the Dutch parliament about how to fight this crime.

And thirdly, Mr Frans Geysels from the Belgium Federal Police presented the informal network 'Envicrimenet' and its activities. Envicrimenet is an informal network connecting police officers and other crime fighters in the field of environmental crime in order to learn from each other about the extent and nature of environmental crime, the best practises to handle it, etc. A kick-off meeting was held in Budapest in March 2011. There is also close cooperation with Europol.

The network launched a website (www.envicrimenet.com) where more detailed information is available.

Workgroup 2 – WEEE Recast Directive– Changes to the WEEE Directive and its impact on waste shipments

Chair and reporter: Chris Grove

Chris Grove explained the WEEE Directive recast, which introduces specific requirements for export of used EEE. Some issues in the WEEE recast directive give room for interpretation discussions; for example the need for common standards on functionality testing. Who will enforce this? There are also concerns that if certain streams or shipments are not classed as waste, inspectors are unable to track what is happening with the equipment at its end destination.

Another point of discussion was the fact that newly required are just paper records. In these cases it is easy to provide false information.

Chris shortly explained the UK WEEE System, which is complicated compared to other Member State systems.

The final point that came up was the need to better understand end markets, such as Egypt and Asia. It was mentioned that Egypt banned the import of reusable computers that are over 5 years old. The

representatives of the Asian network informed the group that their network already looks at end market restrictions and shares information via annual workshops and a website.

Workgroup 3 – Consequences of the End of Waste Criteria Regulation (33/2011/EC) on the enforcement of the Waste Shipment Regulation

Chair: Pat Fenton
Reporter: Vivienne Ahern

Pat Fenton introduced this session on the end-of-waste criteria and listed three discussion points/aims, being: sharing of experience, identifying issues for clarification and providing feedback to the correspondents group.

The group discussed the following topics:

1. Certificate of conformity

- The burden of proof when the shipment is inspected;
- No requirement for it to accompany the actual shipment;
- Who issues the certificate and how is the authorisation process verified, i.e. how do we know if it is this company who issued the certificate?

Recommendations:

- The regulation should be amended so that the certificate becomes part of the shipment documents.
- A website should be developed that provides an overview of approved certificates generators as per ABP.

2. QMS

- Certification bodies do not equate EMAS with QMS.
- How to handle accreditation outside of the EU?

Recommendations:

- The relevant article in the regulation must be revisited and reference to EMA must be required.
- Database from non EU countries or introduce AQSIIQ CCIC?

3. Proposed guideline by Germany

The guideline is broadly acceptable with a few small amendments – for example if there are no conformities, the material should be considered a waste.

4. Recommendation:

The development of a matrix for what rules apply under different scenarios – in other words: what is required for:

- Import into the EU/transit through the EU,
- Shipment within the EU,
- Export outside the EU.

5. Usage of the regulation

It might be possible that the price is driving industry to maintain the classification as waste. This is

something that could be looked at.

6. Project idea

The IMPEL TFS Steering Committee is invited to examine the idea of a project on the end-of-waste criteria in relation to the enforcement of the WSR.

Workgroup 4 – Case studies and best practices

Chair and reporter: Allison Townley

Norway, Sweden and Northern Ireland each presented some case studies, which were then discussed with the group.

Norway presented four cases. One case involved a shipment of mixed plastic waste, which was stopped in Germany and due to bad specification, not considered as green listed waste. The material was sent back and the sender received a warning letter. The second case concerned a shipment of copy machines to Zambia. Due to lack of enforcement capacity and the expected time for investigation, the shipment was released for further transport. The third case was a trailer loaded with cars and other used products, which was stopped at the Norwegian/Swedish border. The doors of the cars were sealed, but it was detected that the cars were loaded with various objects. There was no proper information on product status and the shipment had three destination countries in Africa. It was decided that the trailer had to go back to the sender. The involved companies received a warning on legal prosecution.

The last case involved an illegal export of WEEE and is still under investigation. It started with the detainment of 6 containers in the Netherlands on route to Malaysia. One Container was detained in Norway on route to China which was loaded with 3,000 PC monitors and 1,400 TVs – many of them damaged.

