



European Union Network for
the Implementation and Enforcement
of Environmental Law

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

IMPEL-TFS CONFERENCE 2007 REPORT

*Paris, France
21, 22 and 23 of March 2007*

The European Union Network for the Implementation and Enforcement of Environmental Law is an informal network of the environmental authorities of EU Member States, acceding and candidate countries, and Norway. The European Commission is also a member of IMPEL and shares the chairmanship of its Plenary Meetings.

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

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

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<p>Project Manager/Authors</p> <p>Nancy Isarin (IMPEL-TFS Secretariat)</p>	<p>Report adopted at IMPEL Plenary Meeting: <i>Berlin (DE), 30th May – 1st June 2007</i></p>
	<p>Number of pages Report: 8 Annexes: 10</p>
<p>Executive Summary</p> <p>The annual conference of the IMPEL-TFS cluster was held from 21 to 23 of March 2007 in Paris. 80 representatives from 24 countries including representatives from the European Commission, Interpol and Europol attended the meeting.</p> <p>Main aim of the conference was to inform the participants about ongoing activities within the IMPEL-TFS cluster related to the enforcement of the Waste Shipment Regulation E.C. 259/93, to share experiences between frontline regulators and to discuss the revised Waste Shipment Regulation E.C 1013/2006.</p> <p>Subgroups discussed items which are new in the revised Regulation, like mixtures of green listed waste, the role of brokers and dealers and interim recovery. Feedback will be given on the issues of concern to the European Commission and the Waste Correspondents Group. Also possibilities for projects on E-waste and the use of intelligence were considered. Furthermore the participants supported the activities by the IMPEL-TFS Steering committee to establish contacts with waste receiving countries in Asia.</p> <p>All participants reaffirmed its commitment to continued cooperation and collaboration in preventing and combating illegal shipments of waste.</p>	
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1. INTRODUCTION

On 21, 22 and 23 March 2007 the IMPEL-TFS conference was held in Paris, France, relating to the control of Transfrontier Shipments of Waste (TFS) as regulated in the EU Regulation 259/93 (i.e. the WSR).

The conference, which is carried out under the IMPEL network, is an annual event and has been organised since 1992. There were 80 representatives from 24 countries including representatives from the European Commission, Interpol and Europol.

The conference concentrated on the implementation of the revised Waste Shipment Regulation (1013/2006), which will apply from 12 July 2007 and informing the participants about ongoing activities and projects.

The main aims of the conference were:

- Enhancing knowledge of the new European Waste Shipment Regulation (WSR) and the consequences for its enforcement
- Discussing the progress of running projects and related activities
- Promoting exchange of knowledge and experience with the enforcement of the WSR
- Reaching an efficient collaboration between waste enforcement authorities, police and customs
- Discussing future enforcement activities of IMPEL/TFS

The conference, which was hosted by the Central Office for the fight against Environment and Public Health Offences (OCLAESP) of the Gendarmerie, was opened by Brigadier-General Serge CAILLET, Commander in chief of the French criminal investigations Directorate and Mr Laurent MICHEL, Director of the department for the prevention of pollutions and major casualties, French Governmental Minister for the major casualties (Ministry of ecology and sustainable development).

The conference was chaired by Mr. Pat Fenton, Department of the Environment, Heritage and Local Government of the Republic of Ireland, Mr John Marshall, Environment Agency of England and Wales and Ms Magda Gosk, from the Polish Chief Inspectorate for Environmental Protection on the first, second and third days respectively.

The first day of the conference was divided in two parts. A separate session in the morning was organized for the IMPEL-TFS National Contact Points only. The afternoon programme included a number of presentations which aimed at updating the participants on the following activities:

- IMPEL-TFS Steering Committee
- National Contact Points
- Waste Interpretation Database
- Manual 'Managing illegal waste shipments'
- End-of-life vehicles project
- European Enforcement Action Project.

