European Union Network for the Implementation
and Enforcement of Environmental Law

IMPEL REVIEW INITIATIVE (IRI)
A voluntary scheme for reporting and offering advice
to environmental authorities

Final draft Report on the IRI that took place in Dublin, Ireland

5th – 8th December 2023

Date report: 17.05.2024

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 European Union (EU) Member States, and of other European authorities, namely from acceding and candidate countries of the EU and European Economic Area (EEA). 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 8th Environment Action Programme that guide European environmental policy until 2030, the EU Action Plan: "Towards a Zero Pollution for Air, Water and Soil" on Flagship 5 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

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Team leader: Simon Bingham	Report adopted at IMPEL General Assembly 26-28/06/2024 Brussels
Authors: Murray Simpson & Simon Bingham	Number of pages: 16

Review team:

Katie Olley, TFS Expert, Scottish Environment Protection Agency, United Kingdom.
Enes Šrndić, Senior Inspector, Human Environment and Transport Inspectorate, Netherlands.
Jens Andersen, Environmental Administration Officer, County Administrative Board of Skane, Sweden.
Allison Townley, TFS Expert, Northern Ireland, United Kingdom.
Murray Simpson, Rapporteur
Simon Bingham, Team Leader

Host Team:
Brian White, Manager National TFS Office, Dublin City Council
Brian Heffernan, TFS Technical Officer, Dublin City Council
David Keating, Senior Staff Officer, Dublin City Council
Edel Stephens, Staff Officer, Dublin City Council
Dara Ambury, Staff Officer, Dublin City Council
Darren Lawlor, Assistant Staff Officer, Dublin City Council
Alan O'Donovan, Staff Officer, Dublin City Council
Emma Cassin, Contract Manager, Certification Europe
Philip Caird, Waste Manager, Certification Europe
Darren Quinn, Enforcement Manager, Certification Europe
Frank McKenna, Enforcement Officer, Certification Europe

Executive summary:

This is the second IRI executed in Ireland, the first being the Irish EPA in 2002 as part of the initial IRI trial roll-out. The pre-review meeting for this review was held in March 2020 just prior to the first COVID lockdowns. The review was delayed due to the outbreak of Covid and to allow for the introduction of a new IT system.

This review of the Irish National Transfrontier Shipment of Waste Office (NTFSO) is both the first review of Dublin City Council and the first review in IMPEL focused on the Waste Shipments Regulations.

The review took place in Dublin at the NTFSO offices between 5th-7th December 2023 with a wrap up presentation to senior management (including CEO) of Dublin City Council on the morning of the 8th of December. The IRI took the form of structured presentations from members of the NTFSO followed by open question and answer sessions with the review team.

This IRI is also unique for another significant reason, the fact that Dublin City Council has tendered out the Waste Enforcement Service which is currently provided by Certification Europe under the management of Dublin City Council. Dublin City Council retain responsibility for the administrative function and management of the contract for the delivery of the inspection and enforcement service provided by Certification Europe.

The IRI identified a number of good practices and potential opportunities for development as part of the IRI process. The NTFSO were found to be implementing the Waste Shipments Regulations consistently and correctly. The IRI focussed on:

Administrative Process
The ICT System
Inspection & Enforcement
Collaboration with Partners

Please note that the monitoring of national hazardous waste movements was not covered by this review.

Thanks:
The IRI team would like to thank the staff of Dublin City Council and Certification Europe for their very hospitable actions, open discussions, giving freely of their time, their patience and active involvement in the review process.

The Team Leader would also like to thank the review team for giving up their time and good-natured willingness in which they engaged in the process. The Team leader would like to give special thanks to Murray Simpson who carried out the role of rapporteur and to Christian Gesek from Graz in Austria who endured huge frustrations with flight cancellations in his unsuccessful effort to join the review.

Disclaimer:
This report 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.

Quotation
It shall be permissible to make quotations from an IMPEL Document which has already been available to the public on the IMPEL website, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose. Where use is made of works in accordance with Berne Convention, mention should be made of related IMPEL Document Name with giving publication link of the document on IMPEL Website. IMPEL has all rights under the Berne Convention.

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1. Introduction

1.1. Introduction to the IRI Scheme

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement **the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI)**[1], where it states: *"Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community."*
In the past the IRI was primarily focused on Inspections, nowadays the IRI covers the whole regulatory cycle.

1.2. Purpose of the IRI

The aims of the IRI scheme are to:

- Provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL Member Countries for the purpose of benchmarking and continuous improvement of their organisation;
- Encourage capacity building in environmental authorities in IMPEL Member Countries;
- Encourage the exchange of experience and collaboration between these authorities on common issues and problems; and
- Spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU ("the level playing field").

The IRI is an informal review, carried out by colleagues from IMPEL. It is not an audit. The IRI is intended to enable the environmental authority and the Review Team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL Member Countries.

1.3. Scope of the IRI

The IRI uses a questionnaire to review the environmental authority against the requirements of the RMCEI. The **IMPEL "Doing the right things for permitting and Inspections"**[2] Guidance Book has been used to help structure the questionnaire and the review. The Guidance Book was initially developed to support authorities in implementing the Industrial Emissions Directive and describes the different steps of the environmental permitting and inspection cycle.

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[1] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:118:0041:0046:EN:PDF
[2] Doing The Right Things for Environmental Permitting | Impel

1.4.   This IRI

This report has been produced as part of an IMPEL Review Initiative (IRI) through which an expert team reviewed Ireland's National Trans-Frontier Shipment of Waste Office (NTFSO), operated by Dublin City Council (DCC).

Dublin City Council joined IMPEL due to its role as the competent authority for Ireland for the Waste Shipments Regulations which it has carried out since 2007. The role covers TFS movements from 31 local authorities in Ireland. A Statutory Instrument has been used to set-up this framework.