The case presented by Sweden involved the illegal export of tyres, ELVs & TVs, which were detained in Rotterdam. As the exporter would not return the waste, the EPA returned 60% of the waste. Topics listed for discussion were:

- Has anyone experiences in managing such a case?
- When you as competent authority are responsible for the take back (Article 24), do you send everything in the container for recovery when it is back in your country? Which legal framework do you refer to?
- Are the parts in the container that might be considered as non-waste handed back to the exporter? E.g. during police investigation some of the contents could be found functional and considered as non-waste.
- If the exporter can reclaim the goods, how do you solve this in practice?
- Do we need to wait for the court's decision before we can decide how to act?
- Should the non-waste be returned to the exporter or sold by the EPA?

Feedback

Some countries use a third party and sometimes they use the profit of the sold materials to cover their costs. In other countries the court decides who gets the profits.

The Northern Ireland Environment Agency (NIEA) explained as a good practice their container inspection

process. NIEA officers contact the relevant shipping lines prior to a port inspection requesting current shipping manifests. The manifest details all the containers on quay. Based on the information in the manifest, a container can be selected for further investigation.

Once a container has been selected, officers then check the NIEA TFS Annex VII database. This will show if the green list movement has been notified to NIEA. The corresponding reference number on the database is then used to locate the hard copy of the Annex VII document to verify details.

The NIEA then check the shipping route of the container to confirm it is destined for the destination listed in the paperwork. The tracking tool Pier2Pier can be used to track the movements of the container. Track and Trace on Pier2Pier works on a number of container lines and details the complete shipping route of the container with estimated time of arrival at the destination port.

The results of the investigation are then verified with the details found on the TFS database and Annex VII form. Officers then repeat the process for a number of containers and the compiled list is forwarded to the container terminal. The terminal then proceeds to set out the containers awaiting quality inspections by NIEA.

Cyprus informed the group that the Annex VII forms are checked by Customs officers.

The Asian network was interested if there were any issues with repatriations from Asian countries back to the EU. The Environment Agency for England and Wales mentioned the illegal export of waste from the UK to Indonesia. At this moment the EA is receiving consents from Indonesia and the transit countries for the return of the waste.

Workgroup 5 – Contamination guidelines

Facilitators: Marina de Gier and Nigel Homer

Reporter: Marina de Gier

The workshop started with a presentation from the Netherlands.

Summary of the presentation:

The EU Waste Shipment Regulation (WSR) makes the notification procedure mandatory for the transfrontier shipment of mixtures of waste, even if all the individual waste components can be classified as green-listed waste. However, since shipments of green-listed waste rarely consist entirely of a single waste material, the enforcement position in the Netherlands has always allowed a certain degree of contamination. This strategy ties in with the end-of-waste criteria that have been or are being established for various waste flows, which also allow some degree of contamination.

As a result of this uncertainty, the level of contamination in waste shipments has, over the years, been debated in several enforcement (court) cases in the Netherlands. Time and again, the Dutch State was unable to give a clear answer to the question of how exactly green-listed waste can be distinguished from mixtures of waste, and therefore it has lost quite a lot of administrative court cases.

In order to break this deadlock and create clarity for both the business community and enforcement authorities, the Inspectorate of the Dutch Ministry of Infrastructure and the Environment has taken the initiative to establish numerical contamination threshold values for the three largest waste flows: paper, ferrous and nonferrous metal waste and plastic waste.

In developing these threshold values, account was taken of:

- the definition used in the Basel Convention;
- the threshold values currently used in neighbouring EU states (level playing field);
- the international processing standard used by the industry (ISRI);
- the requirements set by the main countries of destination (especially China);
- the answers provided by the European Commission helpdesk to FAQs;
- the end-of-waste criteria.

The thresholds are in short: less than 2% contamination (in weight) for plastic and paper and less than 10% for metals is seen as green-listed.

