



European Union Network for the Implementation
and Enforcement of Environmental Law

IMPEL CLUSTER

Waste and TFS

IMPEL Waste and TFS CONFERENCE 2018 REPORT

Waste export

Vienna, Austria

11 June-13 June 2018

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 7th 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 website at:

www.impel.eu

Title of the report: IMPEL Waste & TFS Conference 2018 report	Number report: 2018
Project Manager/Authors Marina de Gier (expertleader IMPEL Waste and TFS)	Report adopted at IMPEL General Assembly Meeting: December 2018
	Number of pages Report: 8 Annexes: 8
Executive Summary <p>Between 11 June and 13 June 2018, the IMPEL Waste and TFS conference was held in Vienna, Austria. The conference, which since 1992 is organised annually (exemption 2017) by the IMPEL network, relates to the control of Transfrontier Shipments of Waste (TFS) as regulated in the EU Regulation 1013/2006 (hereafter referred to as the WSR). Since 2015 other Waste legislation has been part of this conference. The theme of this year's conference was 'Waste export'.</p> <p>In total 90 people (environmental authorities, prosecutors, police and customs) attended the meeting. They represented 26 IMPEL Member Countries and European and global organisations including the Secretariat of the Basel Convention, the European Commission (DG ENV), ENPE and EnviCrimenet.</p> <p>There were several plenary presentation eg by the CCIC, the Shipbreaking Platform, EnviCrimeNet, European Commission as well as presentations on cases.</p> <p>6 workshops were held:</p> <ol style="list-style-type: none"> 1. Ship Recycling Regulation 2. Export of ELV's and WEEE 3. Customs enforcement on the WSR 4. New technology for recording inspections 5. Effects in Europe of the Chinese import ban 6. Electronic data interchange for waste shipment. 	
Disclaimer <p>This report on the IMPEL Waste and TFS Conference 2018 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.</p>	

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1. INTRODUCTION

Between 11 June and 13 June 2018 the IMPEL Waste and TFS conference was held in Vienna, Austria. The conference, which since 1992 is organized annually (exemption 2017) by the IMPEL network, relates to the control of Transfrontier Shipments of Waste (TFS) as regulated in the EU Regulation 1013/2006 (hereafter referred to as the WSR). Since 2015 other Waste legislation has also been part of this conference.

In total 90 people (environmental authorities, prosecutors, police and customs) attended the meeting. They represented 26 IMPEL Member Countries and European and global organisations including the Secretariat of the Basel Convention, the European Commission (DG ENV), ENPE and EnviCrimenet.

The theme of this year's conference was 'Waste export'

The main aims of the conference were further to:

- To discuss practical solutions that enhance the joint efforts of environmental agencies, police and prosecutors in their fight against illegal shipments of waste;
- Share best practice and lessons learned on the matters of interagency collaboration;
- Update the IMPEL Waste & TFS network on relevant developments, such as the restructuring of the IMPEL Network, progress of ongoing projects and work done by partner organisations;
- Learn about the developments on e-tfs and discuss the challenges on implementing e-tfs;
- Discussion on the effects of the Chinese import ban;
- Discussion on ELV, the role of customs and ship recycling.

2. CONFERENCE PROGRAMME

Day 1 Programme

The conference was officially opened by Mr Christian Holzer (Head of the Section “Waste Management, Chemistry Policy and Environment Technology” Federal Ministry of Sustainability and Tourism)

Ms Nancy Isarin, IMPEL secretariat, presented an update of IMPEL, the role of IMPEL within the Environmental Compliance Assurance Action plan of the Commission and the three IMPEL projects on waste (funded separately) such as SWEAP and the GIZ project on waste and wildlife crime.

What followed was a series of presentations updating the audience about ongoing IMPEL Waste and TFS projects and activities by other organisations. Mr Walter Pirstinger, Mr Huib van Westen, Ms Katie Olley and Ms Marina de Gier (on behalf of Romano Ruggeri) gave an update on their Waste and TFS projects, respectively: WEEE Implementation and Enforcement, NCP Best Practise Meeting, Enforcement Actions and Landfill and Circular Economy.

On behalf of the Secretariat of the Basel, Rotterdam and Stockholm Conventions, Ms. Yvonne Ewang spoke about the latest developments at the Basel Convention concerning enforcement matters, such as E-waste and ENFORCE.