It should be noted that waste facilities are permitted by the Irish Environmental Protection Agency and Local Authorities depending on the scale of the activity. There is also a regional structure in Ireland that deals with waste enforcement called the Waste Enforcement Regulatory Lead Authority (WERLA) which is split into three regions. The work of the Irish EPA, other Local Authorities and the WERLAs was not covered by this review.

The IRI process brings together experts from other member organisations to review subject matter in relation to the implementation and enforcement of environmental law. In this case, experts from Scotland, Northern Ireland, Sweden and the Netherlands contributed to the process which reflected on good practices and opportunities for development within the NTFSO. Unfortunately, a further member of the team from Austria was unable to make the review due to flight issues in Germany.

To accommodate the review process, a team from DCC and its contractor, Certification Europe (CE), provided a series of presentations to the experts and engaged in valuable, open and frank discussions on how the service is delivered for Ireland.

The IRI was conducted over 3 days, with presentations and discussions covering a broad range of topics, including:

- The designation of TFS roles and responsibilities between DCC (Management and Administration) and CE (Inspection and Enforcement).
- An overview of TFS Administration, Workflow Processes and Performance Monitoring.
- Recording, monitoring and reporting of NTFSO Statistics (e.g. Waste Types and Destinations)
- Specific discussions on waste recovery levies and registration of brokers and dealers.
- Examples of collaboration within Ireland and across borders (including wider IMPEL projects and Basel Convention support)
- Provision of inspection and enforcement services by CE.
- Discussion and demonstration of the new TFS IT system and website interface.
- Port of Cork Case Study.

As the IRI progressed, several review themes emerged, against which examples of good practice and opportunities for development could be summarised. This report presents those themes and examples below as an aide to highlight areas where Ireland is delivering good practice or has an opportunity for further enhancement of its TFS delivery.

It should be noted that the monitoring of national hazardous waste movements within Ireland which is also a responsibility of the NTFSO in DCC was not discussed and is not covered in this report.

2. Review Findings

2.1. Regulatory framework

The framework of waste regulation is somewhat fractured in Ireland with a mix of local, regional and national organisations all taking a role. This includes 31 (formerly 34) Local Authorities that issue waste permits for smaller sites and deal with waste enforcement at a local level, 3 Regional Waste Management Planning Offices, 3 Waste Enforcement Regulatory Lead Authorities, the Irish EPA that issues waste permits for larger sites, the National Waste Collection Permit Office and the national TFS role of Dublin City Council's NTFSO & internal hazardous waste movement control and the Department of the Environment Climate and Communications at a national level who are responsible for the introduction of National Acts, Regulations, Statutory Instruments and other legislative productions. From the outside, the framework of organisations involved in waste regulation appears complex, however there appears to be a high degree of coordination between them.

Good Practice
- The National Waste Enforcement Steering Committee which includes all of the above organisations plus customs, police, revenue and social protection come together to develop national waste enforcement priorities and meet quarterly to discuss areas of common interest and emerging trends in waste enforcement.
- The National Waste Enforcement Priority Objectives have been drafted to run from 2022-2024 and set on a 3-year cycle, reviewed annually.
- Coordinated multi-agency enforcement operations are carried out.
- Cross-border enforcement operations are carried out.
- An Industry Contact Group has been developed that gives industry an opportunity to bring issues of concern to all the regulatory authorities.

Opportunities for Development
- The Republic of Ireland is a signatory to the OECD Recommendation on Environmental Compliance Assurance that covers a wider inter-institutional framework to support the enhancement of compliance assurance. The NTFSO are recommended to explore how they could contribute to the adherence with the Recommendation.
- Consider how to further enhance work on Compliance Promotion such as (but not limited to) awareness training and education of the waste shipment industry.
- Consider delivering some TFS training to the Police, Customs and other important partners.

2.2. Organisational set-up

Alongside a more traditional technical discussion, a significant area of interest for the IMPEL review team was the arrangement between DCC (as the client) and Certification Europe (CE) (as a private sector contractor).

DCC have outsourced their TFS inspection and enforcement service to a private contractor. They do this following the EU tendering procedure and are able to offer contracts for 4 years with the possibility of extension by a further 2 years. Certification Europe were originally awarded a contract to deliver the service in 2011 and have since had their contract renewed through open competition at the appropriate intervals. Certification Europe are also a certification body for ISO in Ireland.

DCC have 10 members of staff in the NTFSO who work on the management and administrative side of TFS, all based in Dublin. This is complimented by CE having 8 members of staff responsible for inspection and enforcement, 6

based in Dublin and 2 based in Cork.

Good Practice
- The CE staff are all formally authorised to carry out their inspection and enforcement activities on a national basis.
- The two groups of staff (administration and inspection & enforcement) work well together with regular meetings and clear lines of communication.
- Despite CE staff being employed on different contracts to DCC, there is a fail-safe provision for DCC to take CE staff to ensure continuity should CE be unable to fulfil their contractual obligations through TUPE regulations.
- CE staff have a very organised staff development process including training plans, set of mandatory training courses, monitoring, rotation and succession planning.
- Ultimate enforcement decision-making sits with DCC, everything else sits with the CE Waste Enforcement Officer (e.g. inspection choice, evidence gathering required to bring together a legal case etc).

Opportunities for Development
- Vetting of CE staff is based on previous employer references. Consider getting full vetting from the Garda (National Police & Security Service) for CE staff prior to employment.
- There is a lot of reliance on the post of 'TFS Technical Officer' for technical information regarding the Waste Shipment Regulations (WSR). To build in resilience and allow succession planning consider how you could share the knowledge amongst several existing staff and consider additional recruitment.