The discussion

The focus of the discussion was on the pros and cons of using contamination thresholds for green-listed waste.

There are some other countries (a few) who also use contamination thresholds.

- Austria has contamination thresholds (the allowed percentages are higher than in the Netherlands). These contamination thresholds are part of their waste management plan and therefore have a regulatory basis. In the opinion of Austria having thresholds is useful. They also use these thresholds in court cases;
- Germany (some states use thresholds) sometimes on the basis of volume instead of weight;
- Denmark has a guide on green-listed waste (can be found on the IMPEL website, a very useful guide) but they do not use thresholds;
- Some countries who do not use thresholds say they have an implicit threshold of 0%.

The cons

Using thresholds means you have to do more sampling. Some countries have experience that using the outcomes of sampling as evidence is quite difficult (a nightmare as one of the participant described it) in court cases. This is especially so in criminal court cases. Also one of the prosecutors was reluctant to use sampling evidence in court cases. A declaration by the country of destination that the waste is not allowed to be imported is a much stronger evidence.

Another con is the costs of sampling.

Furthermore, as an inspector you are more often confronted with the question: do I have to sample or not? Sometimes a container e.g. with plastics looks quite contaminated but after sampling it seems negligible.

Sampling also means you have to develop a good sampling plan and you need to train the inspectors.

Another con is that some recovery/recycling facilities can deal with more contamination, so to define the right percentage of allowed contamination is quite difficult.

The question is, if sampling can be avoided in the future? To define end of waste criteria thresholds are used.

The pros

A pro is that it gives clarity for business. In some countries (UK, Ireland) businesses have asked for this clarity. Having thresholds can create a better level playing field and can also stimulate business to improve the quality of the waste. It gives also clarity for enforcers and can be helpful in administrative court cases.

Other options mentioned to solve the problem:

- Perform a study of the waste market;

- Gain more information from Asian countries on the ESM (environmentally sound management) of their facilities;
- Find the right economic drivers for business to improve the quality of the waste.

The conclusion

Most of the participants of the workshop are of the opinion that there are more cons than pros in using thresholds.

Workgroup 6 – Ship recycling

Chair: Kevin Mercieca
Reporter: Thomas Ormond

The workshop heard two presentations, by Juliette Voinov Kohler (Secretariat of the Basel Convention) on “The involvement of the Basel Convention in the ship recycling issue”, and by Magda Gosk (Poland) on the EU Commission’s draft regulation on ship recycling.

Ms Kohler recounted the history of the process since the Basel Convention’s Technical Guidelines on ship dismantling of 2002 and the Conference of the Parties (COP) Decision VII/26 of 2004, according to which a “ship may become waste ... and at the same time may be defined as a ship under other international rules”. While the question whether the Basel Convention applies to ships that go for dismantling is still controversial in some quarters, the discussion in Basel meetings after adoption of the Hong Kong Convention (HKC) on ship recycling in May 2009 has focused in particular on the question of “equivalent level of control” between the two Conventions. Preliminary assessments have been made by Parties, but the last Basel COP 10 in Cartagena (2011) did not reach a consensus on this point. COP-10 however, encouraged Parties to ratify the HKC and acknowledged that the Basel Convention should continue to assist countries to apply the Basel Convention as it relates to ships. The contentious points in the “equivalence” discussion were especially: exclusion of certain types of ships in the HKC, import/export bans, traceability of ship movements, prior notification and consent, take-back in case of illegal traffic, standards of environmentally sound management (ESM). Ms Kohler saw a role for the Basel Convention particularly in: the development of ESM standards and certification schemes; the development of Technical Guidelines for ESM of waste streams and technologies; training, awareness-raising and promotion of compliance; and the development of adequate waste disposal facilities within ship recycling nations. A number of projects for the main ship recycling countries is under way, among them an EU-funded project for hazardous waste management in the ship recycling sector of Bangladesh and Pakistan.

In the following discussion, questions were raised about the standard of enforcement of Basel and EU waste shipment rules with regard to ships in the EU Member States. A Dutch participant criticized what he sees as a systematic circumvention of the Waste Shipment Regulation, against the background of a growing environmental problem which may well be worse than the e-waste problem.

