

# Verification of Waste Destinations

## How effective are notifications

An action to monitor transfrontier waste shipments was agreed at the IMPEL-TFS conference in Prague (Czech Republic) in June 2003. The project entitled Verification of Waste Destinations was carried out under the IMPEL-TFS umbrella with seven EU countries participating - Austria, Belgium, Czech Republic, Ireland, Finland, Malta and The Netherlands. While Germany did not participate as such, competent authorities and enforcement agencies rendered assistance during the project. The project, which was carried out from October 2003 to November 2004, was managed by the Netherlands VROM Inspectorate.

The project aimed to increase cooperation and information exchange on the verification of waste destinations within the framework of EU Regulation 259/93 (Waste Shipment Regulation WSR) on the supervision and control of waste shipments. The ultimate goal is to strengthen enforcement and compliance with the Waste Shipment Regulations through closer cooperation between the Member States.

### Approach

The framework and actions for the Verification of Waste Destinations project were agreed at a meeting of participating



parties held in the Netherlands in December 2003. At the meeting, waste shipments for monitoring were selected from proposals presented by the participating countries. The selection criteria used were uncertainties about the final waste destinations; absence of disposal certificates; and tips from other enforcement networks. The primary purpose of the selection was to gain experience that could be used in developing more effective and transparent enforcement of the regulations. The inspections focused on red and amber listed wastes for which permits are required for shipment.

### Action

Between January and September 2004, the participating countries carried out inspections and enforcement actions at waste disposal and processing plants as well as inspections of shipments en route.

The IMPEL-TFS network was set up in 1992 to harmonise enforcement of EU Regulation 259/93 (replacing EC Directive 84/631) on Transfrontier Shipments of Waste for the supervision and control of waste shipments into, out of and through the European Union.

### Facts about transfrontier waste shipment

About 10% of all waste generated in the OECD and European Union is shipped across international borders for a variety of reasons including shortage of appropriate waste facilities in some countries, cost savings, or for use as raw materials of high economic value.

Experience indicates that wastes are being disposed of illegally within and from the European Union by means of false declarations, illegal shipment or inappropriate treatment.

These transfrontier waste shipments are governed by international regulations to protect the environment, specifically the Basel Convention and EU Regulation 259/93 on the supervision and control of waste shipments within and from the European Union.

Although EU Regulations are binding on all Member States, collaboration between the Member States is essential for effective and transparent enforcement of regulations on transboundary waste movement.



Based on the three-day prior notification, authorities in the country of dispatch inspected the waste at the site of dispatch or at waste processing facilities. Information on the type, quantity and composition of the waste shipments was forwarded to the enforcement authorities in the country of destination. The enforcement authority then checked that the waste consignment complied with permit under the three-day notification and with the environmental permits of the receiving site in terms of acceptance criteria and processing capacity. This information was exchanged between the authorities in the participating countries and compared via a “virtual” office website.

## Results

### Notifications

In the period January to September 2004, a total of 25 inspections of waste shipments were planned. However, it was only possible in 11 cases to inspect shipments in both the country of origin and of destination (see Table). The main reason for this reduced number was the three-day prior notification under regulation 259/93. Seven of 25 notifications of intended waste transport to, from and through the Netherlands were not, in fact, used. Further investigation revealed that applications for notification of waste ship-

ment were made as contingency plans to ensure adequate waste disposal capacity. While some notifications were extended for a further period, the validity periods of two notifications had expired and not extended during the project period (January to November 2004).

### Irregularities

Irregularities were found in two of the 11 double inspections carried out in two countries. In one case, more waste was transported than deposited and the shipment did not start from the site stated on the permit. In another case, waste exported from the Netherlands to the Czech Republic did not comply with the environmental permit for the waste processing facility. Furthermore, a “tip-off” led to the detection of 18 containers of cable waste in the Port of Antwerp without a permit (licit trade) and with forged export documents. Dutch and Belgium authorities took prompt action.