2.3.   Inspection and enforcement

The activities of inspection and enforcement are primarily carried out by CE, however, they receive technical support from DCC both in terms of specialist TFS knowledge but also from the DCC's own legal department. This department also employs external barristers when required.

Good Practice
- A 3-year Waste Shipment Inspection Plan (WSIP) is developed and updated annually. The WSIP is fully reviewed, and a new plan is developed for each 3-year cycle.   This forms the basis of the delivery element of the contact between CE & DCC. The WSIP is published and available on the NTFSO website.
- Delivery of the inspection plan is monitored using an open and transparent performance management process. There are regular monthly delivery meetings with DCC as client to track performance. There is also a clear mechanism for reporting deviations from the plan.
- The monthly delivery meetings are based around the use of Key Performance Indicators (KPIs) & metrics. The reviewers felt that the private sector practices brought to a public sector situation appeared effective. A standard reporting template was agreed between CE and DCC, covering a set monthly agenda. It was noted that there were also clear performance management benefits brought by a good client/contract relationship.
- The WSIP was broken down into months and individual officers showing clearly who was responsible for what and when in terms of delivery. Timings of holidays and longer absences was also taken into account in the development of plans.
- Time for reactive work is also provided for in the WSIP.

- Workload planning is risk based by being prioritised based on waste type. The reviewers thought this to be much more effective than a wider 'scattergun' approach to inspection, however, the risk process could be refined further.
- Awareness of business finances – Where an inspection identifies that it could lead to prosecution then specific time recording is started to enable future full cost recovery. This is an appropriate system as it shows awareness to evoke the polluter pays principle yet ensures that any administrative burden within the NTFSO is reduced to when absolutely necessary.
- CE have developed a list of mandatory training for all its staff to support continual development of its staff.
- CE have received specialist training in waste shipment legislation. This has been historically delivered by an external consultant; however, CE are building internal capacity to deliver the required material in-house.
- Every member of CE staff has a skills matrix to track skills and competencies to deliver job roles. This matrix is linked with personal development plans.
- DCC can take their own prosecutions directly to court.
- A data management system is used for court case preparation.
- The NTFSO carryout strict enforcement of EC No 1013/2006 by automatically considering any vehicle as waste if they have not had a roadworthiness certificate for more than 2 years.

Opportunities for Development
- The NTFSO has achieved great success in reducing non-compliant shipments by Ro-Ro (Roll-on Roll-off vessels). These successes should be celebrated externally to act as a wider deterrent.
- Consider the further development of the risk assessment process for informing inspections including the addition of further criteria (e.g. antecedent TFS compliance behaviour, EPA/WERLA antecedent behaviour, final destination etc) and the development of a risk matrix to support variable inspection frequency (annual, once every 3 years, random sample etc).
- It was considered that access to port management systems would greatly enhance detection rates by informing which containers needed inspection. Currently the NTFSO only have access to the ship's manifest which does not contain information on the loading site and other information.
- Explore how to move away from reliance on a ship's manifest.
- It was thought that some vehicles shipped as useable could actually be waste. Consider developing a system to check if engines are working/in working order. Sweden checks for proof of function to ensure they are not waste prior to export.
- Consider how to develop checks on dangerous components such as seat belt pretensioners, airbags etc.
- It was thought that there is a risk of focusing too much on what is being reported and not the illegal (under radar) movements. Consider how further checks to identify and reduce/stop illegal shipments could be implemented. This could include using intelligence gained from other source such as the EPA (non-compliant sites) or Garda etc.
- It was identified that there was no directed surveillance or protocols for surveillance. Consider what the barriers to their use are and how they might be overcome.
- Consider adding space into the inspection plan for 'random sampling' of a particular lower risk activity or sector. This involves carrying out some randomly chosen inspections of low-risk activities to ensure that the activity remains low-risk and relatively compliant.

2.4. Notifications & New IT System

The NTFSO went live with a new IT system four weeks prior to the review. Underpinning the TFS service with an effective Information System was identified as fundamental to the current and ongoing successes witnessed by the review team. Notable achievements have included the ability to easily interrogate, report and share kay data with stakeholders, capitalising on live updates/tracking of certain datasets for process validation and issuing reminders, fees or refunds to reduce administrative burden, and remaining committed to further updates and improvements, facilitated through a 'sinking fund' (money set aside to replace a depreciating asset).

Good Practice
- The pace of development of the system and the transition and migration of data to the new system has been quick, seeing a reduction in potential cost of development and early adoption of the new system. From a system development perspective this appears to have been great value for money.
- An email template interface was set up during Covid to ensure continuity of service remotely which was in itself good practice; this system has been continued due to ease of administration for both external users and DCC administration.
- Notification checklists are sent out to applicants to increase the quality of notifications received.
- Notification numbers are now generated by the new system which reduces administrative burden.
- 'Missing' shipments are easily detected and dealt with efficiently due to the new system.
- Customs documents can be added to the notification details on the system.
- Read access is granted to local authorities to assist in their compliance work.
- The use of multi-factor authentication for external users safeguards the system.
- TFS Refunds for unused tonnage (exports) or unused loads (imports). Once processed, discrepancies are easily contested and checked through the new system, saving time with the benefit of being more transparent.
- Validation of bond value vs value of current shipment is live and automatically updated in the system, if free bond value reaches zero the company are not able to pre-notify until shipments have been recovered. This also works with multi-notification guarantees. A contingency of 50% for financial guarantees was also seen as good practice and could reduce 'to-ing and fro-ing' with notifiers.
- The system allows easy amendment of waste codes. As waste codes are amended internationally and fairly regularly it is advisable to have a system that can be easily modified such as this one.
- The system issues automatic reminders for estimates, and broker/dealer registrations reducing burden on DCC.
- The new system now allows better resolution of data and information, making reporting timelier and more meaningful.
- The Irish EPA combines TFS, LA and EPA data together allowing a clearer view of what is actually happening on site to give a fuller picture as to the state of compliance. In time it is proposed that there will be more real time permitting data coming into the system to ensure more up to date accurate data is available.
- Officers can link themselves to a company as a viewer in the system so they see what the notifier/company can see, this is useful when supporting external users to navigate the system or to support issue resolution.