In the second presentation, Ms Gosk explained the Commission proposal for a Regulation on ship recycling which was published in March 2012 (COM[2012] 118 final). The draft Regulation is meant to provide a harmonized transposition of the Hong Kong Convention and speed up the ratification process in the Member States. The speaker pointed to the generally positive assessment of the HKC which was

agreed by the EU Council in April 2011. The Regulation is supposed to apply only to EU-flagged ships and essentially mirrors the Ship Recycling Convention. Some elements are added, however, such as the requirement for those ships to be recycled at facilities that comply with all rules and are included on a “European List” of ship recycling facilities (not necessarily located in the EU). The draft Regulation, like the Hong Kong Convention, works with a system of surveys and certificates for ships and authorizations for recycling facilities which also have to draw up a “ship recycling plan” before starting the dismantling process. The ESM standards of facilities are defined with 14 criteria. Enforcement by Member States is specified only in terms of penalties for non-compliance, whereas there are no provisions for official inspections. The draft envisages, on the other hand, some degree of public participation in so far as natural persons or NGOs can file a request for action and claim access to justice in case of decisions or omissions which are in breach of the Regulation.

The following discussion focused on the possible effects of the envisaged Ship Recycling Regulation. Huib van Westen (NL) criticized the limitation of the draft law to EU-flagged ships, thereby neglecting the important question of ownership (approx. 40% of the worldwide merchant fleet is owned by EU residents). The Chair, voicing the concerns of Malta as a key EU flag state, feared a re-flagging of European ships in case of unilateral EU action, and held that the Union would only stay a credible player on the international scene if it had important flag states in its ranks (currently between 20-25% of the world fleet fly flags of the Member States). At the same time, he pointed to the fact that the Regulation could not legally take ships out of the scope of the Waste Shipment Regulation as long as the Basel Convention remained unchanged and applicable to them. The reporter’s question why countries worldwide are so slow to ratify the Hong Kong Convention was answered by the two speakers in the sense that the ratification of international conventions usually takes some time and that many countries waited for a decision of the “equivalent level of control” issue. In a concluding remark, the reporter pointed to the urgency of the ship recycling problem, due to the surplus of ships in the current economic crisis and to the phasing-out of single-hull tankers by the year 2015.

Annexes

Annex I. CONFERENCE PROGRAMME

Annual IMPEL TFS Conference
29-31 May 2012, Liverpool, UK

Theme “Improving the Quality of Recyclates and Resource Efficiency”

Tuesday 29 May 2012	
11:30	Registration conference delegates
12:00	Welcome lunch for conference delegates
13:00	Conference Opening and Welcome <i>By Lord Taylor of Holbeach, Parliamentary Under-Secretary</i>
13:15	Welcome address <i>By Mark Easedale, Environment Manager, Merseyside, Environment Agency (UK)</i>
13:30	Adoption agenda <i>By Matt Williamson, day Chair (UK)</i>
13:40	EPOW: Good Practice Guide to help local authorities and their contractors to minimise the risk of waste being illegally exported <i>By Paul Batty (UK)</i>
14:10	Progress of ongoing IMPEL TFS Projects <ul style="list-style-type: none"> - <i>Public Prosecutors Network, by Rob de Rijck (NL)</i> - <i>Enforcement Actions III, by Katie Willis (UK)</i> - <i>Waste Sites, by Thomas Ormond (DE)</i> - <i>Doing-the-right-things TFS and IMPEL TFS Asia collaboration by Marina de Gier (NL)</i>
15:00	Coffee/tea break
15:30	Progress of ongoing IMPEL TFS Projects (cont.) <ul style="list-style-type: none"> - <i>Practicability and Enforceability Assessment of the WSR, by Nigel Homer (UK)</i> - <i>EU-Africa collaboration project, by Joseph Domfeh (NO)</i>
15:50	Video message European Parliament <i>Ms. Judith Merkies (Dutch MEP)</i>
16:00	Update partner organisations <ul style="list-style-type: none"> - <i>Secretariat of the Basel Convention (Juliette Voinov Kohler)</i> - <i>European Commission (George Kiayias)</i> - <i>INTERPOL (Marco Antonio Araujo de Lima)</i> - <i>World Customs Organization (Laurent Pinot)</i>
17:00	Closing day 1