During his presentation, Mr George Kiayias, DG ENVIRONMENT, highlighted the recent review of the Waste Shipments Regulation and the activities regarding electronic data exchange and the upcoming tri-annual report on the implementation of the Waste Shipment Regulation.

Furthermore Rob de Rijck gave an update of the activities of ENPE on waste. A very useful database with court cases that has been developed.

Followed by a presentation of EnvicrimeNet (Frans Geysels) on a new project on ELV in 2019.

Day 2 programme

Before going into the parallel workshop sessions, two plenary presentations were provided. One by Mrs. Yang and Ms Hanyang Shen of CCIC Europe on the role of the CCIC and the Chinese import ban for certain waste streams. CCIC Europe B.V. is an organisation specialised in survey, inspection, certification and testing. It is part of China Inspection & Certification Group (CCIC) and is the most influential. CCIC Europe has responsibility for coordinating operations with six local CCIC offices around Europe, located in Germany, France, UK, Spain, Eastern Europe and The Netherlands, in addition to two specialised testing companies.

Activities inspection and appraisal of used machinery and electronic products, testing and inspection of food agricultural products, animal and plant products, product traceability, product certification etc.

The second presentation was given by Ingvild Jenssen, founder and director of the NGO Shipbreaking Platform. She informed us how end of live ships end up in countries like India and Bangladesh and are dismantled in very poor labour and environmental conditions. She also gave us some tips on how to identify which ships will probably be beached in these countries

After these presentations, the following parallel workshop sessions took place:

1. EA: Ship Recycling : A Quiz & Case Study
Lead: Howard Mc Cann (UK)
2. Export of ELV's and WEEE
Lead: Gernot Lorenz (Austria)
3. Customs enforcement on the WSR (eg on challenges, risk analyses, custom codes)
Lead: Martin Johansson (Swedish Customs) and Martijn Ras (Dutch Customs)
4. EA: New technology for recording inspections
Lead: Katie Olley (UK)
5. Effects in Europe of the Chinese import ban
Lead: Harald Junker (GE) and Allison Townley (UK)
6. Electronic data interchange for waste shipment
Lead: Simonne Rufener (CH) with contributions from Franz Mochty Austria (on EUDIN pilot between AU and CH), Rolf Niehaus (Zedal Company) and Elliot Donati (project leader blockchain approach NL)

After the workshops Mr Christian Tournie gave a presentation on the activities of EnviCrimeNet to tackle waste crime. on e-waste crime.

And Mr. Harald Junker gave a presentation on the statistics on the illegal shipments of waste. One of the conclusion of this presentation was that the quality of reports are in some cases poor, which also makes the statistics unreliable.

After this presentation there was a plenary feedback of the workshop. Ship recycling and ELV are subjects which could be discussed further in new projects. The problems in Europe because of the Chinese import ban are difficult to solve in the short term. E-TFS is operational, nowadays focused on movement documents, but also on notification forms. Customs can play a major role in the enforcement of the WSR and has a lot of information which can be used for risk analyses.

Day 3 Programme

The final day of the conference kicked-off with a presentation by Ms Thera Boelhouwer (NL), on a criminal case on the export of tar containing asphalt granulate from The Netherlands to Lithuania. The court case was on 25th of January 2018. The suspects were the waste generator, two companies and one director. The director and the two companies were fined 100.00 Euro. In the confiscation case 1 company has to pay 232.730 Euro. One of the recommendation is to change block 1, Annex-VII form: add > the person under the jurisdiction of the country of dispatch who arranges the shipment.

The next presentation was given by Allison Townley (UK) on the effects of the Brexit. Because it is still not clear if it is a hard or a soft Brexit the effects are unsure. Nothing is agreed until everything is agreed! For Northern Ireland with their more than 200 border crossings with Ireland faces special problems. How to enforce?

The third presentation was given by Dr Michikazu Kojima, ERIA (Economic Research Institute for ASEAN and East Asia) at Jakarta Indonesia on the activities of the Asian network on the transboundary movements of hazardous waste and the observation on the impact of Chinese regulation on recycling activities in Asia. There is now more import of plastic waste into Vietnam, Malaysia, Thailand, Indonesia. Indonesian recyclers stated they have now more export of recycled plastic because they can now compete with China.

In the 4th presentation Mr Huib van Westen told us about the Watch-It Application. An very useful App with a lot of information on waste (legislation).

