



European Union Network for  
the Implementation and Enforcement  
of Environmental Law

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

# **IMPEL-TFS CONFERENCE 2010 REPORT**

*Basel, Switzerland  
2-4 June 2010*



### **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 websites at:

[www.impel.eu](http://www.impel.eu)



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<b>Project Manager/Authors</b>  Nancy Isarin (IMPEL-TFS Secretariat)	<b>Report adopted at IMPEL Plenary Meeting:</b> 18-19 November 2010, Brussels, Belgium
	<b>Number of pages</b> Report: 22 Annexes: 23
<b>Executive Summary</b>  <p>On 2, 3 and 4 of June 2010 the annual IMPEL-TFS conference was held in Basel, Switzerland. 108 Delegates from 26 IMPEL Member Countries, Serbia and Switzerland and representatives from the Secretariat of the Basel Convention, the World Customs Organizations, Interpol, the European Commission (DG Environment and DG TAXUD), the Ministry of Environmental Protection of the People’s Republic of China, the Hong Kong Environmental Protection Department and the Japanese Ministry of Environment attended the meeting. Also representatives from Eurometaux and the EMPA Institute attended a part of the meeting.</p> <p>The conference concentrated on the ongoing activities and projects of the IMPEL TFS cluster, new project proposals, the new IMPEL TFS Multi Annual Work Plan 2011 – 2015, collaboration with the Asian and African region, further collaboration with Customs and Public Prosecutors and risk-based inspection planning systems. Furthermore some interesting case studies and national collaboration initiatives were presented and the IMPEL TFS Training DVD was launched.</p> <p>It was recommended that IMPEL TFS would work further on developing a step-by-step procedure for verifications of final destinations in Asia; consider a pilot project for the use of the ‘Doing the right things’ methodology in relation to WSR Inspections planning and consider a project on Customs collaboration.</p> <p>Furthermore IMPEL TFS suggested to the European Commission to include the development of a correspondents’ guideline on Refused Derived Fuel for their work plan 2011.</p> <p>And finally IMPEL TFS was asked for ideas and input in relation to the issue of ship dismantling.</p>	
<b>Disclaimer</b> This report on the IMPEL TFS Conference 2010 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.	



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## 1. INTRODUCTION

On 2, 3 and 4 of June 2010 the annual IMPEL-TFS conference was held in Basel, Switzerland, 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. 108 Delegates from 26 IMPEL Member Countries, Serbia and Switzerland and representatives from the Secretariat of the Basel Convention, the World Customs Organizations, Interpol, the European Commission (DG Environment and DG TAXUD), the Ministry of Environmental Protection of the People's Republic of China, Hong Kong Environmental Protection Department and Japanese Ministry of Environment attended the meeting. Also representatives from Eurometaux and the EMPA Institute attended a part of the meeting.

The conference concentrated on the ongoing activities and projects of the IMPEL TFS cluster, new project proposals, collaboration with the Asian and African region, further collaboration with Customs and Public Prosecutors and risk-based inspection planning systems. Furthermore some interesting case studies and national collaboration initiatives were presented and the IMPEL TFS Training DVD was launched.

The main aims of the conference were:

- To exchange and discuss experiences with the Waste Shipment Regulation 1013/2006 (WSR) in relation to enforcement issues and case studies;
- To discuss the progress of running enforcement projects;
- To agree on new activities of IMPEL/TFS;
- To promote exchange of knowledge and experience with the enforcement of the WSR;
- To stimulate cooperation with third countries and international organisations;
- To reach an efficient collaboration between waste enforcement authorities, police, customs authorities and public prosecutors.



## 2. CONFERENCE PROGRAMME

The conference was chaired by members of the IMPEL TFS Steering Committee: Mr Edgar Freund, Ms Anne-Laure Genty, Ms Marina de Gier and Mr Pat Fenton on the first, second and third days respectively.

### Day 1 Programme

The first day of the conference was divided in two parts. A series of sessions in the morning were dedicated to the IMPEL-TFS National Contact Points, police officers and high level managers.

The afternoon programme included a number of presentations updating the audience on activities related to the transfrontier shipments of waste.

The conference, which was hosted by the Swiss Federal Office for the Environment, was opened by Mr. Gérard Poffet (Vice Director Federal Office for the Environment, FOEN).

Mr Andre Hauser from the Swiss Federal Office for the Environment presented the situation on waste imports and exports in Switzerland

Mr. Nelson Sabogal from the Secretariat of the Basel Convention informed the group about the activities undertaken by the Secretariat to improve the enforcement of the Basel Convention, such as the development of enforcement tools and international cooperation and training. He highlighted three capacity building programmes in Africa and the SIDS in the Caribbean.

Ms Jenny van Houten from the Dutch VROM Inspectorate presented the outcomes of the NCP session. National case-studies have been presented and discussed within the group and the online communication tool developed for the NCPs was explained.

Mr Huib van Westen from the Dutch VROM Inspectorate shared the outcomes of the police session that took place in the morning. It was recommended to IMPEL TFS to continue with these police meetings during IMPEL/TFS conferences, to involve public prosecutors in IMPEL TFS network and to support police officers during their inspections/ investigations. Concerns were raised about (continued) involvement of some environmental inspectorates in certain IMPEL TFS projects.

