



First edition

Newsletter IMPEL-TFS Seaport Project II



European Union Network for
the Implementation and Enforcement
of Environmental Law

December 2004

1. Introduction

In the summer of 2004 the second IMPEL-TFS Seaport project has started. By means of this newsletter the project management informs all their contacts about the progress and findings of the project so far. This first newsletter gives you some general information about the IMPEL-TFS network, the aim of the second Seaport project, the state of the art in the review of EU Regulation 295/93, the results of the presentation at the European Commission on the first Seaport project, and the joint enforcement actions that will be carried out during the coming period by all authorities involved. It also provides an overview of the most important outcomes of the first conference, which was held in Riga in September 2004. Following newsletters will highlight the results of the joint enforcement actions. A lot of news in this first edition!

2. IMPEL-TFS Network

IMPEL-TFS is a network of representatives from enforcement authorities of EU Member States and 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 EC Regulation 259/93 (replacing EC Directive 84/631) on TFS with regard to the supervision and control of waste shipments into, out of and through the European Union. Differences in enforcement levels within European countries often lead to bottlenecks in transboundary cooperation and therefore not to a European level playing field. This means that, 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.

More information can be found at the website of IMPEL:
<http://europa.eu.int/comm/environment/impel>

3. Outcomes of the first IMPEL-TFS Seaport project

In March 2003 the first Seaport project between six EU countries started and ended in June 2004. The project turned out to be a

success: a network has been built, many illegal shipments were detected and the project stressed the need for a European enforcement strategy concerning transfrontier shipments of waste. The results were also presented to representatives of the European Commission (see also point 8).

The project report can be found on internet via
http://europa.eu.int/comm/environment/impel/pdf/impel_tfs_seaportprojectjune2004.pdf



Project report IMPEL-TFS Seaport project

4. Project aim

The main aim of the second IMPEL-TFS Seaport project is to improve the enforcement of EU Regulation 259/93 in the participating seaports by aligning the enforcement activities and carry out inspections in a uniform way, ultimately aiming to create a level playing field within the EU. Furthermore the experiences, best practices and knowledge about the execution and enforcement of the Regulation will be exchanged between the participating countries.

The project will also:

- Create a network of inspectors dealing with or responsible for supervision and control of transfrontier waste shipments;
- Stimulate and intensify cooperation between international and national authorities;
- Lead to a higher degree of information exchange on knowledge, experiences and best practices.

5. First conference Riga

On 13, 14 and 15 September 2004 the first conference on the IMPEL-TFS Seaport II project was held in Riga (Latvia). Representatives of environmental and other enforcement authorities of large seaports in Belgium, Germany, Ireland, Latvia, Malta, The Netherlands, Poland, Portugal, Slovenia, Spain, Sweden, and the United Kingdom, made a start in building an enforcement network on TFS Regulations in large seaports on EU level.



Participants Riga conference

During this conference agreements were made regarding the project plan, priorities, type of inspections and the exchange of information and experiences. For those who would like to receive a copy of the conference report, please send an e-mail to nancy.isarin@minvrom.nl.

6. Inspections operational phase

At the conference in Riga all participating countries agreed on a number of joint enforcement actions and inspections. Most important agreements are:

- All countries focus the inspections on the export of wastes to non OECD countries, and import into recently accessed EU Member States;
- Special attention will be paid to declared green listed wastes (e.g.: cable waste, electronic waste, etc.) and to second hand goods (e.g. computers, refrigerators, TV's, end of life vehicles, used tyres, motor parts etc);
- Inspections will be held during the operational phase of the project (October 2004 till February 2006);
- Besides, all countries plan inspections during a selected week in 2005. In this week, simultaneous, synchronised inspections will be carried out.

7. First results!

Inspections

Directly after the start of the operational phase, Belgium inspected 12 different cases. In most cases customs, police and OVAM cooperated and it appeared to be very successful. In one case illegal shipment of paper waste from the UK to China was detected. In the same case paper waste from Ireland and the UK to India and Indonesia was detected and being prevented to be exported. For more information send an e-mail to bart.palmans@ovam.be.

The Netherlands performed 12 inspections so far. Multiple regional transport controls in the seaports of The Netherlands have been performed in week 40 by the VROM Inspectorate in cooperation with customs and police. An investigation was held on the transportation of bone powder exported from Germany through The Netherlands with final destination Bangladesh.