The last but not least presentation was given by Mr Laith Yasseen (UK) on how England disrupt illegal export. England requires shippers moving used electricals to comply to the correspondence guideline no 1, if stopped for inspection then they must have the correct paperwork showing that used electricals are fully functional and packaged so they don't get damaged during loading, transportation and unloading. If they cannot then they are required to send the shipment back to a permitted site to comply to the guidelines, this is done at their cost.

At the end of the Conference Allison Townley gave a summary of the Conference .

Annexes

Annex I. CONFERENCE PROGRAMME

IMPEL Waste & TFS Conference 11-13 June 2018 Vienna

Theme *Waste Export*

Monday 11 June	
12.30	Lunch and registration conference delegates
14.00	Conference Opening and Welcome Mr. Christian Holzer: Head of the Section “Waste Management, Chemistry Policy and Environment Technology” Federal Ministry of Sustainability and Tourism
14.20	Adoption agenda Marina de Gier: Expert leader IMPEL Waste & TFS
14: 30	IMPEL Update Nancy Isarin: IMPEL Secretariat
14.50	Update IMPEL Projects <i>IMPEL Waste & TFS Projects:</i> <ul style="list-style-type: none">- <i>Enforcement Actions (Katie Olley)</i>- <i>WEEE Implementation and Enforcement (Marina de Gier and/or Walter Pirstinger)</i>- <i>Landfill and Circular Economy (Romano Ruggeri/Marina de Gier)</i>- <i>NCP best practise meeting (Huib van Westen)</i>
15. 45	Coffee/tea break
16.15	Update by Partner organisations <ul style="list-style-type: none">- <i>Basel Convention Secretariat (Yvonne Ewang)</i>- <i>European Commission (George Kiayias)</i>- <i>ENPE (Rob de Rijck)</i>- <i>EnviCrimeNet (Frans Geysels)</i>
17.15	Closing of the day Marina de Gier
	Dinner on own expenses

09.00	Tuesday 12 June
09.00	Opening remarks Kevin Mercierca
09.15	CCIC presentation on Chinese import ban and the role of CCIC Mrs Yang, Managing Director CCIC Europe and Ms Hanyang Shen, Senior Business Coordinator CCIC Europe
09.45	NGO Shipbreaking Platform Ingvild Jenssen, founder and director
10.15	Introduction to the workshop sessions
10.30	Coffee/tea break
11.00	Start workshops (three morning and three afternoon) <ol style="list-style-type: none"> 1. EA: Ship Recycling : A Quiz & Case Study Lead: Howard Mc Cann (UK) 2. Export of ELV's and WEEE Lead: Gernot Lorenz (Austria) 3. Customs enforcement on the WSR (eg on challenges, risk analyses, custom codes) Lead: Martin Johansson (Swedish Customs) and Martijn Ras (Dutch Customs) 4. EA: New technology for recording inspections Lead: Katie Olley (UK) 5. Effects in Europe of the Chinese import ban Lead: Harald Junker (GE) and Allison Townley (UK) 6. Electronic data interchange for waste shipment Lead: Simonne Rufener (CH) with contributions from Franz Mochty Austria (on EUDIN pilot between AU and CH), Rolf Niehaus (Zedal Company) and Elliot Donati (project leader blockchain approach NL)
12.30	Lunch
13.15	Operational Action plan on waste trafficking Christian Tournié, OCLEASP and EnviCrimeNet (FR)
13.45	Continuation of the workshops See above
15.15	Coffee/tea break
15.45	Statistics on the illegal shipments of waste Harald Junker, UBA (GE)
16.15	Plenary feedback of the 6 workshops

17.15	Closing of the day Simonne Rufener
PM	Departure for Joint dinner to the Zwölf Apostekeller, Sonnenfelsgasse 3 Vienna

Wednesday 13 June

09:00	Opening remarks Allison Townley
09:10	5 Presentations: <ul style="list-style-type: none"> - Criminal case on the export of tar containing asphalt granulate from the Netherlands to Lithuania Thera Boelhouwer (NL) - How will the Brexit affect us Allison Townley (UK) - The activities of the Asian network on the transboundary movements of hazardous waste and the observation about the impact of Chinese regulation on recycling activities in Asia. Dr Michikazu Kojima, ERIA (Economic Research Institute for ASEAN and East Asia) at Jakarta Indonesia
10.40	Coffee/Tea break
11.10	<ul style="list-style-type: none"> - Watch-It application Huib van Westen (NL) - Disruption of illegal exports Laith Yasseen (UK)
12.00	Final remarks and conclusions of the conference Allison Townley
12.20	Official closing of the conference Marina de Gier
12.30	Farewell lunch and Departure