Mr Rainer Werneburg from the Regierungspräsidium Kassel, Germany, presented the outcomes of the high level management meeting. At the meeting an update was given on running IMPEL TFS projects. Furthermore discussions took place on the new proposed structure of the IMPEL TFS Cluster (especially the composition and role of the Steering Committee and the link between the Steering Committee and the NCPs) and on the report of the study on the feasibility of the establishment of a Waste Implementation Agency

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. New legislation in relation to the WSR has been developed. A study on the use of annex VII has been commissioned and the final report is expected in the summer of 2010. A helpdesk will be installed and a Frequently Asked Questions document will be uploaded on the DG Environment website. Furthermore an impact assessment study will be carried out of selected criteria for waste shipment inspections. The European Commission together with the Waste Shipments Correspondents Group will continue to develop guidelines. Also DG TAXUD has launched a study supporting implementation of WSR with respect to customs nomenclature and tariffs and a study to examine problems of waste shipments from EU to Asian countries (ASEAN).

Mr Hui Fu from the World Customs Organization presented the experiences and lessons learned during the Operation Demeter, a joint venture targeting illegal transboundary movements of hazardous and other waste between Europe, Asia/the Pacific and Africa. The aims of the Operation Demeter were to bring awareness of illegal waste shipments, demonstrate the commitment and important role played by Customs, quantify and qualify scale of illegal trade in waste in related regions, keep track, verify the final destinations and further treatment of the waste, improve mutual understanding and practical cooperation between Customs administrations and deliver tangible results in terms of seizures.

The operation resulted in more than 30000 tons and 1,500 pieces of illegal hazardous waste gathered in 57 seizures, ranging from household waste and scrap metal to discarded electronic goods and used vehicle parts. The majority of seizures took place in European countries such as the Netherlands, Belgium, and Italy before the waste could be shipped. Iron scrap destined for Asia topped the list in terms of quantities seized. Africa remained the 'destination of choice' for household waste such as used refrigerators containing CFCs and old television screens, with over 1100 of the approximately 1500 pieces seized destined for countries on the continent.

Mr Frans Geysels from the Pollution Crime Working Group of Interpol gave an update on their activities. The Pollution Crime Working Group is established to enhance and develop capacity, capabilities and co-operation in effective enforcement, to encourage and assist in exchange of information and intelligence, to provide operational support and to encourage and provide opportunities to network, communicate and exchange skills.

He highlighted the use of Ecomessages, the establishment of the INTERPOL Global E-waste Crime Group, which aims to further investigate the links and perform tactical analysis, to provide sustainable integrated solutions for Awareness, Intelligence, Prevention and Enforcement, to set up intelligence led global joint operations and to crack down on the "big, the bad and the nasty". The Global E-waste Crime Group is a follow up of the project "Electronic Waste and Organized Crime - Assessing the links". The report is available on the INTERPOL website: <http://www.interpol.int/Public/ICPO/FactSheets/Wastereport.pdf>.

And lastly he presented the projects on Clean Seas, which aims at conserving cleaner and safer marine environments through enhanced international collaborative enforcement efforts addressing ship related issues, and Climate Change. The latter project goals are to Develop and maintain a good understanding of the carbon market and identify specific areas within the

market that could be vulnerable to criminal activity, to educate the international law enforcement community on the fundamentals of the carbon market and the areas that are more susceptible to criminal activity, to develop a guide for the INTERPOL members and law enforcement community detailing the vulnerabilities in the carbon market with potential enforcement strategies attached and to provide ongoing expertise to the international law enforcement community in combating the areas of concern identified by the workgroup.

And finally Ms Gabi Eigenmann informed the group about the Indonesian-Swiss Country-led Initiative (CLI). This CLI deals with the Ban Amendment. Based on the statement of the President of COP 9, Switzerland and Indonesia announced their readiness to organize a “Country-led Initiative” (CLI), inviting key players, to discuss in an informal, dynamic, and non-dogmatic manner those issues related to the transboundary movements of hazardous wastes, especially to developing countries, contrary to the overarching objective of the Ban Amendment. On the website of the Basel Convention Secretariat, a special section is dedicated to this CLI: <http://www.basel.int/convention/cli/index.html>

#### Day 2 Programme

The second day of the conference started with a presentation about the ‘Doing the Right Things’ project, by Mr Tony Liebrechts and Mr Jan Teekens, representatives from the IMPEL Cluster 1, followed by a series of workshops. A summary of the outcome of the discussions is outlined in Section 3.

Furthermore Mr Frans Geysels from the Belgian Federal Police presented the ‘Augias Project’. This project was launched after a seminar in Paris 2008 on the combat against international waste trafficking concluded that European legislation on international (waste) transport is too unknown, too complicated and too technical for the officer in the field to be easily applied. The project aims to 1.increase awareness with the officer in the field regarding environmental crime, 2.to develop tools to enhance the efficiency of transport checks thus spurring on the officer in the field to conduct more and more thorough checks and 3.to improve the exchange of information on national and international level. This aims are to be realized by the development of practical tools, namely a manual and a pocket, a standardized form to report waste traffic controls results and a (inter)national database.

A case concerning the illegal shipment of waste was presented by Mr Bart Palmans from the Flemish Environmental Inspectorate. The case study concerned the (illegal) movement of phosphoric acid and all the difficulties related to this case: waste versus non-waste, hazardous material?, packaging and labelling, involved competent authorities, sampling and repatriation of the material.

And the 2<sup>nd</sup> day of the conference ended with the premiere of the IMPEL TFS Training DVD. This training DVD is sponsored by the Environment Agency of England and Wales and the VROM Inspectorate of the Netherlands and focuses on the different aspects of inspecting and enforcing the Basel Convention and good practises in several countries.

### Day 3 Programme

The third day started with presentation by Mr Joachim Wuttke on a study launched by German Federal Ministry of Environment on *'Transboundary shipment of E-waste – Optimization of material flows and control'*.

This report describes approaches, measures and regulation structures for the export of used electrical/electronic equipment and waste electrical/electronic equipment to non-EU countries. It aims at optimising the protection of the environment and resource flows. Emphasis was placed on exports via the Port of Hamburg.