Mr Peter Wessman from the European Commission, DG Environment, presented the activities carried out by the COM aiming at an improved implementation and enforcement of the Waste Shipment Regulation.

The second day covered introductions and subgroup discussions on the following issues/projects:

- The practical consequences on the revised Waste Shipment Regulation regarding:
 - Mixtures of green listed waste (Annex IIIa)
 - Annex VII
 - The role of brokers and dealers
 - Interim recovery
- E-waste and WEEE guideline
- Use of Intelligence
- End of Life Vehicles (ELVs)

A summary of the outcome of the discussions is outlined in Section 4.

The second day ended with a presentation by Mr Baumgarten from Seche. This company is responsible for the treatment of a part of the waste in France, which was illegally dumped in the Ivory Coast by the Probo Koala.

The third day of the conference included a case study on illegal shipments of waste and a roadmap on interstate collaboration in combating illegal shipments of waste between neighboring countries. A film was shown which demonstrated how traffic inspections on waste shipments in the Netherlands are carried out. Mr Roberto Gonella from Europol gave a presentation about its organization and their activities. The final presentation, given by Ms Anna Karamat from the European Commission, DG Environment, informed the conference participants about the revision process of the Recommendation on Minimum Criteria on Environmental Inspections and the possibility of expanding the scope to transfrontier waste shipments inspections.

The conference was closed with an overview of the main outcomes of the conference.

Main upcoming meetings and conferences include:

- The IMPEL Plenary will be held later in Berlin, Germany, from 30 May to 1 June 2007.
- The IMPEL/TFS Steering Group Committee will meet next in Malta on 25 and 26 of June 2007.
- The next IMPEL/TFS Conference will be hosted by Bulgaria in 2008.

2. CONFERENCE PRELIMINARY CONCLUSIONS

The conference discussed issues concerning:

1. The implementation of the new Waste Shipment Regulation
2. Exchange of experience in relation to enforcement and French experiences in recent controls and the use of intelligence
3. Ongoing and future projects in accordance with the MAWP of the IMPEL-TFS network
4. National Contact Points discussed issues of concern

The conference therefore:

1. **Welcomed** the record level of participation with 24 countries participating (some for the first time) and a wide ranging of representatives of enforcement authorities, such as the police, customs and national competent authorities.
2. **Noted** that there maybe some difficulties in the implementation and enforcement of the new Waste Shipment Regulation. Feedback will be given on the issues of concern to the European Commission and the Waste Correspondents Group.
3. **Noted** that nine MS participated in the first joint inspection of the Enforcement Actions Project and that others have committed to further actions during the latter half of 2007. The results showed continuing level of infringements of the legislation which is of concern.
4. **Considered** a number of problematic waste streams such as its ongoing ELV-project and also the commencement of a new project on WEEE.
5. **Recognized** that there are continuing problems internationally with illegal transboundary movements of waste, particularly municipal waste while noting examples of good practice amongst certain States in coming to grips with such problems.
6. **Reaffirmed** its commitment to continued cooperation and collaboration in preventing and combating illegal shipments of waste.
7. **Took note** of IMPEL-TFS plans to improve contact with Asian authorities, in particular China.
8. **Considered** how best to promote the use of intelligence amongst police forces in order to better combat illegal transboundary movements of waste.