Opportunities for Development
- Postponement times for shipments can be up to ten days. This was viewed as generous by the review team and could potentially result in additional tracking work for DCC staff. Consider reviewing this timescale if necessary.

- Non-Irish exporters are allowed to register as a broker which could lead to potential non-compliance issues being fully resolved. The revised WSR may mean that this needs to be revisited and may make enforcement easier. Consider changing this if the WSR does not bring about adequate changes.
- Recovery v disposal costs must be added 'back office'. Consider a future development of the IT system to enable this functionality to reduce staff time spent on this. This would also be the case once notifiers can upload movement forms themselves.
- There is currently cross-jurisdiction verification between TFS shipment movements and the receiving facilities that the system could support (TFS vs site permit data returns). Consider how you gain greater benefits through the development of an Application Programming Interface (API) connecting International Waste Shipments (UK online notification portal for exports). It is thought there is the potential to save resource and allow targeted data comparisons to help inform compliance from start to finish. The EU's Electronic Data Interchange may also assist with this.
- Consider utilising Artificial Intelligence (AI) to inform more targeted interventions through the evaluation of new trends and patterns in incoming data – i.e. enforcement activities driven by anomalies found with AI/queried and filtered by the system or improved system querying. It is noted that this would require an increased request for developer budget.
- Consider the benefits from making the system available to other regulators (e.g. international partners) through licensing agreements.
- Further developments of the system are recommended to further reduce administrative handling and at the same time develop an external customer interface. Developments could also include:
  - Improving the ease at which notifications can be viewed at a glance,
  - Developing the system capability from data capture to issuing a completed notification form to save on back-office process,
  - Reducing further the reliance on back-office interaction and duplication of effort. E.g. Notifier submits data directly to the system (with supporting verification stage) rather than submits via email which requires an administration process. Could the system be adapted to produce an electronic notification package for transmission?
  - Consideration of the use of multi-factor authentication for internal staff users could be considered to further safeguard the system from potential cyber-attack. If access were to be gained to the wider DCC system this could potentially compromise use of the new TFS system as it is not truly standalone.

2.5. Collaboration

The NTFSO demonstrated a significant level of current collaboration and willingness to future collaboration to address national and international priorities as well as contributing to developing innovative and new approaches to regulating TFS.

Good Practice
- The NTFSO has a large and varied range of active working partners including police, customs, Local Authorities (LA), the Irish Environment Protection Agency (EPA), the National Waste Enforcement Steering Committee (NWESC).
- The NTFSO is a member of a large number of National Working Groups and Industry Contact Groups. These include:
  - NWESC set up with members to Department of Environment Climate & Communications, EPA, LAs, NTFSO, WERLAs, WMPLAs, NWCPO, Customs, AGS (police), Revenue and Social Protection.

- o   Industry Contact Group allows industry to be represented and share their priorities.
- o   National Working Group (Textiles Advisory Group), currently working in post-use subgroup.
- o   National Working Group (Waste Advisory Group) which supports the development of wider perspectives and the development of working relationships as it is a broader cross-sectional group.
- o   National Waste Capacity Group (NWCG) which is focuses on waste streams that impact national landfills and Waste to Energy plants. The NWCG was extremely important during the Covid pandemic in dealing with medical waste. The NWCG undertakes a quarterly assessment which can direct waste streams to landfill. Only challenge is that there is a balance between planning permission tonnages for the landfill site and the tonnages being directed.
- The NTFSO has developed data sharing agreements with key partners including for example with Customs.
- National Waste Collection Permit Office (NWCPO) information shared across to national TFS, level of detail down to carriers' individual vehicles linked to permits. Multi-agency sharing of information and collaboration. NWCPO website links carrier details to NTFSO system.
- Multi Agency activities – e.g. trained in threats and violence and a system to collaborate with police on intel on violence and aggression e.g. Working well with Garda (police), sharing intel as linkages between waste crime and wider criminal activity. Collaboration where police have power to stop, DCC has power to investigate. Recent successful operation – Criminal Assets Bureau (Proceeds Of Crime Act POCA) worked with DCC to share intel and leverage the affidavit for a successful operation.
- The NTFSO actively undertakes International Collaboration including:
  - o   Successful and ongoing cross-border collaboration with Northern Ireland.
  - o   Sharing info about operators' activities across jurisdictions. Used to inform joint operations, particularly between the Republic of Ireland and Northern Ireland.
  - o   Contribution to MoU Calls – exchange of enforcement information among 4 UK countries, Netherlands, Belgium and Ireland. 1 hr meetings. Geographically based membership.
  - o   Continued horizon scanning for future membership configurations for other countries in relevant geographic areas.
  - o   The NTFSO has strong links to IMPEL and puts a high degree of importance on delivering a collaborative approach. The NTFSO has taken the lead on the IMPEL Plastics Projects and produced well regarded practical guidance, which is now used by many countries' regulatory officers.
  - o   The NTFSO participated in LIFE+ SWEAP project, taking a lead on arranging an annual best practice meeting and exploring the use of GPS tracking.