The total quantity of the exports extrapolated within the framework of the investigation in 2008 lay between 93,000 t and 216,000 t. The specific value of the exports (€/kg) lies significantly below the value of the exports to EU Member States. The equipment originates from a multiplicity of sources (in all >4,000 sources), in part from private end users, in part from commercial sources and partially from the waste regime. Private collection and reloading points represent one of the most important pivotal points for the export of low-value equipment. In the countries of destination, the equipment encounters recovery and disposal structures, which are not suitable to ensure the protection of human health and the environment as well as the extensive recovery of re-sources. Through this, several hundred of kilos of precious metals and rare earths are lost from the economic cycle. The elaborated measures for the optimisation of material flows cover short-term measures (amendment of the WEEE Directive, export controls, information of the public, obligation of manufacturers and re-marketing firms, return logistics) as well as medium-term measures (modification of the foreign trade statistics, improvement of the situation in the countries of destination).

Mr Matthew Williamson from the Environment Agency of England and Wales presented their collaborative work with shipping lines and the reasons why the competent authorities want to collaborate with them and the other way around.

Mr Pat Fenton from the IMPEL TFS Steering Committee introduced the new IMPEL TFS Multi Annual Work Plan 2011-2015. As the first IMPEL TFS MAWP ran from 2006 – 2010, a second Plan needed to be developed. Overall the mission statement and the strategic goals (awareness raising, capacity building and improved cooperation) remained the same. The 2nd MAWP mainly includes new policy and law developments that have influence on the IMPEL TFS work and lists new projects for the 4 coming years.

The final session of the conference was dedicated to Industry's view on enforcement of the law on transfrontier shipments of waste. Ms Annick Carpentier from Eurometaux presented their work in relation to the Raw Materials Initiative. The EU Communication from November 2008 is an integrated strategy based on three pillars:

1. Ensure access to raw materials (RM) from international markets under the same conditions as other industrial competitors
2. Set the right framework conditions within the EU in order to foster sustainable supply of RM from European sources
3. Boost overall resource efficiency and promote recycling to reduce the EU's consumption of primary RM and decrease the relative import dependence

The Communication lists 10 potential points for action addressing development, trade, mining and recycling issues. The European Council requested that some concrete proposals to facilitate access to RM be developed. The Commission will submit its report to the Council in November 2010 for discussion at the formal Council meeting in December.

In relation to pillar one, improving access to raw materials, a study conducted by Eurometaux listed a number of proposals concerning enforcing trade-related aspects of environmental legislation, including the WSR. It was for example suggested to make the Correspondents' Guidelines for WEEE and ELV's legally binding, to ensure pre-information of export authorities with Annex VII form as a means to carry out targeted controls, to encourage efforts to conduct road or ship spot check inspections (police/customs), to continue to support the IMPEL network and activities, to boost cooperation among national Customs and to facilitate intra-EU trade through an effective implementation of WSR. Also in relation to Customs and the harmonized goods codes it was recommended to make a distinction in the customs declaration between new and second-hand goods and to build information on "illegal" waste streams.

In relation to the end-of-waste concept (EoW) it was proposed to develop strict criteria for end-of-waste concept and to development of coherent enforcement strategies.

The EU NFM industry pleads for strengthening law enforcement on illegal trade and practices, a level playing-field principle among the recycling industry, sustainable materials management across the value chain and a strategic approach to ensure recycling of critical materials not motivated by volume, value and environment drivers.

And Ms Esther Mueller from the Swiss research institute EMPA informed the audience about e-waste programmes in China, India, South Africa, Colombia and Peru and e-waste management in Africa.

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

- IMPEL TFS NCP Exchange Days, September/October 2010 in Austria
- EU Training sessions for the SBC E-waste Africa project, September 2010, the Netherlands and Belgium

Mr Edgar Freund, Chair of the IMPEL TFS Steering Committee, thanked Mr. Pat Fenton, outgoing member of the IMPEL TFS Steering Committee.

The conference was closed with an overview of the main outcomes of the conference. And lastly the host organisation, the Swiss Federal Office for the Environment, was thanked for their hard work and excellent organisation of the 2010 conference.

#### **4. CONFERENCE CONCLUSIONS AND RECOMMENDATIONS**

- The conference noted a successful conference with again a broad international representation.
- The conference noted a variety of case studies concerning repatriation of waste.
- The conference was updated on progress from a number of other organisations.
- The conference remains a good opportunity to network and share experiences with good inter-agency involvement.
- The conference welcomed the participation of industry and NGO's.
- The New IMPEL TFS MAWP 2011 – 2015 was presented for endorsement.

It was recommended that IMPEL TFS would:

- Work further on developing a step-by-step procedure for verifications;
- Consider a pilot project for the use of the 'Doing the right things' methodology in relation to WSR Inspections planning;
- Consider a project on Customs collaboration;
- Draft terms of reference concerning the 'Waste sites' project for adoption by the IMPEL General Assembly.

Furthermore:

- IMPEL TFS suggested to the European Commission to include the development of a correspondents' guideline on refuse- derived fuel (RDF) for their work plan 2011;
- IMPEL TFS was asked for ideas and input in relation to the issue of ship dismantling.

