

This idea will be presented to the steering committee and the annual IMPEL-TFS conference in Bonn.

For more information please contact Sonia Dean via sonia.dean@dublincity.ie or Niekol Dols via niekol.dols@minvrom.nl

12. New Regulation for shipments of waste

The forthcoming new Regulation of the European Parliament and of the Council on shipments of waste, which will come into force in 2007, is going a step further and establishes concrete obligations for the Member States to prevent and detect illegal shipments of waste. Article 49.2. states that Member States shall, by way of enforcement measures, provide inter alia for inspections of establishments and undertakings in accordance with Article 13 of Directive 75/442/EEC, and spot checks of shipments of waste or of the related recovery or disposal. A new obligation for the Member States is introduced by Art. 49.5:

“Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments. Member States shall identify those members of their permanent staff responsible for such cooperation and identify the focal points for physical checks. The information shall be sent to the Commission which shall distribute a compiled list to the correspondents referred to in Article 53.”

Since 1992 the members of the IMPEL-TFS network are meeting the demands laid down in the new Regulation on a voluntary basis. The new provisions legitimate the work of IMPEL-TFS and encourage it to intensify the cooperation of European environmental authorities in combating illegal waste shipments. The governments of the Member States are invited to make use of the network in order to fulfil the obligations of the new Regulation concerning the international cooperation. IMPEL-TFS can make the difference! It's up to you...

13. Other things worth knowing

- As you might know, it is unclear whether it will be possible for the Belgium OVAM to participate actively in the last phase of the IMPEL-TFS Verification 2 project. At the beginning of this year, Belgium will be able to give a clearer picture. In case OVAM (or another Flemish inspection authority) will be allowed to continue transport inspections in 2006, Belgium is determined to continue their participation in the project.
- Proposed in Zagreb at the interim meeting, Ms Sonia Dean is going to start a small working group on the export of ELV's to Africa and into the Eastern Member States. The working group will start its work in consultation with the OVAM. The main aim is, if possible, to draft a standard enforcement procedure on ELV and a ToR for an international enforcement project. The working group was proposed at the IMPEL-TFS conference of Mechelen last year.
- Regarding the problems we encounter during WSR inspections with classification of waste a project definition 'Waste defined' is proposed to the TFS steering committee which will meet in Malta at 16-17 February. Firstly this proposal is sent to key persons in the TFS-network and the correspondents meeting to test the level of support. If you are interested in the proposal, please contact Niekol Dols via niekol.dols@minvrom.nl
- A recommendation for reading is the brochure "Shipping of waste within, into and out of the European Union", published for transporters. It focuses on the required permission and transport documents, and also presents points of attention for transporters before starting transport. You can find the brochure on Viadesk, under general project documents.

Colophon

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VROM

Third edition

Newsletter IMPEL-TFS Verification - 2 Project

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1. Introduction

During autumn 2004 the second IMPEL-TFS project on the verification of waste, abbreviated to "IMPEL-TFS Verification 2 project", started. By means of this newsletter the project management informs all their contacts about the progress and findings of the project so far. Within Verification 2, four newsletters will be published.

This third newsletter presents you outcomes of the interim meeting in Zagreb (Croatia), enforcement cases of Ireland, Portugal, Switzerland and Poland are being highlighted, and information about the project follow up is being presented.

Thus: lots of news!

2. Interim meeting Zagreb

At 1 and 2 December 2005, Zagreb was the inspiring location of the IMPEL-TFS Verification 2 interim meeting. The aims of the meeting were:

- Exchange of experiences on the executed inspection weeks (TI1 and TI2), in order to improve the quality and efficiency of the upcoming inspection week (TI3);
- Tackle interpretation problems (with solutions) in the practical implementation and enforcement of the European Waste Shipment Regulation (EU/259/93);
- Inform recent participating countries in this project about the aims, working procedures and results;
- Mobilise new energy for the last phase of the project;
- Discuss conclusions and recommendations for the final project report (around April 2006);
- Discuss on opportunities and solutions to involve enforcement activities in regular work.



Presentation Mário Grácio (Portugal)

Results and aims of the meeting were highly achieved. The discussions and presentations gave new energy and enthusiasm for the project in general and the last phase of the project in particular. An extra outcome is that opinions on various subjects have been streamlined. Interesting presentations on "best practices" were given by Portugal, Ireland and Denmark, and were alternated with various discussions on enforcement aspects of verification on the EWSR.

Important outcomes of the meeting focussed on:

- Improving the (efficiency in the) organisation of the third inspection week (TI3);
- The need to expand the cooperation with other EU countries, and countries outside the EU, especially non-OECD countries;
- The set up of the final project report, including main conclusions and recommendations for various target groups.