In the port of Amsterdam four violations have been detected. All these violations involved illegal transport of waste (such as refrigerators containing CFC's and car wrecks) to Western Africa. In the port of Rotterdam violations have been reported involving CFC containing refrigerators transported to Tanzania. And a shipment of cable waste was prevented from being exported to China as well. It also appeared that several containers with waste, destined for China, did not have the required CCIC certificate. After investigation it appeared that a pre-shipment inspection did take place, but a certificate will be given when the shipment has left the EU. For more information send an e-mail to huib.vanwesten@minvrom.nl

In the first week of December the Environment Agency in the United Kingdom carried out inspections at the port of Southampton, in close cooperation with customs. During these inspections 15 containers were selected for further investigation. All containers turned out to be illegal exports of waste, as they contained municipal waste headed for India and China without being notified in accordance with the Transfrontier Shipment Regulations. For more information, contact Ms. Debbie Eley: debbie.eley@environment-agency.gov.uk

Exchange program

Belgian inspectors visited the Netherlands' VROM Inspectorate to see how things are being done in The Netherlands. Both Dutch as Belgian inspectors learned a lot. The visit focussed on the cooperation between customs and the VROM inspectors. Special attention was given to how customs bring the enforcement of the Regulation 259/93 into practice.

Warming-up period

As indicated during the first conference in Riga, some Member States expressed the need for a warming-up period to prepare the inspections and to set up cooperation with other authorities. Ireland is working hard on the cooperation between Cork

Inspectorate, police and customs. Important steps have been made in building up participation with these inspectorates.

Also in the UK successful steps are taken in building a team of enforcers: see point 12 of this newsletter for further information.

In Slovenia, a meeting was organised with customs, police, port authority and the environmental agency. All were willing to cooperate and to prepare joint enforcement actions.

Also enforcement actions are being prepared in Spain.



Transformers

8. Presentation results IMPEL-TFS Seaport project I

Ms Nancy Isarin, project manager of the IMPEL-TFS Seaport project I, was invited by representatives of the waste management department of the European Commission, DG Environment and the IMPEL secretariat to give a presentation on the results of the first IMPEL-TFS Seaport project. The presentation was given on 1 September 2004 during the annual waste management committee meeting in Brussels. Representatives of the EC and various Member States turned out to be very interested in the project results and the recommendations given in the report. The illegal export of (hazardous) waste to non-OECD countries will also become one of the priorities for the European Commission in 2005.

9. Interest of INECE

Not only the European Commission has showed their interest. Also INECE, the International Network for Environmental Compliance and Enforcement (INECE) has shown interest in the results of the first Seaport project, with the intention to stimulate a worldwide initiative on the enforcement of waste shipment regulations (like the Basel Convention) in large seaports. During the INECE conference in April 2005 a project plan for a world wide port project will be discussed. More information can be found on internet via www.inece.org

10. Revision of EU Regulation 259/93

Under the Irish Presidency of the EU the proposal of the Commission (of 30 June 2003) for a Regulation on shipments of waste (revision of EU waste shipment Regulation 259/93) was considered intensively. At the last meeting of the Council on 28 June 2004 Italy made, without any explanation, a general reservation on the whole proposal. Half September 2004 Italy, also without an explanation, withdrew their reservation. This means that as far as its contents is concerned, there are no discussions anymore on the provisions of the new Regulation. At this stage the text of the Regulation is being translated and checked (linguistic) into the 21 languages of the European Union, followed by decision making on a common viewpoint (foreseen in early 2005) and second reading.

11. IMPEL-TFS Threat assessment project

Information about the Threat assessment project is included in this newsletter, because there is a direct link between these two IMPEL-TFS projects.

In November 2003 this project was agreed by IMPEL. Funding has been provided to carry out a fundamental investigation into illegal TFS shipments, the driving forces behind it and to understand the nature of those involved in such illegal activities (for example, links to other environmental crime). The project is lead by the UK. Outputs from the project will include a report and an IMPEL-wide Assessment of key threats and risks. It is therefore a strategic project from which the need for other work might be identified, including of course the need and priorities for targeted enforcement.

Subsequently, there is a clear link with the Seaport project.

In February 2004 a conference of participants was held in London, which agreed on a number of steps to monitor the project and obtain necessary information. A questionnaire was subsequently prepared and sent out to IMPEL Members during April and May 2004.

Findings included: waste streams for priority action, the scale and magnitude of illegal activities, a review of the outcomes of some enforcement actions and the need for central databases for TFS activities and enforcement actions.

There have been a few more returned questionnaires since June. Mr Alan Holmes, coordinator of this action, appeals to those IMPEL Members who have not returned their questionnaire and to send it to alan.holmes@environment-agency.gov.uk. A Threat Assessment report will be drafted by a consultant to be appointed shortly and it is hoped that a draft will be available by March 2005. Anyone who wishes to participate in its development will be invited to a conference in London.