## 5. SUBGROUP DISCUSSION - Summary of the outcomes

### Workgroup 1 – EU-Asia collaboration

Chairs: Pat Fenton and Carl Huijbregts

Reporter: Pat Fenton

**Presentation “Overview of EU-China waste shipment verifications” by Mr Zheng Yang of the National Centre of Solid Waste Management of Ministry of Environmental Protection of P.R. China)**

#### Results of Verifications:

- Several European authorities have asked the Chinese authorities to verify waste shipments from their country to China. Main questions:
  - Does China accept the particular waste?
  - Does the company in China exist or not?
  - Are copies of SEPA/MEP licences true or false?
- 120 verification requests were made to China principally from Belgium (61) and Ireland (29).
- 41 of these were illegal, 15 represented waste which was prohibited in China and 4 facilities in China had false licences. This constitutes a violation rate of 34.1%.
- Principally plastic /mixed paper and mixed metals were in violation.
- Of the 10 track-and-trace operations that were done with the Netherlands none went according to the rules; in that 3 did not meet Chinese standards, 2 changed final facilities-although the final facility was authorised, 1 went to an unauthorised facility and 4 containers did not arrive or were “lost”.

The conference documents contain an extra presentation with information about waste legislation of China. In the Sino-Dutch working agreement a website with legal procedures for waste shipments from Europe to China has been developed:

[http://www.senternovem.nl/Waste\\_Management\\_Department/International\\_shipments\\_of\\_waste/dossier\\_china/index.asp](http://www.senternovem.nl/Waste_Management_Department/International_shipments_of_waste/dossier_china/index.asp)

#### Some details on how to request verification to China:

- First issue is whether the waste is acceptable or not to China. In this case photographs and components should accompany the request.
- Secondly whether the company has an import licence or not. Please provide the Chinese name or a copy of the Chinese version of the licence.
- Is the waste facility licence genuine or false? Please provide a copy and again the Chinese version to the competent authority.
- Note that it is not possible to check every request. You are kindly asked to be reasonable and try to limit requests according to perceived risk.
- Use the prescribed form.

### **Presentation “Control on waste import and export in Hong Kong” by Mr Jeffrey Chan of the Hong-Kong Environmental Protection Department**

- Hong Kong is a tax free port with 12 million tonnes transit per annum and the gateway to Southern China.
- Main imports are plastic waste (71%), ferrous metals (13%), paper (9%) and non-ferrous metals (4%).
- The relationship between the Police, Customs and shipping lines is special and is a type of Public Private Partnership which works for repatriations.
- Some 300 interventions in the period 2007 to 2009 were done, of which 250 were prosecuted.
- Hong-Kong asks exporting countries to use the prescribed referral form to send verification requests.
- The Hong Kong PPP arrangement referred to above was the main instrument to give effect to repatriations. It was in effect a non-statutory basis to achieve an outcome rather than awaiting lengthy legal proceedings, which worked quite well!

### **Presentation “The Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes” by Mr. Shunichi Honda of Ministry of Environment - Japan**

- The last meeting took place in Yokohama in January 2010 and the theme was “Reinforced Collaboration among Basel CA/FP, Customs, IGOs”.
- The next workshop will be in Cambodia in November/December 2010.
- Data was supplied on the movement of hazardous waste (see presentation), gaps exist between both the import and export data.
- As it is difficult to treat hazardous wastes, like Mercury and PCBs, these are exported to OECD countries, mainly in Europe.
- Asia plays a role as an importer of metallic hazardous wastes in the world.
- The Republic of Korea and the Philippines are the two exclusive importers of waste lead-acid batteries in the region, implying the existence of recycling facilities in those two countries.
- Japan and Thailand are major importers of e-wastes.
- Malaysia imports the great amount of blast furnace slag from the region.
- Asian authorities work together in a Basel Convention Partnership to tackle problems with e-waste and used electrical and electronic equipment.

### **Outcomes**

1. Update on activities carried out by Asian authorities, like the recent study to e-waste.
2. Further clarification of the CCIC and China’s revised answers on the WSR.
3. Information was passed on regarding Dutch/China training exchanges and reverse planning.
4. Results of verification requests to China and Netherlands track and trace requests to China show high violation rates and the need for information exchange between European and Asian authorities.



5. A clear understanding of requirements in relation to verification requests, in particular to China is needed. The Dutch and Irish delegates will develop, in close cooperation with Chinese authorities, a guidance document with general procedures about verification requests to Asian countries. Practical information about repatriation of illegal shipments will be included in this document.

### **Workgroup 2 – Risk-based approaches / Minimum criteria for waste shipment inspections**

Chair: Tony Liebrechts / Jan Teekens  
Reporter: Tony Liebrechts

*No results have been reported to be included in the conference report.*

### **Workgroup 3 – New IMPEL TFS project ‘Waste sites’**

Chair: Thomas Ormond  
Reporter: Rainer Werneburg

#### **Introduction**

The workshop - with a high number of participants - discussed the German proposal for a new IMPEL-TFS project focussing on better control of “upstream” waste management facilities that are associated with illegal waste exports. The chairman gave a presentation in which he summed up the written proposal that was circulated in March/April 2010 and the comments that he received up to this point.

#### **Aims**

- Identify the most problematic waste streams and the waste sites involved.
- Take stock of available guidance on the inspection of waste sites.
- Discuss the most acute needs for guidance and the expected outcome of the project.
- Choose between two alternatives (“broad” versus “targeted” scope) in order to prepare ToR
- Invite countries to participate in the project.

#### **The outcomes of the workshop**

- Most participants identified WEEE, end-of-life vehicles (ELVs) and their components as the most common illegal waste streams and collection points, storage facilities and small-scale dismantlers as the typical waste sites associated with them. However, especially the UK pointed also to the illegal export of mixed household waste stemming from recycling or sorting facilities that work on the basis of low-level permits. Some countries like PL, CZ and CR mentioned that they have problems rather with illegal imports and transit of various wastes which are stored in ports or dumped in the countryside.
- Guidance materials from AT, CH and NO on the inspection of waste treatment facilities and on the distinction between products and waste had been sent to the chairman prior to the conference. In addition, the UK promised to circulate materials used for inspecting facilities

under the UK-typical “waste stream approach”.

