

Contact persons for additional information

Information about the project in general and the IMPEL-TFS enforcement network is available at the project manager of this project:

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Country specific information or questions about this enforcement project can be gained at the national contact person of this project:

Contact

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European Union Network for the Implementation and Enforcement of Environmental Law

Leaflet IMPEL-TFS Seaport Project II

Currently a European enforcement project regarding transfrontier shipments of waste is being carried out. This leaflet gives some general information about the aim and the description of the project, its participants and relevant legislation.

Also contact persons are enclosed were additional information can be gained.

Project background

One of the main purposes of the European transfrontier waste shipment regulation (TFS) is to prevent shipments of environmentally harmful waste to countries that do not have the provisions to cope with these wastes. Examples are shipments of hazardous electronic scrap to Asian countries and shipments of dangerous chemical waste to Africa. Even if companies or transporters fully comply with existing regulations, the companies that are involved in these shipments have proven to be very sensitive to enforcement activities. If control and enforcement in one port increases, companies quickly move their activities to an adjacent port in another European country. So, if a real influence of enforcement on the destinations of these waste streams is desired, enforcement authorities in the European seaports have to cooperate in order to align their enforcement activities. Furthermore because of the transfrontier character of waste shipments, international cooperation is essential for good implementation and enforcement of the European waste shipment regulation. The first Seaport project started spring 2003 and was carried out by six countries, namely Belgium, Germany, Netherlands, United Kingdom, Poland and Latvia. The project ended in June 2004 with results, conclusions and recommendations for (further) improvement of the enforcement of waste shipment regulations. It turned out that about 20% of the inspected waste shipments were illegal.

One of the recommendations of this project was that the established cooperation between six countries should be up scaled to more EU countries and European seaports.

The IMPEL-TFS network welcomed this initiative during a plenary meeting in June 2004 and other countries showed interest to participate. The IMPEL-TFS Seaport project – II – was born. The project report can be found on Internet via:

www.europa.eu.int/comm/environment/impel/pdf/seaport_project.pdf

IMPEL-TFS network

The IMPEL-TFS Seaport project II is carried out under the umbrella of the IMPEL-TFS network. IMPEL-TFS is a network of representatives from enforcement authorities of the Member States and some other European countries dealing with matters on Transfrontier Shipments of Waste.

The IMPEL-TFS network was set up in 1992 in order to harmonise the enforcement of EU Regulation 259/93 (replacing EC Directive 84/631) on Transfrontier Shipments of Waste with regard to the supervision and control of waste shipments into, out of and through the European Union. More information about this regulation is presented below.

Project aim

The main aim of the IMPEL-TFS Seaport project II is to improve the enforcement and align enforcement activities of TFS Regulations in and between the participating seaports. Enforcement structures in the seaports concerned therefore will be identified, and uniformed and coordinated joint enforcement actions will be carried out during the operational phase of the project. Experiences and practical knowledge about the execution and enforcement of TFS Regulations will be expanded and shared with all countries involved.

The project will also:

- Set up a network of contacts for enforcement activities;
- Stimulate cooperation between national and international authorities;
- Describe specific seaport problems, resulting from the enforcement activities;
- Develop a structure for exchanging information, signals and experiences;
- Raise awareness at the general public of the need for this kind of regulation and higher the profile of enforcement activities.

Project participants

Representatives of a number of European countries are participating in this project. Within these countries the cooperation is focussed on the authorities that are responsible for the enforcement of waste shipment regulations within several ports of the following countries: Belgium, France, Ireland, United Kingdom, Sweden, Latvia, Poland, Germany, Spain, Portugal, Malta, Slovenia and the Netherlands. The national contact persons for this project, where additional information can be gained, is presented at the end of this leaflet.

International waste shipment agreements and regulations

A number of international regulations are in force, aiming at preventing shipments of environmentally harmful waste to countries that do not have the proper facilities to handle these wastes. The most important regulations are the Basel Convention, the OECD Decision of 30 March 1992, EU framework Directive 75/442 and EU Regulation 259/93.

European waste shipment regulations

In 1994 the Council Regulation on the supervision and control of shipments of waste within, into and out of the European Community (hereafter referred to as EU Regulation 259/93), came into force. Regulation 259/93 gives effect in the EU to a number of important international agreements and conventions, including the aforementioned Basel Convention and the OECD Decision. The Regulation 259/93 makes a distinction between recovery and disposal operations of waste and lays down the notification procedures. The definition of waste and treatments which are defined as recovery and disposal, are laid down in EU framework directive 75/442/EEC (adapted by 91/156/EEC and 96/350/EEC).

Recovery operations

Wastes mentioned for recovery are divided in annex II, III and IV (the green, amber and red list of waste). Movements of green listed waste between Member States must be accompanied by information in Article 11. Transfrontier shipments of amber and red listed waste and not assigned waste for recovery, need to be notified to involved competent authorities.

Disposal operations

Transfrontier shipments of waste mentioned for disposal always need to be notified to involved competent authorities.

Notification procedures

The notification procedure for waste shipments, and the administrative requirements following out of these procedure, depends on:

- The country of origin and the country of destination;
- The transport route (including the countries of transit);
- Purpose of the shipment: ultimate disposal or recovery;
- The sort of waste.

Export ban

Additionally, EU Regulation 259/93 was amended by Council Regulation 120/97 implementing what is referred to as the Basel export ban. This amendment prohibits the export of hazardous wastes listed in Annex V of EU Regulation 259/93 to countries that are not parties to the OECD Decision.

More information

More information about TFS regulations in general, and EU Regulation 259/93 can be found on internet. See further "Relevant internet links" below. Also the text of EU Regulation 259/93 (and other regulations) can be found on these internet sites.

Description of the project

The relevant enforcement authorities within the participating countries and seaports were identified and invited for a first project meeting, which was organised from 13 till 15 September 2004 in Riga, Latvia. General agreements on working procedures, priorities, type and amounts of inspections and the way of reporting the results were made during this first meeting. In a manual uniform working methods are described concerning the inspection of custom documents, inspection of storage locations and warehouses, traffic inspections and inspection of vessels. Also standard forms for planning of inspections and reporting of results are developed.



Exchange of information between inspectors of various countries



Inspection of container with waste

The involved countries will focus their inspections on the export of wastes to non-OECD countries and the export of waste, which is declared as green listed waste, second hand goods or as product. The operational phase of the project has started in October 2004. During the operational phase the participating authorities will carry out joint and coordinated enforcement activities and inspections 'on site', and will report the findings and follow-up. The results of the operational phase will be discussed at an interim meeting and at a second conference, which are foreseen in April 2005 respectively Spring 2006. The project will end with a project report with conclusions and recommendations on how enforcement of waste shipments regulations at seaport can be improved and become more structural.

Relevant Internet links

Other information about different aspects of TFS regulations and its enforcement can be gained via Internet:

- The IMPEL-TFS network:
http://europa.eu.int/comm/environment/impel/impel_tfs.htm
- EU waste shipment regulations:
<http://europa.eu.int/comm/environment/waste/shipments/index.htm>
- The Basel Convention: www.basel.int