3. CONFERENCE ACTION LIST

Action list Paris, France, 21, 22 and 23 March 2007

Responsible	Action	Before
All participants	Comments on Manual 'Managing illegal waste shipment' to Rainer Werneburg	30 April 2007
All participants	Forward the names, e-mail addresses, fax/phone numbers of the TFS NCP, if not already done, to Nancy Isarin (IMPEL-TFS Secretariat)	As soon as possible
All participants	Explore possibilities to join the IMPEL-TFS Steering Committee	As soon as possible
All IMPEL-TFS members	To assess the possibilities to financially support the IMPEL-TFS Secretariat after 2007	End of 2007
IMPEL-TFS Secretariat	Give feedback to the Waste Shipment Correspondents Group on the proposed guidelines	20 April 2007
Frederic Thomas	Initiate a working group related to the Use of Intelligence	?
All participants	Forward criteria used how to distinguish a secondhand car from a end-of-life vehicle to Mr Louis Duffy	June 2007
IMPEL-TFS Secretariat	Send all participants the Final Report on the Conference	April 2007
Steering Committee	Next meeting of the Steering Committee in Malta	25/26 June 2007
Bulgaria	To host IMPEL/TFS Conference in 2008	2008
Sweden	To host the IMPEL/TFS conference in 2009	2009 (possibly week 13)

4. SUBGROUP DISCUSSION SUMMARY OUTCOMES

Subgroup – Mixtures of green listed waste (annex IIIA) and Annex VII

The new Waste Shipment Regulation 1013/2006 (nWSR) includes some new items which also have consequences on the enforcement of waste shipments after 12 of July 2007. During this subgroup session, the following two items were discussed:

1. Green listed waste and mixtures of green listed waste

The nWSR gives the opportunity to propose mixtures of green listed waste (annex IIIA). Currently some proposals are suggested as well as a list of criteria to assess the mixtures of green listed waste. The subgroup was asked to discuss mainly the enforceability side of this.

2. Annex VII

Also new is the form which must accompany the shipments of green listed waste. It should mention the original producer. But what about dealers and brokers that prefer to keep this information hidden for the receivers of the waste? Some correspondents suggest having 2 versions of the annex VII. The subgroup was asked to discuss from an enforcement point of view the use of annex VII.

Subgroup Discussion Conclusion/Recommendations:

1. Mixtures of green listed waste

- It would be best if annex IIIA stayed blank!
- ***How to deal with mixtures of green listed waste which are exported to non-OECD countries?*** Will these mixtures be discussed with all receiving countries? The lack of good networks and links with destination countries was viewed as a risk to enforcement.
- Clarification is needed on the definition of a mixture.
- Clarify what the codes cover.
- Origin of the waste mixture and final destination should be clear.
- It is important to know the BAT at the destination countries.
- Adding concentrations would not have an added value.
- Including percentages would make (visual) inspections more difficult.
- The mixture should have a 100% recycling rate.
- Try to stimulate sorting at the source.

2. Annex VII

- All the participants strongly opposed the idea of having two versions of the same document.
- Environment takes precedence over commercial confidentiality in the new WSR. Therefore traceability was considered more important than commercial confidentiality.
- Transparency of source, intermediate, handling and ownership should be immediately available to the regulator/inspector.
- Having several copies of the same documents works confusing. Especially because the documents don't have a reference number.

Subgroup – The role of brokers and dealers and interim operations

During this subgroup session the two hereafter mentioned items were discussed. The outcomes will also be sent to the Waste Shipment Correspondents Group, which is preparing guidelines related to the revised WSR.

1. The role of brokers and dealers

- What are the current experiences with brokers and dealers? (from an enforcement point of view)
- What about producers' responsibility?
- How to deal with brokers or dealers operating from a third country outside the EU? (e.g. in case of repatriation of illegally shipped waste)

2. Interim operations

- How to follow the waste after an interim operation (e.g. sorting or mixing) to a subsequent operation? The traceability?
- What type of information should be provided in the certificate, article 15 (e) nWSR?
- What is the status of the certificate? How to enforce and prosecute when the document is not available?

Subgroup Discussion Conclusion/Recommendations:

The role of brokers and dealers

- The producer is always responsible. He/she should ensure that his/her waste is being dealt with by a 'good' broker.
- Some countries have a system of registration for brokers and dealers. Unclear how this works outside the European Union.
- Until now shipping companies could not be held responsible for illegal waste shipments. Will the new Waste Shipment Regulation change this?
- If a broker or dealer is from a country outside the EU, hold the producer within the EU responsible (e.g. in case of repatriation).
- On allow back-to-back contracts.
- In some countries the national legislation should be adjusted to the terms of waste brokers and dealers and possibly a system of registration.