- Guidance was requested on a variety of issues, such as waste/non-waste, tracing of waste streams and financial operations, detecting and prioritising the most problematic sites, and even the most effective ways to close an illegal facility or to bring it back to compliance. However, participants also warned not to overload the project with issues like the waste/non-waste distinction that are better tackled elsewhere, or to duplicate work already undertaken before, e.g. in the “verification” project.
- Participants tended to agree that a targeted approach is more useful and that it should focus on the control of mainly two types of “upstream” waste sites: a) storage, collection and dismantling facilities for WEEE and ELVs, and b) recycling and sorting facilities for mixed waste.
- 12 countries (PL, SE, UK, AT, CR, SI, BE, RO, LT, CZ, EE and PT) signalled their interest to participate together with DE in the project. Workshop participants or NCPs, respectively, were requested to confirm this interest in e-mails to the chairman/project manager and the TFS Secretariat by mid-July 2010.

#### **Workgroup 4 – Collaboration with Customs**

Chair: Jan Oomen, co-chairs Carl Huijbregts and Hui Fu

Reporter: Hui Fu

Mr. Oomen made a short presentation on how to work together with Customs. Customs administrations as part of tax administration in many countries focus on revenue collection and ensure fair competition. Customs is tasked with implementing a good number of international conventions and national regulations and has to combat illegal trafficking of many prohibited and restricted goods. By doing this, Customs interacts with many governmental agencies and authorities at national level.

#### **The Group agreed that:**

- Customs should play a very important role at the border to enforce the Basel Convention and relevant EU regulations. The collaboration between Customs and EPAs shall build up upon and start with engagement and commitment of high level policy makers of both agencies;
- Customs engagement in this area has to comply with Customs legislation. Namely, Customs can only undertake the responsibility based on concrete legal basis;
- The EPAs have to provide legal and technical support to their Customs counterparts, among other things:
  - a. Provision of pertinent legislation, background information;
  - b. Training of Customs officers;
  - c. Technical assistance, e.g. identification of waste shipments, and their handling;
  - d. Frequent communication and cooperation both at national and regional level.
- For better cooperation and identification of “who does what” and “how to do it”, it is recommended that both agencies enter a MoU (Memorandum of Understanding). The

content may include but not be limited to: Legislations in question, responsibilities, procedures on how to enforce, specialized officers/units, contact points, handling procedures (steps to take, support from EPAs, sampling, forensic analysis, etc.) information exchange, meetings, communication, and review of the MoU.

A majority of countries represented at the Group discussion indicated that there has been collaboration between Customs and EPAs at national level. The MoU has been signed in some countries, and Customs conducts risk assessment to target high risk waste shipments on the daily basis. It is obvious, that closer collaboration between the agencies is needed for better enforcement results.

**The Group recommended as further actions:**

- As the national competent agency for waste management, the EPA in each country should undertake the major responsibility and proactive measures at national level;
- More training to Customs and police officers are needed;
- Tools, like the Waste(s) Watch, are very important to get the support of customs field officers. An update of the Waste(s) Watch would be very welcome;
- Results of the questionnaire conducted by the DG TAXUD to be provided to all countries involved;
- The EPAs should assist Customs colleagues in the enforcement of waste shipment law on a daily basis;
- IMPEL-TFS is requested to prepare and circulate a guidance document with best practices of EPAs-Customs collaboration and a model MoU to provide guidance to all MS. The results of the research done by DG TAXUD could be a very good basis for this;
- Close cooperation between IMPEL-TFS projects, like Enforcement Actions II, and customs projects, like Demeter, is necessary.

**Workgroup 5 – Case studies**

Facilitator: Matthew Williamson

Reporter: Matthew Williamson

*No results have been reported to be included in the conference report.*

**Workgroup 6 – EU-Africa collaboration / SBC's 'E-waste Africa project'**

Chair: Marina de Gier

Reporter: Francesca Cenni

Francesca Cenni started with a presentation about the E-Waste Africa project. In February 2008 IMPEL has signed a MoU with the SBC. Within the framework of this MoU, IMPEL TFS and the SBC have agreed to collaborate on component 4 of the SBC's E-wastes to Africa project. This project, launched in 2009 is aiming to enable West Africa and other African countries to be able

to tackle the growing problem of e-waste import coming from industrialised countries and thereby protect the health of citizens. The project has 4 components:

- 1) A study of the flow of e-waste into Benin, Cote d'Ivoire, Ghana, Liberia and Nigeria as well as a study of the e-waste flows from Europe to Africa.
- 2) A national assessment of e-waste, development of e-waste policies and a management plan in Benin, Côte d'Ivoire, Ghana and Nigeria.
- 3) A socio-economic study on e-waste in Nigeria with a feasibility of international cooperation between African SMEs and European recycling companies. The same study will be carried out in Ghana, in the framework of bilateral cooperation between VROM and the Ministry of the Environment of Ghana.
- 4) An enforcement programme in Benin, Egypt, Ghana, Nigeria and Tunisia led by IMPEL and the Basel Coordination Centre for the African region in Nigeria, with the aim of preventing illegal export from Europe to West Africa. The programme consists of 2 training workshops in Europe and one in each of the five participating countries.

Marina de Gier gave a detailed presentation of component 4, the above mentioned enforcement programme.

#### **Objectives of the project:**

- To implement an enforcement program in five importing states (Benin, Egypt, Ghana, Nigeria and Tunisia) on the monitoring and control of transboundary movements of used and end-of life e-equipment to prevent illegal traffic.
- Establish contacts in key African countries with Competent Authorities (focus on West Africa and North Africa).
- Assess current situation regarding (illegal) imports from the EU, enforcement structures, treatment possibilities, problematic waste streams and import restrictions.
- Agree on how to deal with verification requests and detected illegal shipments and their return.