Annex II. Workshop reports

1. EA: Ship Recycling : A Quiz & Case Study

Lead: Howard McCann (UK)

Ship Recycling Quiz and Case Study

- The Quiz and Case Study focused on the interplay between the Waste Shipments Regulation and the Ship Recycling Regulation.
- 1 ½ hours was not enough time to go through both the Quiz and case study but the Quiz did generate healthy and welcomed debate on waste ships.
- Only a limited number of the delegates had experience with ship recycling.
- Despite this, delegates were keen to know more and understand the application of both Regulations to waste ships;
- Feedback suggested further training and guidance should be considered for IMPEL members generally. Dealing with end of life ships is becoming more of an issue in the EU.

2. Export of ELV's and WEEE

Lead: Gernot Lorenz (Austria)

In Austria cars are waste when:

- vehicle approval is missing (repair is required);
- no operational readiness (relevant parts are missing/defective);
- repair costs are significantly higher than current value of vehicle.

In AT in 2016: just 19% of de-registered vehicles were treated by authorised shredding plants !

UNKNOWN WHEREABOUTS for a great number of vehicles !

General whereabouts of de-registered vehicles

- de-registered passenger vehicles commercially exported as used cars (COMEXT).
- private exports of used cars (not registered in COMEXT),
- vehicles kept in garages for use at a later stage (temporary de-registration)
- thefts of used vehicles (around 5,000 cars)
- **illegal shipments of ELVs - insufficient data**
- **illegal dismantling activities on Austrian territory - insufficient data**
- interlinkages of data bases not available yet.

Proposals for improvement

- Further tightening of co-operation to combat illegal shipments
- Amendment of ELV Directive - rules on classification of ELVs
- Correlation of repair costs for roadworthiness in country of dispatch to the current value of vehicle - Art. 28 WSR (more stringent classification shall prevail)
- Mandatory information on further use of vehicle in case of de-registration
- Consideration of a low "tax" when keeping the vehicle in a garage for some years

- Consideration of a deposit-refund system
- Introduction of a scrapping bonus
- Clear legal requirements for “car wreck auction platforms” - only national bidders ?
International bidders: Data base of licensed ELV collectors/ recyclers with quotation of the notification No. for transboundary shipment of ELV would be required

3. Customs enforcement on the WSR (eg on challenges, risk analyses, custom codes)

Lead: Martin Johansson (Swedish Customs) and Martijn Ras (Dutch Customs)

In general, customs controls are limited to the outside boarder of the EU. The task is levying customs duties en prohibitions and restrictions on the area Safety, Health, Economy and Environment.. The focus for the WSR is on the export to 3rd countries.

Controls are based on a customs declaration, done based on risk analysis.

Dutch approach

3rd countries. Non EU status and export.

Outline of Ports of Rotterdam seaport, all kinds of waste.

Outline of the Ports of Amsterdam specific on ELV and WEEE to Africa.

Sweden

Similarities with the Netherlands. Waste are mainly transported via feeder from the port of Gothenburg to the major EU ports. Or it can be transported on the bridge between Sweden and Denmark, it can sometimes be difficult to know if such transports are internal or if they are going to later be shipped outside EU. Swedish Customs has no authority to inspect waste on the internal border. Sweden has a land border with Norway of more than 1600 km and on this boarder occurs a lot of shipments of household waste originating from Norway to Sweden.

Customs codes.

Martijn explains way of selection and risk analyses and risk indicators

The European and national customs codes are based on the global Harmonised Sytem (HS). During the workgroup session there was a discussion about difference in codes.

Sometimes there are specific codes. Sometimes not like, refrigerator customs code841810. It could be new and it could be waste.

Difficult for customs to select. For risk analyses we use more info. We rely for an import that on information of the CA.