Moreover: Ireland indicated that they are willing to take over the management of the project with assistance and benefits of the Netherlands. Belgium has recently accepted this offer gratefully, because they are unable to guarantee a successful product within time due to their forthcoming reconstitution.

For eventual questions, or the minutes of the meeting, please contact Ms Niekol Dols, via niekol.dols@minvrom.nl

3. Conclusions inspection weeks

One of the topics discussed at the interim meeting in Zagreb is the success of TI1 and TI2. It became clear that due to the experience of (inter)national cooperation, more violations are discovered. International and national cooperation is strongly improved. Nevertheless, in some countries still bottlenecks exist, mainly on cooperation between environmental inspectorates, police and custom networks. This will be an important subject in the final project report, and the recommendations given. Another recommendation resulting from the interim meeting is to improve the total results form by adding types of violations. And last but not least, stronger involvement of the media in the aftercare of TI3 is also an important point of attention. For more information please contact Mr Carl Huijbregts via carl.huijbregts@minvrom.nl

4. Ireland's vision on TFS

Ireland established a Working Group in the area of TFS legislation within the Environmental Enforcement Network (EEN). This meeting group has regularly met throughout 2004 and 2005. The aim of the Working Group is to ensure that local authorities comply with their

statutory obligation regarding TFS. A Guidance Manual on TFS was produced, which represents the collaborative work done by this Working Group, and was formally launched in October 2005.

To achieve the overall aim, three objectives were identified and received particular attention in the TFS Guidance Manual:

- Ensure that TFS procedures are properly documented;
- Establish a standardised inspection and auditing regime through out the local authority system in Ireland;
- Make sure that in the event of illegal TFS shipments having been made, repatriation and prosecution procedures are clearly defined.

It is anticipated that this Guidance Manual, together with the networking now taking place between Irish local authorities in the TFS area, will greatly assist Ireland's compliance with this legislation. For more information please contact Mr Frank Clinton via f.clinton@epa.ie

5. Portugal's experiences with inspections

Portugal experienced the second inspection week (TI2) as more effective than the first inspections, due to a better collaboration between Portuguese and Spanish entities. Mr Mário Grácio enlightens the experiences from the Portuguese Environmental Inspectorate.

"In fact there were detected more waste transports, with less infringements. This improvement is the result of better knowledge of the wastes routes by the entities and also less illegalities by the transporters. However, having in consideration the principle of co-responsibility, more notices took place. During the inspections, illegal movements of waste were identified for Spanish destinations (like car wrecks and lead batteries) and for Portuguese destination (metal scrap with contamination of several wastes).



Metal scrap and other waste

Portuguese ideas for improving European verification issues are to focus on legal destinations for the export of plastics to China, the development of a 'black list' of illegal companies, and to find possibilities for further harmonisation of national legislations. After the pleasant interim meeting in Zagreb, the IMPEL-TFS network got extra energy and enthusiasm for the last phase of the project." For more information please contact, Mr Mário Grácio via mgracio@ig-amb.pt

6. Enforcement of EWSR in Poland

From 2003 till 2005 the Polish Inspection for Environmental Protection carried out the Phare project "Control of waste shipments".

General objective of the project was to strengthen the supervision and control of transfrontier movement of wastes, and to increase the effectiveness of the Inspection for Environmental Protection, Customs, Border Guard and Inspection of Road Transport. Enforcement of European Waste Shipment Regulation was the key task of the project, which has been carried out in close cooperation with German and Dutch experts. Ms Magda Gosk (Inspectorate for Environmental Protection) tells about the success of the project.

"During project execution several trainings were organised. More than 300 enforcers met each other at local level which contributed enormously to better cooperation between them. Building the network was an important aspect of trainings. Within the Inspection for Environmental Protection, a standing expert panel has been created. The group, which consists of 50 inspectors (one inspector for each inspectorate), meets once or twice a year to discuss enforcement problems with the EWSR. All inspectors were equipped with mobile devices which are helpful in control of waste shipments (laptops, digital cameras, sampling kits). Those people focused on waste management issues in their daily work and now their scope of interest broadened to cover also waste shipments. Due to mutual support of all enforcers, more and more illegal shipments of waste are intercepted nowadays in Poland." For more information please contact Ms Magda Gosk via m.gosk@gios.gov.pl

7. Enforcement experiences by Switzerland

On September 20th 2005 an inspection at the Swiss-German border took place. Mr Beat Frey (Swiss Agency for the Environment) gives insight in his experiences.