#### **Activities of the project:**

- Perform a need assessment: to define a capacity-building program.
- Training in Europe.
- Training workshops in the five countries.
- To develop a toolkit in order to build capacity, support inspections, enforcement and collaboration.
- To set up an active and practical network of focal points.
- To develop a tool to exchange information between exporting and importing countries.

#### **Training in Europe**

- I. Who will participate: senior inspectors/officers (environmental agency, custom, police, port authorities) who:
  - Have position and possibility to execute training in their organisations;
  - Have support of their managers to follow up on the subject of the trainings;
  - Have inspection experiences in environmental issues;

- Have knowledge of the Basel convention and procedures;
- Have knowledge of WEEE related legislation;
- Have the ability to participate in a training program in the English language.

II. Suggested modules:

- Knowledge and awareness:
- Legislation
- Port procedures
- Communication and Collaboration
- Inspection methods

III. Where and when:

The training will be held in september (week 38 and 39) in the Netherlands and Belgium.

After the presentations three questions were discussed:

1. Reactions on the training curriculum/modules (what issues are missing and which are most important?).

The group identified the following issues as important:

- Distinguish waste and non-waste and hazardous waste versus non-hazardous waste;
- The movement documents (what is the content of this document and how do you know it is describing waste or not? is the transboundary movement legal or illegal?);
- Do not only focus on containers but also on cars and trucks;
- Focus on best practices;
- Involve traders/business in the training;
- Visit a recycling company;
- Training on the job.

2. How to set up a network (important criteria, role of the network etc.)?

Important criteria for setting up and maintaining a network are:

- Sustainable funding;
- A secretariat/coordinator should support the network;
- It should be run by African institutions and member states;
- It should work together with already existing network like NECEMA (North Africa) and SWIPNET.

3. Are you willing to join this project (especially participating in one of the five workshops)?

Participants up to now are Norway, the Netherlands, Belgium, UK and Germany (Portugal and Switzerland are agenda members).

During the workshop no new country said they could participate in this project. But you can contact Marina de Gier if you are willing to join this project.

**COLOPHON**

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Date: November 2010

# Annexes

## Annex I. CONFERENCE PROGRAMME

### PROGRAMME IMPEL-TFS CONFERENCE

2 – 4 JUNE 2010

BASEL, SWITZERLAND

<b>2 June 2010</b>	<b>IMPEL TFS Conference, 2-4 June, Basel (Switzerland)</b>
13.00 hrs	Registration conference participants
14.00 hrs	Word of welcome by host <i>Mr. Gérard Poffet (Vice Director Federal Office for the Environment, FOEN)</i>
14.15 hrs	Adoption agenda & update IMPEL-TFS Steering Committee and projects <i>Mr. Edgar Freund (chair IMPEL-TFS Steering Committee)</i>
14.35 hrs	Waste shipments into and out of Switzerland - Waste streams and control procedures <i>By Mr. Andre Hauser (Waste Recovery and Treatment Section, FOEN)</i>
15.00 hrs	Update on the Secretariat of the Basel Convention <i>By Mr. Nelson Sabogal (Head of the Convention Services and Governance Unit, Basel Convention Secretariat)</i>
15.30 hrs	Coffee / tea break
16.00 hrs	Feedback NCP session, Police session and High Level Management Meeting <i>By Ms. Jenny van Houten, Mr. Huib van Westen and Mr. Rainer Werneburg</i>
16.30 hrs	Update other involved organisations <ul style="list-style-type: none"> <li>- <i>European Commission (Mr. George Kiayias and Ms. Christina Klahr)</i></li> <li>- <i>World Customs Organisation (Mr. Hui Fu)</i></li> <li>- <i>Interpol (Mr. Frans Geysels)</i></li> </ul>
17.30 hrs	Indonesian-Swiss Country-led Initiative (CLI) – to improve the effectiveness of the Basel convention <i>By Ms. Gabi Eigenmann (International Affairs Division, FOEN)</i>
18.00 hrs	Closing day 1
19.00 hrs	Departure from the lobby of the hotel Ramada Plaza for dinner



<b>3 June 2010</b>	<b>IMPEL TFS Conference, 2-4 June, Basel (Switzerland)</b>
09.00 hrs	Opening remarks by Chair and introduction to the workshops <i>Ms. Anne-Laure Genty</i>
09.15 hrs	Presentation 'Doing the Right Things' <i>By Mr. Tony Liegbregts and Mr. Jan Teekens</i>
09.45 hrs	Workshops 1. EU-Asia collaboration (collaboration, verification, repatriation and transit) - <i>By Mr. Pat Fenton</i>  2. Risk-based approaches / minimum criteria for waste shipment inspections - <i>By Mr. Tony Liegbregts, Mr. Jan Teekens and Mr. Peter Wessman</i>  3. New IMPEL TFS project: "Waste sites" - <i>By Mr. Thomas Ormond</i>
11.15 hrs	Coffee/tea break
11.45 hrs	Plenary feedback
12.10	Presentation 'Augias' Project <i>By Mr. Frans Geysels</i>
12.30 hrs	Lunch
14.00 hrs	Opening afternoon session by chair and introduction to the workshops <i>Ms. Marina de Gier</i>
14.15 hrs	Workshops 4. Collaboration with Customs - <i>By Mr. Jan Oomen and Mr. Carl Huijbregts</i>  5. Case studies - <i>By Mr. Matthew Williamson</i>  4. EU-Africa collaboration / SBC "E-waste to Africa" project - <i>By Ms. Marina de Gier and Ms. Francesca Cenni</i>