Interim operations

- Consider an interim operation as a final operation (from an enforcement viewpoint)
- If the waste changes chemically, then not considered as interim operation
- Only allow one interim operation
- CA of dispatch must know the final facility where the waste will be treated.
- Current proposal for certificate is non enforceable.
- To track waste streams through interim operations, it is in some cases possible to work with mass balances (weight has to be included in the certificate).
- Do not permit further notifications until certificates for previous operations are returned.
- Guidance needed from the new Waste Framework Directive how to determine R11, R12, R13, D14 and D15.

Subgroup – E-waste project and (W)EEE Guideline

In the IMPEL-TFS Multi Annual Programme an e-waste project is included. Ideas for this project were discussed and collected. Secondly the WEEE guideline, drafted by the Waste Shipment Correspondents was discussed.

Subgroup Discussion Conclusion/Recommendations:

- The correspondents' guideline was welcomed. It will be tested in the field by the inspectors. It was suggested to draw a decision tree.
- There are many links between the Waste Shipment Regulation and the WEEE-directive. Exchange of information and sharing experiences in these two fields are therefore considered of high importance.
- An obstacle is the lack available data on WEEE-streams.
- An IMPEL-TFS project on e-waste is open for participants AND leading country.

Countries that showed interest are: Portugal, Sweden, England&Wales, Estonia, the Netherlands and Croatia.

Subgroup – Use of Intelligence

The waste market is becoming more and more international. Many companies involved in the waste business are operational in various parts of Europe and globally. Tracing shipments of waste requires therefore an intensive cooperation between the various authorities. It is also becoming clearer that illegal activities with waste shipments are in some cases linked to other types of (organized) crime.

Collecting, assessing, analyzing and distributing information about illegal waste shipments could be a powerful tool in our combat to tackle and prevent non-compliance with the Waste Shipment Regulation and the Basle Convention. One of the tools available to collect information about illegal waste shipment is the Ecomessage, created by Interpol. The subgroup was asked to discuss possibilities to exchange information in an effective and efficient way between involved authorities

Subgroup Discussion Conclusion/Recommendations:

- The use and analysis of information is very important for efficient targeting the inspections
- Three challenges were concluded:
 1. Gather information on a national level
 2. Exchange of information between countries
 3. Assess the restrictions on information sharing
- It was recommended to make more use of the Ecomessage from Interpol and tools available at Europol
- Secondly it was recommended to set up a working group for further processing this ideas within IMPEL.

Subgroup – End-of-life vehicles

At the TFS Conference in Mechelen (June 2005) it was agreed to carry out a threat assessment on the export of end of life vehicles to destinations in Africa and Eastern Europe. The project was extended by agreement in Dec 2005 with the following objectives:

1. To define and clarify the categories of vehicles intended for export.
2. To agree minimum criteria for classification as waste/ product.
3. To develop a core procedure for vehicle export and common working methods.
4. To carry out a threat assessment on vehicle export to Africa and Eastern Europe.
5. To develop common understanding of the issues arising.
6. To test agreed procedures by joint international inspections with exchange of inspectors.
7. To develop good communication and information sharing.

The project team met in Dublin in September 2006. Differences in national legislation and variation in the national implementation and interpretation of the Waste Shipment Regulation EC 259/93 meant that a common procedure for all Member States was not a viable option. It was agreed to define the basic criteria for inspections while respecting the differences in national law, thus allowing an amount of flexibility in the inspection procedure. The workshop considered the stated objectives of the project and offered an opportunity to exchange experiences

Subgroup Discussion Conclusion/Recommendations:

- Bulgaria will join the project.
- The project leader will send an email for the exchange of inspectors.
- It was suggested that the Waste Shipment Correspondents draft a guideline on ELV's.
- During the ELV-inspections, the WEEE-guideline criteria will be applied on the ELV's.
- Keep in mind the environmental risk of what is being exported.
- What is inside the vehicle? If there was no intention to discard, why consider it a waste?
- In some cases a third party expert is needed.
- The criteria used in Belgium were discussed. The Belgium authorities require a test certificate.
- Criteria used in other Member States were requested by Louis Duffy.
- Respect each others inspections, otherwise it will lower the credibility of the inspectorates

Annex I. CONFERENCE PROGRAMME

DAY 1	IMPEL TFS-conference, 21 – 23 March, Paris (France)
Wednesday 21 March 09.30 hrs 09.35 hrs 09.45 hrs 10.45 hrs 11.00 hrs 11.15 hrs 11.25 hrs 11.35 hrs 12.35 hrs 13.00 hrs	<p style="text-align: center;">MORNING SESSION UNTIL 14.00 HRS FOR THE IMPEL-TFS NATIONAL CONTACT POINTS ONLY!!!</p> <p>Opening</p> <p>Introduction</p> <ul style="list-style-type: none"> - <i>Presentation paper 'Relation Waste Shipments Correspondents and NCP's by Mr. Pat Fenton</i> - <i>Presentation IMPEL-TFS Secretariat, by Ms. Nancy Isarin</i> <p>Workshops (session 1) on Procedures NCP's in two subgroups:</p> <ul style="list-style-type: none"> - <i>Communication, Quick Alert System</i> - <i>Role of secretariat</i> - <i>Storage of information</i> - <i>Etcetera...</i> <p>Feedback from the two subgroups</p> <p>Coffee/ Tea break</p> <p>Role of the NCP's <i>Presentation by Johan Huijbregts</i></p> <p>Waste Interpretation Database <i>Presentation by Ms. Niekol Dols and Mr. Tom Houben</i></p> <p>Workshops (session 2) on practical items in two subgroups:</p> <ul style="list-style-type: none"> - <i>Repatriation of illegal shipments</i> - <i>Verification, waste interpretations</i> - <i>Etcetera...</i> <p>Feedback & Conclusions</p> <p>Lunch (for NCP's only)</p>
14.00 hrs 14.30 hrs 15.00 hrs	<p>Registration Conference participants</p> <p>Welcomes's word by host</p> <ul style="list-style-type: none"> - Brigadier-General Serge CAILLET, Commander in chief of the French criminal investigations Directorate - Mr Laurent MICHEL, Director of the department for the prevention of pollutions and major casualties, French Governmental Minister for the major casualties (Ministry of ecology and sustainable development) <p>Adoption agenda & Update IMPEL-TFS Steering Committee, <i>by Mr. Pat Fenton (chair IMPEL-TFS Steering Committee)</i></p>

15.15 hrs	Update running projects & activities <ul style="list-style-type: none"> - <i>National Contact Points, by Ms. Nancy Isarin</i> - <i>Waste Interpretation database by Mr Johan Huijbregts</i> - <i>Manual 'Managing illegal waste shipments, by Mr. Rainer Werneburg</i> - <i>ELV's project, by Louis Duffy</i>
15.55 hrs	Groupsfoto
16.00 hrs	Coffee / Tea break
16.15 hrs	Update projects and activities <ul style="list-style-type: none"> - <i>European Enforcement Actions, by Ms. Jolanda Roelofs</i> - <i>European Commission, by Mr. Peter Wessman</i>
16.35 hrs	Experiences and results waste shipment inspection at French / German border, <i>by Mr. Frederic Thomas</i>
16.55 hrs	Closing day 1
18.00 hrs	Departure from hotel for formal dinner