Question:

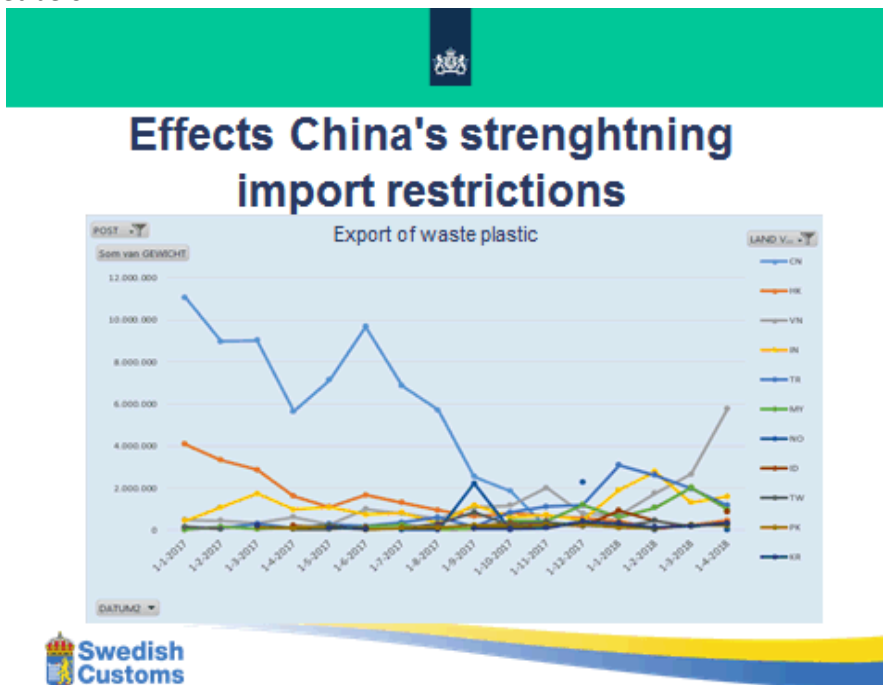
Martijn asked about how much waste was exported from the Netherlands to 3rd countries in 2017
Various answers, the right answer is: **129.513.990 kg**

Discussion in the group on the place of export declaration. Who is responsible?

A customs declaration should be done at the place of loading. Meaning, loading a container for export to a 3rd country a member state means the customs control should take place in that member state. Unfortunately, in the ports of Rotterdam (and Antwerp) we find still a lot of illegal shipments leaving EU via Rotterdam and Antwerp were these shipments are stopped.

Martijn shows an analysis of the export of Waste Plastic (B3010) as a result of the import ban China.

See sheet below.



4. EA: New technology for recording inspections

Lead: Katie Olley (UK)

A workshop on the future of inspection reporting was held. A type of ‘discovery’ activity used in agile IT development was used to capture the needs of inspectors in the field. It is hoped that this can be developed in any subsequent project.”

Field officers were asked what decisions they need to make relating to waste shipments, what information they need to make these decisions and how best to record inspection data. They were also asked about potential obstacles to sharing data. The results of the workshop will be used to develop a reporting application under the SWEAP.

5. Effects in Europe of the Chinese import ban

Lead: and Allison Townley (UK) and Harald Junker (GE)

Some findings: exports to China, especially from plastic, have fallen dramatically, with an increase in exports to, among others. Vietnam, Malaysia, Thailand, Indonesia. Vietnam is also currently silent due to the fact that there are still a huge number of containers in the harbor. Plastic recyclers in Indonesia indicate that they are now exporting recycled plastic (in the past they could not compete with the

Chinese). However, the volume to the new countries is not at the level of what went to China. Ask where is the plastic? It is called: more in storage, Eastern Europe sees more under the guise of plastic coming in what is actually household waste, in household waste more plastic is found. Solutions: setting up recycling in Europe ?. This requires a stable market and Chinese companies are already working to set up new recycling companies in other Asian countries (yes also in Burma and Myanmar) where the European may not be able to compete. Our Asian colleague indicated that Europe may need to focus more on washing and sorting plastic first. Contamination levels, as we know them in NL, were discussed again. In this context, it was also indicated how important it is for third countries to clearly state in the list of countries of the EVOA (4018) what they do and do not want to receive. DG Trade does too little in this area.

6 Electronic data interchange for waste shipment

Lead: Simonne Rufener (CH) with contributions from Franz Mochty Austria (on EUDIN pilot between AU and CH), Rolf Niehaus (Zedal Company DE) and Elliot Donati (project leader blockchain approach NL)

Key messages

- Electronic data exchange is yet operational
- nowadays mainly electronic exchange of data on movement documents
- Foreseen to exchange also data on notification forms and for the collaboration with customs
- Currently all parties are using their own IT systems. The key is to ensure interoperability in order to connect with each other's systems
- We need timely and proofed information
- We should seek a solution that gives us a single source of truth for TFS information
- Electronic data exchange saves time and costs
- Electronic data exchange rises quality of data

➔ Start now! Plug and play!