15.30	Coffee/tea break
16.00hrs	Plenary feedback
16.20 hrs	Case study Belgium <i>By Mr. Bart Palmans</i>
16.35 hrs	Premiere IMPEL TFS training DVD
17.30 hrs	Closing day 2

<b>4 June 2010</b>	<b>IMPEL TFS Conference, 2-4 June, Basel (Switzerland)</b>
09.00 hrs	Opening remarks by Chair <i>Mr. Pat Fenton</i>
09.15 hrs	Transboundary shipment of E-wast – Optimization of material flows and control <i>By Mr. Joachim Wuttke</i>
09.45 hrs	Involving shipping lines <i>By Mr. Matthew Williamson</i>
10.15 hrs	New IMPEL TFS Multi Annual Programme 2011-2015 <i>By Mr. Pat Fenton</i>
10.30 hrs	Coffee break
11.00 hrs	Industry and NGO session - Raw Materials Initiative <i>by Ms. Annick Carpentier (Eurometaux)</i>  - Knowledge Partnerships in e-Waste Recycling with Developing Countries <i>by Ms. Esther Mueller (EMPA)</i>
12.00 hrs	Open session and conclusions of the conference
12.25 hrs	Closing of the conference

12.30 hrs	Lunch
14.30 hrs	Departure

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## Annex III. Terms of Reference

<b>TERMS OF REFERENCE FOR IMPEL PROJECT</b>
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No	Name of project
2010/11	IMPEL TFS Conference 2010

### 1. Scope

<b>1.1. Background</b>	The projects and activities of the TFS cluster are based on the European Waste Shipment Regulation № 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 <b>above all</b> maintaining good and practical collaboration between Member States, third countries and other relevant organisations.
<b>1.2. Link to MAWP and IMPEL's role and scope</b>	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. <ul style="list-style-type: none"> <li>• I/1/4/5/7/8</li> <li>• II/7</li> <li>• III/1/5/9</li> <li>• VI/7/10</li> </ul>
<b>1.3. Objective (s)</b>	The conference has the following objectives: <ol style="list-style-type: none"> <li>1. Maintain, strengthen and expand the TFS network</li> <li>2. Discuss running and new projects and joint activities</li> <li>3. Exchange practical information (e.g. by case studies)</li> <li>4. Get updated by other relevant activities from related organisations (e.g. DG ENV, Basel Secretariat, WCO, INTERPOL)</li> <li>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.</li> <li>6. Establish concrete cooperation agreements with third countries, regions and other networks</li> </ol>
<b>1.4. Definition</b>	The objectives will be achieved amongst by organising a conference <sup>1</sup> . The general conference will be attended by approximately 80 participants,

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

	<p>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"> <li>• Development at EU level on better implementation initiatives (e.g. minimum criteria, helpdesk, training)</li> <li>• Relation with the Basel Secretariat, WCO, Interpol and Asian &amp; African Networks</li> <li>• Cooperation and agreements with waste receiving countries outside the EU</li> <li>• case studies</li> <li>• better collaboration and networking</li> <li>• up-date on running projects</li> <li>• views from Industry and NGO's</li> </ul> <p>The conference will include presentations by key speakers, case studies and workshops.</p>
<b>1.5. Product(s)</b>	A conference report, including conclusions and follow-up actions and a press release.

## 2. Structure of the project

<b>2.1. Participants</b>	Approximately 80 participants from all the Member States and third countries.
<b>2.2. Project team</b>	<p>The ones responsible for the organisation are:</p> <ul style="list-style-type: none"> <li>• The hosting country (Switzerland)</li> <li>• The IMPEL-TFS Secretariat</li> <li>• The IMPEL-TFS Steering Group</li> </ul>
<b>2.3. Manager Executor</b>	Switzerland and Nancy Isarin (IMPEL-TFS Secretariat)
<b>2.4. Reporting arrangements</b>	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 sent to the IMPEL plenary.
<b>2.5 Dissemination of results/main target groups</b>	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		2010
	<u>1. Overhead (organisation) cost (€) :</u>	<b>42.400</b>
	<u>2 Project meeting costs (€)</u>	
	<u>Meeting 1<sup>2</sup></u>	
	No of Participants:	<b>80, but max 54 on IMPEL budget</b>
	Travel <sup>3</sup> :	<b>32.400 (54* 600)</b>
	Accommodation <sup>4</sup> :	<b>29.160 (54*3 nights/180€)</b>
	Catering + Meeting venue	
	<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:	<b>12.000</b>
	Translation:	
	Dissemination:	
	Other (specify):	
	<b>TOTAL cost per year</b>	<b>115.960€</b>
	<b>TOTAL project cost</b>	
<b>3.2. Fin. from IMPEL budget</b>	<u>2. Project meeting costs</u>	61.560€
<b>3.3. Co-financing by MS (and any other )</b>	<u>1. Overhead costs</u> as co-financing contribution, committed by the Swiss Federal Office for the Environment	42.400€
	<u>3. Other costs</u> as co-financing contribution, committed by VROM Inspectorate (Netherlands), Environment Agency (England & Wales) and Hessen State (Germany)	12.000€

<sup>2</sup> specify, like Review Group Meetings, Workshop etc.