Opportunities for Development
- Continue to seek collaborative opportunities to seek greater compliance assurance (eg working with customs) and enhance knowledge sharing.
- It was observed that there are potentially further opportunities for collaboration and enhanced data sharing with Customs.
- The NTFSO has developed a high degree of specialist knowledge and practices in the field of the Waste Shipments Regulations and their successful implementation. Sharing this knowledge further with active engagement and collaboration with IMPEL is strongly encouraged so that others could learn from their experience whilst at the same time bringing home additional best practice from elsewhere.
- NTFSO demonstrate strong leadership skills and are therefore encouraged to take a leadership in international projects whenever possible. They are also further encouraged as they are native speakers of the lingua franca.

2.6. NTFSO Website

Having a good website is at the core of having a working compliance assurance system. Clear provision of what the regulated need to do and when they need to do it helps ensure that those who wish to comply can do the right thing.

Good Practices
- The website was found to be easy to locate, very well constructed and easy to navigate.
- Key Information such as Green List and Amber List criteria presented together with Public Register information on Green List and Amber List waste for information on waste exports. This makes it easy for other regulators (e.g. EPA) and for the public etc to view.
- DCC delivered a webinar providing training on the new TFS system and waste types. In addition, it was recorded and made available online through the website.
- The website gives access to useful guidance such as guide for the shipment/export of vehicles.
- The website contains a register of convictions which helps waste producer's carryout due diligence on any potential exporters.

Opportunities for Development
- Consider how a list of registered brokers and dealers could be made accessible on the website. It is understood that the brokers list changes regularly and would need an API or some such to automate the upload.
- The EPA does a name and shame/fame exercise in terms of highlighting non-compliance or otherwise. Consider how a similar approach could be taken for TFS to support due diligence checks. In some countries it is easier to publish those that are compliant rather than those that are non-compliant.
- The world of Waste Shipment Regulations appears complex to someone new to the subject matter. Consider developing a simple layman's 'how to' guide on the main web page to help new users do the right thing from the outset.
- With the provision of information and materials comes the need to keep it updated. Consider programming regular reviews to ensure that guidance etc continues to meet international best practice as developments evolve elsewhere.

2.7. Compliance Assurance – Brokers and dealers and green list waste.

Developing a system that drives higher levels of compliance assurance beyond solely having detection as deterrence is key to resource efficiency and effectiveness. The NTFSO has developed a range of approaches to support their work.

Good Practices
- It was noted that Green List waste reporting practice is ahead of most European countries.
- Tax clearance certificates from Revenue are needed for new entrants to confirm that an applicant's tax affairs are in order.
- List of Waste (LoW) and Basel codes are both reported.
- Zero returns still have to be submitted, ensuring good compliance.
- Brokers are unable to renew their licences until outstanding balances have been settled.
- The enforcement team carries out regular monitoring of Annex VII documents.

Opportunities for Development

- Bulk uploads of green list data via csv would assist industry. Should the system be amended in the future, user research sessions with industry may be of use to identify development needs.
- Inclusion of container / trailer numbers on green list waste submissions could enhance compliance monitoring.
- A route to improving the compliance of foreign brokers could be to compel the registration of a company with the Irish Companies Registration Office (CRO).

2.8. Finances - Fees, Charges & Fines

Embedding the polluter pays principle is important to ensure the users of a service pay for it and any additional work that needs to be carried out. Seeking a high degree as possible of full cost recovery is seen as good practice by many.

Good Practices
- Sinking fund, charging scheme (by hour/tonne), financial guarantee (calculation methodology, system automation & frozen).
- The application of monitoring fees where an admin fee is applied for missing information etc within submitted paperwork. This is a useful mechanism prior to more serious enforcement measures.
- The charging scheme set in 2010 still recovers costs adequately. Consider tracking this to ensure when deviation occurs that it can be rectified.
- Users submit an estimate of green list tonnages (originally quarterly, now monthly), an invoice is then issued based on the estimated tonnage submitted.
- Shipping agent/company held liable for any penalties/fees associated with stopped and returned shipments. The shipping company can then choose to pass that on to the broker/sender who created the shipment. This makes it much easier to recover the penalty and has an extra deterrent effect.

Opportunities for Development
- Consider the costs of giving refunds and staggering payments to the NTFSO. Raising a cheque or invoice or allowing multiple transactions brings with it an increased cost to the NTFSO.
- Ensure fees and charges remain current and continue to cover costs.
- Ensure administrative fees/fines continue to act as a deterrence.
- Seek to understand the impact of non-payment of administrative penalties on cost recovery.
- Assess increased charging mechanisms such as:
  - Charge by the hour for enforcement as a matter of routine.
  - Charging extra for monitoring breaches
  - Utilising forced repatriation of waste (return to origin). It is considered a good way to add a deterrent cost which is worse than the basic fine.

2.9. Safety of Staff and Security of Systems

The staff and systems of any regulator are its key assets. Having processes, procedures and systems in place are becoming increasingly important in a world with increasing violence and aggression and cyber-attacks.

Good Practices
- The NTFSO uses unmarked fleet vehicles for all regulatory activities. They are changed regularly.

- Violence & Aggression training is delivered to all staff within CE.
- If there are any concerns prior to an inspection or enforcement activity the police are taken as support.,

Opportunities for Development
- Consider the development of 3rd party authentication to access the IT System.
- Develop an H&S out-of-office system for enforcement staff to check-in to base at regular intervals.
- Develop a violence & aggression register of sites and people and explore connection to other agencies.
- Consider the use of personal alarms to use in the field to discreetly contact support in an emergency or threatening situation.

End

ANNEX 1 – List of good practices.