Wednesday 30 May 2012

09:00	Opening remarks and introduction to the workshops <i>By Kevin Mercieca, Chair IMPEL TFS Steering Committee (Malta)</i>
09:15	Typical cases of infringements of the WSR in Germany <i>By Katharina Aiblinger-Madersbacher and Harald Junker (Germany)</i>
09:45	Workshops 1. <i>Workshop focussed on Policing issues (led by Huib van Westen)</i> 2. <i>WEEE Recast Directive– Changes to the WEEE Directive and its impact on waste shipments (led by Chris Grove)</i> 3. <i>Consequences of end of waste criteria regulation (33/2011/EC) on the enforcement of the waste shipments regulation (led by Pat Fenton)</i>
11:00	Coffee/Tea break
11:30	Plenary feedback and discussion
12:00	- INECE SESN: 2nd International Hazardous Waste Inspection Project at Seaports - Collaboration with shipping lines <i>By Henk Ruessink, Co-chair INESE SESN (NL)</i>
12:30	Lunch
13:30	Opening afternoon and introduction to the workshops <i>Jön Engström, member IMPEL TFS Steering Committee (Sweden)</i>
13:45	Quality of End-of-Life Vehicles <i>By Santiago Davila (Sp)</i>
14:15	Workshops 4. <i>Case studies and best practices (led by Allison Townley)</i> 5. <i>Contamination guidelines (led by Marina de Gier and Nigel Homer)</i> 6. <i>Ship recycling (led by Kevin Mercieca)</i>
15:30	Coffee/tea break
16:00	Plenary feedback and discussion
16:30	Tool: Guide on Green List Waste <i>By Katie Willis (Scotland)</i>
16:45	Closing day 2
18:00	Departure for social event and dinner (20 minute walk)

Thursday 31 May 2012 (Industry day)	
09:00	Opening remarks by the Chair <i>Magda Gosk, member IMPEL TFS Steering Committee (Poland)</i>
09:10	INECE Seaport Environmental Security Network and Collaborative work with the Shipping Sector <i>By Marina de Gier and Huib van Westen</i>
09:30	E-waste Land (film) This film presents a visual portrait of unregulated e-waste recycling in Ghana, West Africa, where electronics are not seen for what they once were, but rather for what they have become (produced by Mr. David Fedele)
10:00	Energy Efficient Recycling of E-scrap in Ghana (NDF-funded project) <i>By Ron Smit (Raw Materials Group)</i>
10:30	Coffee/tea break
11:00	Ship recycling <i>By Tom Peter Blankestijn (Managing Director Sea2Cradle B.V.)</i>
11:30	Open discussion
12:00	Final remarks and conclusions of the conference
12:25	Official closing of the conference
12:30	Farewell lunch and departure

Annex II. ATTENDANCE LIST

Name		Surname	Email	organisation	country
Mr	Christian	Gesek	christian.gesek@gmx.at	BMLFUW	Austria
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Mr	Marc	Cauteren, van	marc.vancauteren@just.fgov.be	Council of Attorneys General	Belgium
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Annex III. Terms of Reference

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
<i>2012/13</i>	<i>IMPEL TFS Conference 2012</i>