<sup>3</sup> normative: €600/person

<sup>4</sup> normative: €100/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

<b>5.1. Directive/Regulation/Decision</b>	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.
<b>5.2. Article and description</b>	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.”
<b>5.3 Link to the 6<sup>th</sup> EAP</b>	Articles 3(2) and 9(2,d)

#### 6. Project planning

<b>6.1. Approval</b>	16 October 2009 at the IMPEL plenary/General Assembly in Brussels.
<b>(6.2. Fin. Contributions)</b>	
<b>6.3. Start</b>	November 2009
<b>6.4 Milestones</b>	Preparation: November 2009 – March 2010 (programme, inviting speakers, accommodation and venue)  Invitation: April 2010  Conference: 2-4 June 2010  Report: July 2010
<b>6.5 Product</b>	Conference report and a press release.
<b>6.6 Adoption</b>	September 2010 during the IMPEL’s General Assembly





*Annick Carpentier, Eurometaux:*

## The Non-Ferrous Metals (NFM) Industry Proposals to implement the **EU Raw Materials Initiative (RMI)**

### **Excerpts**

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### **Raw Materials Initiative (EC Communication November 2008)**

The Communication is an integrated strategy based on three pillars:

- Ensure *access* to raw materials (RM) from international markets under the same conditions as other industrial competitors
- Set the right *framework conditions* within the EU in order to foster sustainable supply of RM from European sources
- Boost overall *resource efficiency* and promote *recycling* to reduce the EU's consumption of primary RM and decrease the relative import dependence

The Communication lists 10 potential points for action addressing development, trade, mining and recycling issues.

The European Council requested that some concrete proposals to facilitate access to RM be developed. The Commission will submit its report to the Council in November 2010 for discussion at the formal Council meeting in December.

### **The race for accessing NFM raw materials**

EU is highly dependent on imports of most NFM raw materials. Other moments:

- Unprecedented *pressure on world market* for accessing the materials, in particular from emerging countries
- *Major competitive distortions* due to unfair industrial and trade policy measures
- Huge "*urban mine*" arising from EU domestic production and consumption
- The main challenge of the European NFM industry is to act at all levels for free and *fair access* to raw materials

*Pillar 1: Improving access to secondary raw materials*

## **Enforcing trade-related aspects of environmental legislation, including WSR**

Knowing the issue and the objective (described), the proposal is:

- Make Correspondents' Guidelines for WEEE **legally binding**
- Make ELV Correspondents' Guidelines legally binding in the next revision
- Ensure **pre-information** of export authorities with Annex VII form as a means to carry out targeted controls
- Encourage efforts to conduct road or ship spot check inspections (police/customs)
- Continue to support the IMPEL network and activities
- Boost cooperation among national Customs
- Support the "Solving the E-Waste Problem Initiative"
- Develop public awareness of illegal streams and channels
- Facilitate intra-EU trade through an effective implementation of WSR

The Commission should **mobilize the authorities** concerned on a collective work program and modus operandi.

## **Customs identification of second hand goods**

Knowing the issue, the objectives and the proposal is:

- Make a distinction in the customs declaration between **new and second-hand** goods
- Build **information** on "illegal" waste streams
- Facilitate **implementation** through electronic declaration
- Insert a clause in the MCCC-IP requiring **explicit declaration** of second-hand exported goods (box 44)

## **The end-of-waste concept (EoW)**

Given the issue, the objectives and the proposal are:

- Strict criteria for end-of-waste concept
- Development of coherent enforcement strategies
- Conduct extensive **impact assessment** (economic and trade aspects included) of EoW concept linked to RMI

*Pillar 2: Ensuring worldwide level playing field for processing secondary raw materials*

## **Certification of pre-processors, refiners and recyclers of waste and secondary RM**

Given the issue and the objective (described), the proposal is:

- Level playing fields to be established by a **certification scheme**
- **Certification to apply to all shipments** of waste and secondary RM between EU-MS and to **third countries**
- Export only authorized if final processor is duly identified and certified
- EM proposals base on principles embedded in existing legislation and enforceable by EU authorities
- Assessment of criteria and delivery of certificates by **independent verification** bureaus approved and certified by authorities

## **Re-shipping of complex materials to BAT-recycling plants in Europe**

The objective and the proposal are:

- Convert those engaged in inappropriate activities in developing countries into **collectors** improving local economics, health and environment
- Develop cooperation between EU and developing countries

*Pillar 3:                   Improving management of raw materials and their efficient use*

## **Promote efficient collection and recycling of rechargeable batteries**

Given the issue and the objective (described), the proposal is in short:

- Increase collection, facilitate sorting, and improve recycling efficiency (**colour coding** according to chemical content, WEEE and ELV **dismantlers to remove** incorporated batteries)
- Promote and implement education and communication measures

## Eco Leasing: A product of service

Given the issue and objective, the proposal is:

- Ensure regulations do not jeopardize this model
- Integrate such model into *building certifications*
- Develop *recycling investment* opportunities in new regulations
- Increase model awareness – especially to large building contractors

## Recycling data

Given the issue and the objective (described), the proposal is in short:

- Data on scrap flows (like: extension to raw materials)
- Data on materials in stock and hoarded (encouragement to MS to collect info)
- Data on waste disposal (quantity and quality of waste)

## Research on recyclability

Given the issue and the objective, the proposal is:

- Define list of **recycling issues** for NFM to be targeted in research program under 8<sup>th</sup> EU Framework Program

### *Pillar 4: Economic viability of recycling*

## The issue: Drivers for recycling

Recycling should be regarded as part of a long term sustainability and resource conservation strategy. The drivers are (see triangle figure): value, environment and volume.

**Value** driven by recycling is taken care of by the market, whereas **environment and volume** driven recycling are mostly society driven, at a cost. The latter two often have an ethical component and need policy and legislation. Proposals are, accordingly: extend existing policies on supporting and financing, and improving existing policies.

# OVERALL CONCLUSIONS

- Main challenge of the European NFM industry is to **act at all levels** for free and fair access to raw materials

## *The EU NFM industry pleads for:*

- Strengthening law **enforcement on illegal trade** and practices
- A level **playing-field** principle among the **recycling industry**
- **Sustainable materials management across the value chain**
- Strategic approach to **ensure recycling of critical materials** not motivated by volume, value and environment drivers