For more information please contact Mr Alan Holmes via alan.holmes@environment-agency.gov.uk

12. Things worth knowing

Interim meeting April 2005

The first results of the operational phase of the project will be an important point on the agenda of the interim meeting of the Seaport II project, which is planned in April 2005. Also the general state of affairs will be discussed. More information on this interim meeting will be sent to the country coordinators on short term.

Participation France

Just after the Riga conference, representatives of France have shown their interest for participation in the Seaport project. The project management has contacted these representatives and will discuss the ins and outs of the project with them in December 2004, in Paris.

Seaport team in the UK

The Environment Agency for England & Wales (UK) is getting tough on TFS with the creation of a specially trained team for enforcing the European Waste Shipment Regulation. The elite unit will carry out spot-checks at UK seaports as part of a six-month project to target the illegal export of high-risk wastes.

In Europe waste regulations are geared to restricting the opportunity to dispose of waste and drive reduction. One consequence is an increase in the export of waste to countries outside the European Union that have lower regulatory standards.

John Burns, project manager said, "we're going to use the profile the project will generate to highlight to UK companies, authorities and individuals that we will not tolerate the illegal export of waste. We aim to ensure that responsible authorities and businesses are aware of the rules and that those who are deliberately acting illegally are punished."

The project will work with European partners to share intelligence on waste movements and improve the targeting of resources. At the end of the project the lessons learned will be reported and recommendations will be made on the future enforcement of trans-frontier shipment work, both in the UK and across Europe. For more information please contact Ms. Debby Eley via debbie.eley@environment-agency.gov.uk

Change of contact persons

The Marine Environment Board in Latvia has been subject of a reorganisation by the Ministry of the Environment. Mr Ojars Gerke, country coordinator for Latvia and one of the founders of the results of the first Seaport project in Latvia, has informed the project management that he will not be able to play any role anymore in the Seaport project. The role of country coordinator for Latvia will be served by Mr Vilis Avotins. Vilis is already very familiar with our network, because he hosted the first conference of the Second seaport project. We wish Ojars good luck and the best wishes in his new tasks, and welcome Vilis as new contact person for Latvia!

Also a shift is made in the team of The United Kingdom. Ms Debby Eley, already familiar with the IMPEL-TFS Seaport team, replaces Mr Lyndon Essex as contact person. Lyndon, one of the main founders of the first Seaport project, has contributed significantly to all discussions and enforcement actions within the Seaport project. Poland has also made a switch in their team. Mrs Magda Gosk ended her coordinating activities for the Seaport project. We welcome Mrs Malgorzata Kolodziej-Nowakowska as contact person for Poland.

We would like to welcome all new members and wish them good luck in fixing the job. We also like to thank Magda, Lyndon and Ojars for their effort and participation!

Colophon

Final editor: Nancy Isarin, VROM Inspectorate
P.O. box 29 036, 3001 GA Rotterdam
The Netherlands, nancy.isarin@minvrom.nl
Editing: ARCADIS, Amy Oerlemans / Charles Nijssen
Date: December 2004

Country	Contact person	Tel nr.	Email	Contact
Belgium	Mr. Bart Palmans	+32 15 284511	bpalmans@ovam.be	
German	Mr. Klaus Willke	+49 40 428452249	Klaus.willke@bsu.hamburg.de	
France	Mr. Emmanuel Bartier	+33 1 56287190	oclaesp@gendarmerie.org	
Ireland	Mr. Pat Fenton	+351 1 8882616	pat_fenton@environ.ie	
Latvia	Mr. Vilis Avotins	+ 371 7322988	vilis.avotins@lielrigasrvp.gov.lv	
Malta	Mr. Kevin Sciberras	+356 2290 0000	Kevin.Sciberras@mepa.org.mt	
Netherlands	Mr. Huib van Westen	+31 10 224 4444	Huib.vanwesten@minvrom.nl	
Poland	Mrs. Malgorzata Kolodziej-Nowakowska	+48 91 4303725	mkn@wios.szczecin.pl	
Portugal	Mrs. Sara Manilha	+351 213215538	smanilha@ig-amb.pt	
Slovenia	Mrs. Marija Urankar	+386 1 420 4480	marija.urankar@gov.si	
Sweden	Ms. Lena Pettersson	+46 8 785 51 01	lena.pettersson@ab.lst.se	
Spain	Mr. Oriol Roselló I Molinari	+34 93 567 3300	orosello@gencat.net	
UK	Ms. Debby Eley	+441278 484665	debbie.eley@environment-agency.gov.uk	