### Inspections en route

In June 2004, coordinated transport inspections were carried out by enforcement agencies in Belgium, Germany and the Netherlands. In total, 48 trucks were inspected at the Dutch-German border crossing in Venlo, all en route from Belgium and the Netherlands to destinations in Germany.

Ten of these shipments contained building and demolition waste or industrial waste, and two were found not to comply with the notifications. The waste composition of one consignment did not comply with the permit and the truck was sent back to the country of origin. The other shipment was not following the specified route. Further, on-the-spot inspection of three shipments of building and demolition waste (pour and analyse) revealed one shipment not in compliance and was sent back to the country of origin.

As well as border inspections, waste shipment from Belgium and the Netherlands were inspected again at waste processing facilities in Germany. In one case, the notification had been withdrawn by the enforcement agency in Belgium because the load did not comply with the permit, and more waste was finally disposed than notified. Police authorities are following up transports that apparently switched motorways to avoid the transport inspections.

#### Number of waste destinations inspections

Country	Proposed		Performed	
	Dispatch country	Receiving country	Dispatch country	Receiving country
Austria	2	7	0	3
Belgium	3	8	1 <sup>1</sup>	4
Czech Republic	1	0	1	0
Germany <sup>2</sup>	0	3	0	3
Malta	0	0	0	0
Netherlands	11	7	8 <sup>3</sup>	1
Finland	3	0	0	0
Ireland	5	0	1	0
<b>Total inspections</b>	<b>25</b>		<b>11</b>	

<sup>1</sup>) Includes one case of cooperation with Germany.

<sup>2</sup>) Although not an official project participant, Germany cooperated in three cases.

<sup>3</sup>) Includes two cases in cooperation with Germany.



## Conclusions

Although the number of transports monitored may be somewhat limited, the results are sufficient to draw a number of conclusions. The project re-enforced the need for strengthening cooperation between the Member States as the way forward to improving enforcement of regulations on the transfrontier waste shipments.

## Cooperation

EU Regulation 259/93 is binding on all Member States and cooperation between the Member States is essential in enforcing these regulations on transfrontier waste transport within and beyond Europe. The Verification of Waste Destinations project not only re-enforced the need for cooperation but also indicated where further cooperation is required. There is a commitment by the seven countries and we now need to build an enforcement network on a Europe-wide scale with the active participation of all Member States.

## Verification method

As a starting point to build and extend Europe-wide cooperation, the project developed an approach for verification of waste shipments and the enforcement of regulations. This approach encompasses administrative checks on notifications, on-the-spot inspections and electronic information exchange between authorities in the different countries via a dedicated and secure website.

## Notifications

A number of practical difficulties were encountered with the three-day prior notification that will require attention in order to develop a more “water tight” enforcement network across Europe.

The fact that notifications are granted is no guarantee that shipments comply with the notifications. The primary difficulty seems to be that notifications are submitted to the competent authority, which is not necessarily the enforcement agency. Furthermore, enforcement authorities do not always have automatic access to information systems where notifications are administrated in the competent authority. In some cases, waste has already been shipped before the notification is available.

The situation becomes more complex in countries where there is more than one competent authority. For example, competent authorities are organised regionally in Belgium, Germany and Ireland, whereas Austria, Czech Republic and the Netherlands have national Competent Authorities.

Consideration needs to be given to whether the benefits of the three-day prior notification in its present form are not outweighed by the disadvantages. The three-day prior notifications place considerable pressure on the planning capacity of many enforcement authorities. In the Member States, these authorities have a wide variation in tasks, competences and jurisdictions to follow-up illegal movements and infractions. Furthermore, the three-day prior notification carries substantial administrative burdens for both authorities and waste transporters. The current paper-based administrative system is cumbersome, time consuming and subject to error.

In addition, certificates of disposal (to be submitted within 180 days of waste receipt) are difficult to enforce largely because of difficulties in locating and tracking batches in waste processing.