1. The National Waste Enforcement Steering Committee which includes all of the above organisations plus customs, police, revenue and social protection come together to develop national waste enforcement priorities and meet quarterly to discuss areas of common interest and emerging trends in waste enforcement.
2. The National Waste Enforcement Priority Objectives have been drafted to run from 2022-2024 and set on a 3-year cycle, reviewed annually.
3. Coordinated multi-agency enforcement operations are carried out.
4. Cross-border enforcement operations are carried out.
5. An Industry Contact Group has been developed that gives industry an opportunity to bring issues of concern to all the regulatory authorities.
6. The CE staff are all formally authorised to carry out their inspection and enforcement activities on a national basis.
7. The two groups of staff (administration and inspection & enforcement) work well together with regular meetings and clear lines of communication.
8. Despite CE staff being employed on different contracts to DCC, there is a fail-safe provision for DCC to take CE staff to ensure continuity should CE be unable to fulfil their contractual obligations through TUPE regulations.
9. CE staff have a very organised staff development process including training plans, set of mandatory training courses, monitoring, rotation and succession planning.
10. Ultimate enforcement decision-making sits with DCC, everything else sits with the CE Waste Enforcement Officer (e.g. inspection choice, evidence gathering required to bring together a legal case etc).
11. A 3-year Waste Shipment Inspection Plan (WSIP) is developed and updated annually. The WSIP is fully reviewed, and a new plan is developed for each 3-year cycle.   This forms the basis of the delivery element of the contact between CE & DCC. The WSIP is published and available on the NTFSO website.
12. Delivery of the inspection plan is monitored using an open and transparent performance management process. There are regular monthly delivery meetings with DCC as client to track performance. There is also a clear mechanism for reporting deviations from the plan.
13. The monthly delivery meetings are based around the use of Key Performance Indicators (KPIs) & metrics. The reviewers felt that the private sector practices brought to a public sector situation appeared effective. A standard reporting template was agreed between CE and DCC, covering a set monthly agenda. It was noted that there were also clear performance management benefits brought by a good client/contract relationship.
14. The WSIP was broken down into months and individual officers showing clearly who was responsible for what and when in terms of delivery. Timings of holidays and longer absences was also taken into account in the development of plans.
15. Time for reactive work is also provided for in the WSIP.
16. Workload planning is risk based by being prioritised based on waste type. The reviewers thought this to be much more effective than a wider 'scattergun' approach to inspection, however, the risk process could be refined further.
17. Awareness of business finances – Where an inspection identifies that it could lead to prosecution then specific time recording is started to enable future full cost recovery. This is an appropriate system as it shows awareness to evoke the polluter pays principle yet ensures that any administrative burden within the NTFSO is reduced to when absolutely necessary.
18. CE have developed a list of mandatory training for all its staff to support continual development of its staff.

19. CE have received specialist training in waste shipment legislation. This has been historically delivered by an external consultant; however, CE are building internal capacity to deliver the required material in-house.
20. Every member of CE staff has a skills matrix to track skills and competencies to deliver job roles. This matrix is linked with personal development plans.
21. DCC can take their own prosecutions directly to court.
22. A data management system is used for court case preparation.
23. The NTFSO carryout strict enforcement of EC No 1013/2006 by automatically considering any vehicle as waste if they have not had a roadworthiness certificate for more than 2 years.
24. The pace of development of the system and the transition and migration of data to the new system has been quick, seeing a reduction in potential cost of development and early adoption of the new system. From a system development perspective this appears to have been great value for money.
25. An email template interface was set up during Covid to ensure continuity of service remotely which was in itself good practice; this system has been continued due to ease of administration for both external users and DCC administration.
26. Notification checklists are sent out to applicants to increase the quality of notifications received.
27. Notification numbers are now generated by the new system which reduces administrative burden.
28. 'Missing' shipments are easily detected and dealt with efficiently due to the new system.
29. Customs documents can be added to the notification details on the system.
30. Read access is granted to local authorities to assist in their compliance work.
31. The use of multi-factor authentication for external users safeguards the system.
32. TFS Refunds for unused tonnage (exports) or unused loads (imports). Once processed, discrepancies are easily contested and checked through the new system, saving time with the benefit of being more transparent.
33. Validation of bond value vs value of current shipment is live and automatically updated in the system, if free bond value reaches zero the company are not able to pre-notify until shipments have been recovered. This also works with multi-notification guarantees. A contingency of 50% for financial guarantees was also seen as good practice and could reduce 'to-ing and fro-ing' with notifiers.
34. The system allows easy amendment of waste codes. As waste codes are amended internationally and fairly regularly it is advisable to have a system that can be easily modified such as this one.
35. The system issues automatic reminders for estimates, and broker/dealer registrations reducing burden on DCC.
36. The new system now allows better resolution of data and information, making reporting timelier and more meaningful.
37. The Irish EPA combines TFS, LA and EPA data together allowing a clearer view of what is actually happening on site to give a fuller picture as to the state of compliance. In time it is proposed that there will be more real time permitting data coming into the system to ensure more up to date accurate data is available.
38. Officers can link themselves to a company as a viewer in the system so they see what the notifier/company can see, this is useful when supporting external users to navigate the system or to support issue resolution.
39. The NTFSO has a large and varied range of active working partners including police, customs, Local Authorities (LA), the Irish Environment Protection Agency (EPA), the National Waste Enforcement Steering Committee (NWESC).
40. The NTFSO is a member of a large number of National Working Groups and Industry Contact Groups. These include:
    a. NWESC set up with members to Department of Environment Climate & Communications, EPA, LAs, NTFSO, WERLAs, WMPLAs, NWCPO, Customs, AGS (police), Revenue and Social Protection.
    b. Industry Contact Group allows industry to be represented and share their priorities.

     c.   National Working Group (Textiles Advisory Group), currently working in post-use subgroup.

     d.   National Working Group (Waste Advisory Group) which supports the development of wider perspectives and the development of working relationships as it is a broader cross-sectional group.

     e.   National Waste Capacity Group (NWCG) which is focuses on waste streams that impact national landfills and Waste to Energy plants. The NWCG was extremely important during the Covid pandemic in dealing with medical waste. The NWCG undertakes a quarterly assessment which can direct waste streams to landfill. Only challenge is that there is a balance between planning permission tonnages for the landfill site and the tonnages being directed.