1. Scope

1.1. Background	<p>The projects and activities of the TFS cluster are based on the European Waste Shipment Regulation N° 1013/2006. Being a Regulation and including a cross-border aspect, it is of high importance to have an active and practical European network of inspectors and regulators that meet on a regular basis to exchange practical experiences. Not only environmental inspectors, but also Customs and Police officers and the Judiciary. Ongoing IMPEL-TFS projects continue to show the need for establishing and above all maintaining good and practical collaboration between Member States, third countries and relevant international organisations.</p>
1.2. Link to MAWP and IMPEL's role and scope	<p>The Waste Shipment Regulation is one the key priorities of IMPEL. A conference like this and the agreements resulting from the conference contribute to capacity building, cross-border cooperation, joint enforcement activities, improving inspection methods, training of inspectors, exchange of information and awareness-raising. Also will it support a more equal and uniform implementation of the Waste Shipment Regulation in the Member States. One of the priorities of the European Community.</p> <ul style="list-style-type: none"> • I/1/4/5/7/8 • II/7 • III/1/5/9 • VI/7/10
1.3. Objective (s)	<p>The conference has the following objectives:</p> <ol style="list-style-type: none"> 1. Maintain, strengthen and expand the TFS network 2. Discuss running and new projects and joint activities 3. Exchange practical information (e.g. by case studies) 4. Get updated by other relevant activities from related organisations (e.g. DG ENV, Basel Secretariat, WCO, INTERPOL) 5. Discuss experiences with the provisions of the Waste Shipment Regulation 1013/06 and Regulation 740/2008 and 1418/2007 and give feedback to the competent authorities and COM. 6. Continue cooperation agreements with third countries, regions and international networks
1.4. Definition	<p>The objectives will be achieved amongst by organising a conference¹. The general conference will be attended by approximately 100 participants, being inspectors and regulators from Competent Authorities, but also from other organisations such as police and customs and representatives from waste receiving countries such as China. Items on the programme will be:</p> <ul style="list-style-type: none"> • Development at EU level on better implementation initiatives (e.g. minimum criteria, helpdesk, training, awareness raising) • Relation with the Basel Secretariat, WCO, Interpol and Asian & African Networks

¹ For actual joint inspections and enforcement activities, separate TFS projects are set up.

	<ul style="list-style-type: none"> • Cooperation and agreements with waste receiving countries outside the EU • Case studies • Better collaboration and networking • Up-date on running projects • Views from Industry and NGO's <p>The conference will include presentations by key speakers, case studies and workshops.</p>
1.5. Product(s)	A conference report, including conclusions and follow-up actions and a press release.

2. Structure of the project

2.1. Participants	Approximately 100 participants from all the Member States, third countries and international organisations.
2.2. Project team	<p>The ones responsible for the organisation are:</p> <ul style="list-style-type: none"> • UK, Environment Agency for England and Wales • The IMPEL-TFS Secretariat • The IMPEL-TFS Steering Group
2.3. Manager Executor	Karen Andrews (Environment Agency) and Nancy Isarin (IMPEL-TFS Secretariat)
2.4. Reporting arrangements	The preparation of the conference will be on the agenda during every IMPEL-TFS Steering Group meeting. Reports from the Steering Group are sent to the IMPEL-secretariat. The conference report will be send to the IMPEL plenary.
2.5 Dissemination of results/main target groups	A public version of the report will be uploaded on the IMPEL-website. A press release will be drafted and disseminated.

3. Resources required

3.1 Project costs and budget plan		2012
	<u>1. Overhead (organisation) cost (€) :</u>	
	<u>2 Project meeting costs (€)</u>	
	<u>Meeting 1²</u>	Conference
	No of Participants:	+/- 100, but 40-45_on IMPEL budget
	Travel ³ :	16.200
	Accommodation ⁴ :	9.050
	Catering + Meeting venue	Offered by host country
	<u>Meeting 2</u>	
	No of Participants:	
	Travel:	
	Accommodation:	
	Catering:	
	Meeting venue:	
	<u>Meeting 3</u>	
	No of Participants:	
	Travel:	
	Accommodation:	
	Catering:	
	Meeting venue:	
	<u>3. Other costs:</u>	
	Consultant:	
	Translation:	
	Dissemination:	
	Other (specify):	
	TOTAL cost per year	€ 25.250
	TOTAL cost per year	€ 25.250
3.2. Fin. from IMPEL budget	<u>2. Project meeting costs</u>	€25.250
3.3. Co-financing by MS (and any other)	<u>1. Overhead costs</u> as co-financing contribution, committed by the host organisation, Environment Agency for England and Wales, UK.	
	<u>3. Other costs</u> as co-financing contribution, committed by	
3.4. Human from MS		

² specify, like Review Group Meetings, Workshop etc.