## Recommendations

Based on the experience and enforcement results of the project, the following recommendations are made:

### European Commission

Implementation of the notification procedure should be reconsidered and regulated to ensure adequate enforcement by the responsible authorities in the Member States. In this respect, three actions are recommended:

- European Commission and the TFS network should set up an international enforcement strategy on for the Waste Shipment Regulation (WSR).
- Regulation 259/93 should be amended to require the Member States to review and report annually on the results of enforcement actions measured against internationally agreed performance and enforcement levels. These annual reports should be analysed by the European Commission and proposals presented to improve the regulations and enforcement efforts.
- Electronic data exchange should be the introduction and a system such EUDIN could be considered. The European Commission has an important role to play in stimulating Member States to use electronic data exchange in contributing to efficient and transparent enforcement of Regulation 259/93.
- Member States should report experience with enforcement of the three-day prior notification to the European Commission. Experience should be based on agreed performance levels such as number of inspections per notification and waste streams derived from the general compliance strategy on the Waste Shipment Regulation (WSR).



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### IMPEL/IMPEL-TFS

The IMPEL-TFS network should actively pursue the development of a more extensive website on transfrontier waste shipment. The website should include a database of organizations and contact persons involved in waste shipments regulation & enforcement, an alert system for illegal and suspect waste shipments and a reference for waste including chemical composition and industrial processes. The Netherlands VROM Inspectorate should take the lead in proposing this at the IMPEL/TFS network management meeting in March 2005.

### National Competent and enforcement agencies

Each Member State should preferably have one central authority with the mandate to make agreements on transfrontier inspections that are applicable throughout the country. Furthermore, information exchange should be stimulated between competent authorities with primary responsibility for notification procedures and enforcement authorities.

### Scaling up action

The participant countries would like to see more EU countries participating in the IMPEL-TFS waste verification actions. Further project actions should cover not only notifications for amber and red listed waste but also green waste and non-notified wastes. It is strongly recommended that follow-up should focus on coordinated transport inspections at border crossings by enforcement authorities in both countries. Information gained from these transport inspections will be used as a starting point for verification on waste origin, waste destination and processing. A new enforcement project will be carried out in 2005 and 2006 within Europe.

At a meeting in Berlin on February 2005, representatives of twelve countries agreed to carry out joint and coordinated inspections on transfrontier waste shipments. Previous enforcement actions have revealed that illegal shipments of waste are still taking place. These illegal waste shipments are causing environmental and health hazards.

Enforcement authorities in Austria, Belgium, Croatia, Czech Republic, Denmark, Finland, Germany, Greece, Ireland, Slovakia, Malta and the Netherlands agreed to execute inspections at waste sources and treatment facilities and during transport, and to intensify information exchange on specific waste streams. These actions are directed to monitoring waste shipments from "cradle to grave."

### More information

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### On-the-Spot Waste Transport Inspection

Location: Venlo, the Netherlands  
Date: 10 November 2004  
Time: 7.30 to 13.00  
Vehicles: 20 trucks inspected

### Violations in waste transports en route to Germany

- One illegal transport of agriculture plastics contaminated with soil and vegetable parts - notified as green listed waste
- One illegal transport of wood contaminated with painted wood and glued chipboards - without notification
- Two transports with construction and demolition - not in compliance with the notification
- Two transports - pre-notification for another date
- One transport from Belgium to Germany: no pre-notification for the Netherlands
- One green-listed waste transport without documentation
- One transport of hazardous goods - not in compliance with ADR regulations.
- One transport with construction and demolition waste turned back for further investigation - no violation found.
- One transport - to Dutch notifier for further investigation to obtain more information about the waste origin.

### Transport inspections on arrival in Germany

- Bezirksregierung Münster
- One transport of construction and demolition waste - not in compliance with the notification
- Bezirksregierung Arnsberg
- Two recycling companies accepting wood waste from the Netherlands - no violations.