41. The NTFSO has developed data sharing agreements with key partners including for example with Customs.

42. National Waste Collection Permit Office (NWCPO) information shared across to national TFS, level of detail down to carriers' individual vehicles linked to permits. Multi-agency sharing of information and collaboration. NWCPO website links carrier details to NTFSO system.

43. Multi Agency activities – e.g. trained in threats and violence and a system to collaborate with police on intel on violence and aggression e.g. Working well with Garda (police), sharing intel as linkages between waste crime and wider criminal activity. Collaboration where police have power to stop, DCC has power to investigate. Recent successful operation – Criminal Assets Bureau (Proceeds Of Crime Act POCA) worked with DCC to share intel and leverage the affidavit for a successful operation.

44. The NTFSO actively undertakes International Collaboration including:

     a.   Successful and ongoing cross-border collaboration with Northern Ireland.

     b.   Sharing info about operators' activities across jurisdictions. Used to inform joint operations, particularly between the Republic of Ireland and Northern Ireland.

     c.   Contribution to MoU Calls – exchange of enforcement information among 4 UK countries, Netherlands, Belgium and Ireland. 1 hr meetings. Geographically based membership.

     d.   Continued horizon scanning for future membership configurations for other countries in relevant geographic areas.

     e.   The NTFSO has strong links to IMPEL and puts a high degree of importance on delivering a collaborative approach. The NTFSO has taken the lead on the IMPEL Plastics Projects and produced well regarded practical guidance, which is now used by many countries' regulatory officers.

     f.   The NTFSO participated in LIFE+ SWEAP project, taking a lead on arranging an annual best practice meeting and exploring the use of GPS tracking.

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59. Officers can link themselves to a company as a viewer in the system so they see what the notifier/company can see, this is useful when supporting external users to navigate the system or to support issue resolution.
60. The website was found to be easy to locate, very well constructed and easy to navigate.
61. Key Information such as Green List and Amber List criteria presented together with Public Register information on Green List and Amber List waste for information on waste exports. This makes it easy for other regulators (e.g. EPA) and for the public etc to view.
62. DCC delivered a webinar providing training on the new TFS system and waste types. In addition, it was recorded and made available online through the website.
63. The website gives access to useful guidance such as guide for the shipment/export of vehicles.
64. The website contains a register of convictions which helps waste producer's carryout due diligence on any potential exporters.
65. It was noted that Green List waste reporting practice is ahead of most European countries.
66. Tax clearance certificates from Revenue are needed for new entrants to confirm that an applicant's tax affairs are in order.
67. List of Waste (LoW) and Basel codes are both reported.
68. Zero returns still have to be submitted, ensuring good compliance.
69. Brokers are unable to renew their licences until outstanding balances have been settled.
70. The enforcement team carries out regular monitoring of Annex VII documents.
71. Sinking fund, charging scheme (by hour/tonne), financial guarantee (calculation methodology, system automation & frozen).
72. The application of monitoring fees where an admin fee is applied for missing information etc within submitted paperwork. This is a useful mechanism prior to more serious enforcement measures.
73. The charging scheme set in 2010 still recovers costs adequately. Consider tracking this to ensure when deviation occurs that it can be rectified.
74. Users submit an estimate of green list tonnages (originally quarterly, now monthly), an invoice is then issued based on the estimated tonnage submitted.
75. Shipping agent/company held liable for any penalties/fees associated with stopped and returned shipments. The shipping company can then choose to pass that on to the broker/sender who created the shipment. This makes it much easier to recover the penalty and has an extra deterrent effect.
76. The NTFSO uses unmarked fleet vehicles for all regulatory activities. They are changed regularly.
77. Violence & Aggression training is delivered to all staff within CE.
78. If there are any concerns prior to an inspection or enforcement activity the police are taken as support.,