DAY 2	IMPEL TFS-conference, 21 – 23 March, Paris (France)
Thursday 22 March	
09.00 hrs	Opening remarks by day chair <i>Mr. John Marshall (member of the IMPEL-TFS Steering Committee)</i>
09.05 hrs	TV programme: waste shipments inspections in the port of Duinkerken (France)
09.15 hrs	Introduction workshops, <i>by Mr. John Marshall and Mr. Johan Huijbregts</i> <i>Practical consequences of the revised Waste Shipment Regulation regarding: Green listed waste/ Mixtures of green listed waste(annex IIIA)/ Annex VII</i>
09.30 hrs	Workshops in three subgroups (session 3) Subgroup 1 Subgroup 2 Subgroup 3 Mr /Mrs Mr/Mrs Mr./Mrs
10.45 hrs	Plenary Feedback
11.00 hrs	Coffee/ Tea break
11.15	Introduction workshops, <i>by Ms. Magda Gosk</i> <i>Practical consequences of the revised Waste Shipment Regulation regarding: Brokers and Dealers of waste / Interim recovery operations</i>

11.30 hrs	Workshops in three subgroups (session 4) Subgroup 1 Subgroup 2 Subgroup 3 Mr /Mrs Mr/Mrs Mr./Mrs
12.30 hrs	Plenary Feedback
13.00 hrs	Lunch
14.00 hrs	Introduction afternoon: workshops and demonstration E-waste - <i>Presentation Guideline e-waste, by Mr. Joachim Wuttke</i> - <i>Dutch e-waste project and proposal for e-waste project within IMPEL-TFS, by Mr. Carl Huijbreghts</i> Use of Intelligence - <i>French project proposal: gathering and analysing information on waste shipments and the relation to organised crime, by Mr. Frederic Thomas</i> - <i>How to store and use information from traffic inspections of waste shipments, by Mr. Frans Danse</i> End of life vehicles - <i>ELV's, by Mr. Louis Duffy</i>
14.45 hrs	Demonstration NCRB Unit / 3 Workshops (session 5) The group will be split in half. One part will attend the demonstration of the NRBC unit of the French Gendarmerie. The other group can join one of the three following workshops (after the coffee break the groups switch): <i>1. Workshop e-waste 2. Workshop use of intelligence 3. Workshop ELV's</i> Mr /Mrs Mr/Mrs Mr/Mrs
15.45 hrs	Coffee/ Tea break
16.00 hrs	Demonstration NCRB Unit / 3 Workshops (session 5) <i>1. Workshop e-waste 2. Workshop use of intelligence 3. Workshop ELV's</i> Mr /Mrs Mr/Mrs Mr/Mrs
17.00 hrs	Plenary feedback
17.15 hrs	Probo Koala case: treatment of the waste in France, <i>by Mr. Baumgarten (SECHE)</i>
17.45 hrs	Preview day 3 Free evening

DAY 3	IMPEL TFS-conference, 21 – 23 March, Paris (France)
Friday 23 March	
09.00 hrs	Opening remarks by day chair <i>Ms. Magda Gosk (member of the IMPEL-TFS Steering Committee)</i>
09.05 hrs	Case study ‘Illegal Waste Shipments’ - <i>Experiences in Poland, by Ms. Magda Gosk</i> - <i>Roadmap: interstate collaboration by Ms. Allison Townley (United Kingdom, Northern-Ireland) and Mr. Pat Fenton (Republic of Ireland)</i> - <i>Discussion on consequences of European Waste and Recycling policies and legislation by Mr. John Marshall</i>
10.30 hrs	Coffee break
10.45 hrs	Presentation Europol, <i>by Mr. Roberto Gonella</i>
11.15 hrs	Film on traffic inspections
11.30 hrs	Revision of the Recommendation on Minimum Criteria for Environmental Inspection, <i>by Ms. Anna Karamat (European Commission)</i>
12.00 hrs	Conclusions and Evaluation of the conference Ms. Magda Gosk
12.30 hrs	Closing of the Conference
13.00 hrs	Lunch

Annex II. ATTENDANTS LIST

Mr / Ms	Name	Surname	adress	zip code	city	Email	organisation	country
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