"Waste exports were controlled at the custom offices of Basel Weil and Basel St. Louis. The inspection was carried out by custom officers and staff from the cantonal and federal environmental authorities. At Basel Weil 42 trucks and at Basel St. Louis 12 trucks transporting waste were checked. 5 Transports did not have the green movement document (article 11 information). Other irregularities were not found. It has to be mentioned that according to Swiss legislation the green movement document is compulsory from January 2006 onwards. The amount of work for organisation and staff is too much, compared to the checked transports or identified EWSR-violations. It is interesting to take in consideration the advantages of organising verification requests at the states of destination. This and using mobile inspections could perhaps improve the cost-benefit balance." For more information please contact Mr Beat Frey via beat.frey@buwal.admin.ch



Green listed iron or steel scrap

8. Enforcement experiences by Ireland

During the inspection weeks of the IMPEL-TFS Verification 2 project, Ireland held paperwork inspections and physical inspections in Dublin Port. During the inspection week of the IMPEL-TFS Seaport II project they inspected a number of loads due to leave Dublin Port. For completeness, Ireland decided to verify these loads as well as those selected during the "Verification week". Ms Sonia Dean of the Dublin City Council enlightens her experiences.

"The loads included pharmaceutical waste and solvents moving under TFS to Germany, waste from non-ferrous casting moving under TFS to Germany and cardboard for recovery moving to the UK as green list waste. Compared to our initial inspections last year, where nearly all shipments were stopped for lack of or incorrect paperwork and some illegal shipments, no infractions were detected during the recent Seaport and Verification inspections. This is due to the ongoing inspections throughout the year and the continuous presence of the waste enforcement unit in Dublin Port.

Verification of these (selected) loads proved that the export from Ireland of various waste streams is now much more regulated than in previous years. In addition, the contact with other countries through the verification project has resulted in the swapping of information, which in turn has led to increased detection and enforcement in Ireland. Port inspections and the verification of waste exports from Dublin Port will continue in the future, to crack down on illegal exports and create a level playing field for the legitimate operators in Ireland."

For more information please contact Ms Sonia Dean, via sonia.dean@dublincity.ie

9. Final report

"Is what we see, what we get?" That is one of the suggestions for the title of the final report of the IMPEL-TFS Verification 2 project. After all, the project is about structural enforcement of transfrontier shipments of waste. And structural enforcement is about getting insight in what is really going on.

The final report will focus on project conclusions and recommendations for IMPEL(-TFS) members, the TFS steering committee, the European Commission and the Member States involved. We would like to point out some of the main conclusions that can be drawn at this stage of the project:

- Enforcement of transfrontier shipments of waste lead to better compliance and is important, but is not yet the norm. Besides, enforcement of legislation is needed to protect the environment from potential hazards of waste;
- Transport inspections are not always the most effective inspection method (no pre-selection possible) but sometimes the only possible way for inspection;
- Verification up- and downstream is vital, but logistically hard to arrange, in particular in/with countries not participating in Verification 2;
- Chaos is caused by variation in competent authorities, competencies, enforcement follow up and international collaboration;
- No uniform interpretation of the Regulation exists (on waste or not, classification, recovery and disposal).

A final draft of the project report will include an analysis of all inspections done and reported on Viadesk. A draft version will be send to the country coordinators by the end of April 2006, in order to highlight

main issues at the IMPEL-TFS conference in Bonn (10-12 May 2006). For more information, please contact Ms Niekol Dols, via niekol.dols@minvrom.nl

10. Third inspection week

In March 2006, the third inspection week will be held. To improve the quality and organisation of TI3, lessons are learned from TI1 and TI2. Some recommendations for these improvements, as clarified during the interim meeting in Zagreb, are:

- Expand destinations of verification requests;
- Organise small and mobile inspections, these seem to be more effective;
- Clearly stipulate the reason for the verification asked;
- Discuss interpretation problems, also on Viadesk;
- Try, if possible, to focus on green listed wastes and wastes declared as green listed, like wood waste, electronic waste, tires, demolition waste, plastic waste and end of life vehicles (ELV's), by selecting relevant routes, trucks and if possible inspections at site.

With these recommendations in mind, we can make the difference in the third inspection week! In February all participants will be informed about the unfortunately very strict time table. Please reserve already time for preparation, inspection, verification and the necessary follow up.

11. Project follow up

In Zagreb was decided to advise the TFS steering committee to continue in one way or another the enforcement of the Waste shipment regulation in an international setting. Both running projects are so beneficiary to the participants because of:

- The availability of an operational international network;
- The concrete planning;
- The enforcement results;
- The exchange of experiences, intelligence and so on;
- The good inspection methods of both Seaport and Verification;
- The image to other authorities and companies of an European wide project which simplifies action and follow up.

The participants felt that the work has not finished yet, thank the VROM Inspectorate to take the lead and their experiences. They understand and support the idea that another organisation must take over. Ireland is willing to take over the lead with help and experiences of the Netherlands. Focus should be, according to the interim meeting:

- European wide participation;
- Combination of Verification and Seaport inspection methods;
- Expand verification to non EU countries;
- More effective and if possible harmonised enforcement follow up.



Participants of the interim meeting in Zagreb (Croatia)