ANNEX 2 - Opportunities for Development

1. The Republic of Ireland is a signatory to the OECD Recommendation on Environmental Compliance Assurance that covers a wider inter-institutional framework to support the enhancement of compliance assurance. The NTFSO are recommended to explore how they could contribute to the adherence with the Recommendation.
2. Consider how to further enhance work on Compliance Promotion such as (but not limited to) awareness training and education of the waste shipment industry.
3. Consider delivering some TFS training to the Police, Customs and other important partners.
4. Vetting of CE staff is based on previous employer references. Consider getting full vetting from the Garda (National Police & Security Service) for CE staff prior to employment.
5. There is a lot of reliance on the post of 'TFS Technical Officer' for technical information regarding the Waste Shipment Regulations (WSR). To build in resilience and allow succession planning consider how you could share the knowledge amongst several existing staff and consider additional recruitment.
6. The NTFSO has achieved great success in reducing non-compliant shipments by Ro-Ro (Roll-on Roll-off vessels). These successes should be celebrated externally to act as a wider deterrent.
7. Consider the further development of the risk assessment process for informing inspections including the addition of further criteria (e.g. antecedent TFS compliance behaviour, EPA/WERLA antecedent behaviour, final destination etc) and the development of a risk matrix to support variable inspection frequency (annual, once every 3 years, random sample etc).
8. It was considered that access to port management systems would greatly enhance detection rates by informing which containers needed inspection. Currently the NTFSO only have access to the ship's manifest which does not contain information on the loading site and other information.
9. Explore how to move away from reliance on a ship's manifest.
10. It was thought that some vehicles shipped as useable could actually be waste. Consider developing a system to check if engines are working/in working order. Sweden checks for proof of function to ensure they are not waste prior to export.
11. Consider how to develop checks on dangerous components such as seat belt pretensioners, airbags etc.
12. It was thought that there is a risk of focusing too much on what is being reported and not the illegal (under radar) movements. Consider how further checks to identify and reduce/stop illegal shipments could be implemented. This could include using intelligence gained from other source such as the EPA (non-compliant sites) or Garda etc.
13. It was identified that there was no directed surveillance or protocols for surveillance. Consider what the barriers to their use are and how they might be overcome.
14. Consider adding space into the inspection plan for 'random sampling' of a particular lower risk activity or sector. This involves carrying out some randomly chosen inspections of low-risk activities to ensure that the activity remains low-risk and relatively compliant.
15. Postponement times for shipments can be up to ten days. This was viewed as generous by the review team and could potentially result in additional tracking work for DCC staff. Consider reviewing this timescale if necessary.
16. Non-Irish exporters are allowed to register as a broker which could lead to potential non-compliance issues being fully resolved. The revised WSR may mean that this needs to be revisited and may make enforcement easier. Consider changing this if the WSR does not bring about adequate changes.
17. Recovery v disposal costs must be added 'back office'. Consider a future development of the IT system to enable this functionality to reduce staff time spent on this. This would also be the case once notifiers can upload movement forms themselves.

18. There is currently cross-jurisdiction verification between TFS shipment movements and the receiving facilities that the system could support (TFS vs site permit data returns). Consider how you gain greater benefits through the development of an Application Programming Interface (API) connecting International Waste Shipments (UK online notification portal for exports). It is thought there is the potential to save resource and allow targeted data comparisons to help inform compliance from start to finish. The EU's Electronic Data Interchange may also assist with this.

19. Consider utilising Artificial Intelligence (AI) to inform more targeted interventions through the evaluation of new trends and patterns in incoming data – i.e. enforcement activities driven by anomalies found with AI/queried and filtered by the system or improved system querying. It is noted that this would require an increased request for developer budget.

20. Consider the benefits from making the system available to other regulators (e.g. international partners) through licensing agreements.

21. Further developments of the system are recommended to further reduce administrative handling and at the same time develop an external customer interface. Developments could also include:
    a. Improving the ease at which notifications can be viewed at a glance,
    b. Developing the system capability from data capture to issuing a completed notification form to save on back-office process,
    c. Reducing further the reliance on back-office interaction and duplication of effort. E.g. Notifier submits data directly to the system (with supporting verification stage) rather than submits via email which requires an administration process. Could the system be adapted to produce an electronic notification package for transmission?
    d. Consideration of the use of multi-factor authentication for internal staff users could be considered to further safeguard the system from potential cyber-attack. If access were to be gained to the wider DCC system this could potentially compromise use of the new TFS system as it is not truly standalone.

22. Continue to seek collaborative opportunities to seek greater compliance assurance (eg working with customs) and enhance knowledge sharing.

23. It was observed that there are potentially further opportunities for collaboration and enhanced data sharing with Customs.

24. The NTFSO has developed a high degree of specialist knowledge and practices in the field of the Waste Shipments Regulations and their successful implementation. Sharing this knowledge further with active engagement and collaboration with IMPEL is strongly encouraged so that others could learn from their experience whilst at the same time bringing home additional best practice from elsewhere.

25. NTFSO demonstrate strong leadership skills and are therefore encouraged to take a leadership in international projects whenever possible. They are also further encouraged as they are native speakers of the lingua franca.

26. Consider how a list of registered brokers and dealers could be made accessible on the website. It is understood that the brokers list changes regularly and would need an API or some such to automate the upload.

27. The EPA does a name and shame/fame exercise in terms of highlighting non-compliance or otherwise. Consider how a similar approach could be taken for TFS to support due diligence checks. In some countries it is easier to publish those that are compliant rather than those that are non-compliant.

28. The world of Waste Shipment Regulations appears complex to someone new to the subject matter. Consider developing a simple layman's 'how to' guide on the main web page to help new users do the right thing from the outset.

29. With the provision of information and materials comes the need to keep it updated. Consider programming regular reviews to ensure that guidance etc continues to meet international best practice as developments evolve elsewhere.
30. Bulk uploads of green list data via csv would assist industry. Should the system be amended in the future, user research sessions with industry may be of use to identify development needs.
31. Inclusion of container / trailer numbers on green list waste submissions could enhance compliance monitoring.
32. A route to improving the compliance of foreign brokers could be to compel the registration of a company with the Irish Companies Registration Office (CRO).
33. Consider the costs of giving refunds and staggering payments to the NTFSO. Raising a cheque or invoice or allowing multiple transactions brings with it an increased cost to the NTFSO.
34. Ensure fees and charges remain current and continue to cover costs.
35. Ensure administrative fees/fines continue to act as a deterrence.
36. Seek to understand the impact of non-payment of administrative penalties on cost recovery.
37. Assess increased charging mechanisms such as:
    a. Charge by the hour for enforcement as a matter of routine.
    b. Charging extra for monitoring breaches
    c. Utilising forced repatriation of waste (return to origin). It is considered a good way to add a deterrent cost which is worse than the basic fine.
38. Consider the development of 3rd party authentication to access the IT System.
39. Develop an H&S out-of-office system for enforcement staff to check-in to base at regular intervals.
40. Develop a violence & aggression register of sites and people and explore connection to other agencies.
41. Consider the use of personal alarms to use in the field to discreetly contact support in an emergency or threatening situation.