³ normative: €360/person

⁴ normative: €90/person/night

4. Quality review mechanisms

The quality of the conference and its products is reviewed by the IMPEL-TFS Steering Group, as well as all participants and the secretariats.

5. Legal base

5.1. Directive/Regulation/Decision	Waste Shipment Regulation EC N° 1013/06 and Regulations EC N° 1418/2007 and 740/2008 concerning the export of certain waste streams for recovery to non-OECD countries.
5.2. Article and description	EC Regulation N° 1013/06, article 50(5): “Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments.”
5.3 Link to the 6th EAP	Articles 3(2) and 9(2,d)

6. Project planning

6.1. Approval	23-25 November 2011 at the 8 th IMPEL General Assembly in Warsaw, Poland.
(6.2. Fin. Contributions)	
6.3. Start	December 2011
6.4 Milestones	Preparation: December 2011 – February 2012 (programme, inviting speakers, accommodation and venue) Invitation: March 2012 Conference: May 2012 Report: July 2012
6.5 Product	Conference report and a press release.
6.6 Adoption	November 2012 during the 10 th IMPEL General Assembly meeting.

**Lord Taylor of Holbeach,
Parliamentary Under-Secretary**

Speech to IMPEL TFS Conference, Liverpool– 29 May

Theme – Improving the Quality of Recyclates and Resource Efficiency

Good Afternoon. I am delighted to have this opportunity to open this conference today and welcome you to Liverpool and to the United Kingdom.

It seems highly appropriate that a conference focussed on exports should be held here in the city of Liverpool. By the start of the 19th century 40% of the world's trade passed through Liverpool's docks and the historic public and mercantile buildings throughout this great city, which I hope you will get to see during your brief sojourn, reflects the wealth generated by this economic activity.

Today in these tougher economic times you, as representatives of public bodies from across Europe, will all understand that you are expected to do more but not always with more resources.

As regulators one of the key ways you can achieve more, without necessarily expending significant resources, is to share your knowledge, experiences and expertise as regulators and learn from each other.

You are here over the next few days to understand more about what your colleagues across Europe are doing to enforce the Waste Shipment Regulations, share experiences as frontline regulators and discuss how you can improve collaboration between you.

Greater collaboration and greater consistency underpins the work of the IMPEL network. Working together you can achieve much more than working individually. The illegal export of waste is a global problem and requires countries to work collaboratively to ensure the controls put in place to protect vulnerable countries are not exploited.

In this respect I hope that these will be a valuable few days for you all. Not least because in Government we are dependent on you as regulators to deliver in many areas.

The theme of this conference is “Improving the Quality of Recyclates and Resource Efficiency”

Much of the focus by European Governments to date has been on increasing the amount of recycling. Whilst quantity will of course continue to be important, we must also look at the quality of recycling.

The UK Government has set out our aims of achieving a zero waste economy and the steps we'll need to take to get there. We want an economy where waste is minimised, and where, if it can't be avoided, it's treated as a resource, rather than something to be disposed of.

We believe that making the right waste management decisions helps the environment both here and across the globe and helps the green economy to grow.

We believe that a focus on quality will bring about action, dialogue and a common approach across the whole supply chain from the householder, the local authority, the waste management companies, waste exporters and the final reprocessor. A focus on quality can help improve confidence both in the UK and European recyclates market, and amongst citizens and businesses across Europe who want to do the right thing by recycling.

People and businesses want to know where their recycling ends up, and they want confidence that the action that they are taking is making a genuine contribution to preserving our environment.

Like other raw material supply chains, the market for recyclates is global. The export trade in recyclate reflects a mixture of both demand from overseas reprocessors and, in some cases, collections of material in excess of the capacity of reprocessors in Europe to utilise it.

Exporting material is a legitimate aspect of a global marketplace and has many benefits including the global resource use of recyclable waste material, reducing global carbon emissions and helping to meet recycling targets.

However, the environmental and economic impacts of exporting poor quality wastes can be highly significant particularly for developing nations. There are the potential impacts on human health from sorting through mixed wastes; there may be increased emissions from landfill created by the disposal of residual waste and impacts on water tables and human health caused by disposal in rudimentary landfill operations.

There are also naturally concerns about whether the legal standards on environmental protection and health and safety in some countries are equivalent to those in Europe. Consequently the potential to damage consumer confidence and participation in recycling is also greater.

Then there are the economic impacts on the industrialised countries, the loss of potentially significant resources and the continued reliance on virgin materials. Finally there is the potential cost to the European taxpayer from the rejection and repatriation of the waste to Europe.

Crucially a greater focus on quality recyclates by local authorities and the waste management industry should help to ensure that municipal, commercial and industrial waste gets properly sorted and that the final output from waste management sites is of sufficient quality to go direct to a reprocessor regardless of whether that reprocessor is in the UK, Europe or the Far East.

It is your role as regulators to ensure that there can be no race to the bottom by unscrupulous operators keen to circumvent the waste controls and undermine the objectives of governments across Europe to boost recovery and recycling.

Dumping unsorted, poor quality mixed household or commercial waste on developing countries is contrary to European and International Law. It gives rise to serious environmental and human health impacts and it undermines legitimate waste management operations in Europe.

Responsible waste management companies across Europe are investing in new technology, better sorting and improved collection systems. However, all of these commendable efforts are weakened by the types of operators that are happy to turn a blind eye to poor quality exports. Here in the UK the government is committed to working with the waste management industry, local authorities, reprocessors and waste producers to improve the quality of recyclates.

An important element of Government policy to support this work is our proposed Code of Practice for Materials Recovery Facilities. Government officials are working closely with industry and trade associations to finalise a statutory Code of Practice for waste management sites involved in the sorting of municipal, commercial and industrial waste.

We believe that this will be an excellent example of working with and through the supply chain to achieve real improvements in the quality of outputs from waste management facilities.

At one Materials Recovery Facility in Alton in Hampshire in the south of England, information on the quality of recyclates from this facility is shared with each of the 14 local authorities that supply the facility with waste.

Everyone involved in the process works in partnership so that feedback can be passed on to improve waste collections. Through this work local authorities begin to understand the value and quality of what and how much they are recycling and this drives greater quality.

I believe that the proposed MRF code of practice can set the UK well on the way to a new focus on quality recyclates which will contribute to a reduction in poor quality illegal exports. But Government is only part of the solution. We need to work with the whole supply chain, from local authorities, to waste management companies, through to reprocessors, in order to achieve this step change in quality.

Working through the supply chain, we will consider other tools to improve quality; this may include developing a supply chain approach to grading materials by quality and contamination thresholds. We will also explore the potential for enhancing enforcement of the Waste Shipments Regulation using information on the quality and destination of outputs from waste management facilities delivered by the Code of Practice.

The waste industry has developed rapidly over recent years and the global trade in waste has grown apace. The days of waste management being a service that simply collected black bags from households to fill up a landfill are long gone.

We must all learn to embrace the concept that waste is a resource not a problem to be fixed by dumping it in the ground or exporting illegally it for someone else to deal with. It is environmentally sound and morally right for Europe's waste to be sorted and treated in Europe to the stage that it is fit for recovery or recycling. By focussing on the quality of outputs from waste facilities we hope to drive greater acceptance of the principle of waste as a resource.

You as regulators have made great strides in adapting your inspection methods and in developing new techniques to tackle illegal waste exports but if we are to truly stamp out this toxic trade we need to keep pressing forward and collaboration between governments and regulators must underpin this work.

So I urge you all to make the most of the next few days, engage with your fellow regulators, find out what others are doing and if you have tried something that works well please share it. This is a fascinating and challenging agenda and I look forward to continuing to work with you all on this.

Thank You