



European Union Network for  
the Implementation and Enforcement  
of Environmental Law

**IMPEL CLUSTER**

**TRANSFRONTIER SHIPMENTS OF WASTE "TFS"**

# IMPEL-TFS CONFERENCE 2014 REPORT

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*'Tackling illegal shipments of waste, by working together – promoting improved interagency collaboration between Environmental Authorities and Customs'*

***Oslo, Norway***

***11-13 June 2014***

## **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](http://www.impel.eu)

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<b>Executive Summary</b> <p>The annual IMPEL TFS conference, held between 11 and 13 June 2014 in Oslo, Norway, stressed the need for a good cooperation with Customs in order to prevent and detect illegal shipments of waste. Mutual support, training and joint operations were some of the key elements identified for a successful cooperation and should preferably be laid down in official agreements. The conference further noted a variety of case studies concerning the illegal shipments of waste, inter-agency collaboration and guidance and experiences with the takeback of illegally shipped waste. New tools on road inspections and customs controls were presented. The conference was updated on progress in relation to IMPEL TFS activities and the new IMPEL structure. Partner organisations informed the group about their activities, such as the CWIT project coordinated by INTERPOL, the Demeter III operation by the World Customs Organization and the work by DG TAXUD on customs guidelines and waste codes. DG ENV focused its presentations on the amendments of the Waste Shipment Regulation, in particular the requirement for waste shipment inspection plans. An Industry representative provided the group with an insight in internal control systems to monitor the quality of the waste and its treatment. She highlighted the role of traders and agents in the waste chain and pointed out the risks.</p> <p>The workshops provided good opportunities for the participants to discuss certain matter in further detail and also generated valuable recommendations:</p> <ul style="list-style-type: none"> <li>▪ IMPEL TFS should develop a project proposal for a project on waste shipment inspection planning and consider other forms of support in this area, such as a helpdesk and a FAQ document.</li> <li>▪ In relation to the WEEE Directive, IMPEL TFS should publish the study of the Nordic Project on Basecamp. Basecamp should also be used to share information on how different countries have transposed Annex VI of the WEEE Directive, to share examples of documentary proof (good and bad) and to share examples of inspection results: how are companies coping with this new legislation and maybe trying to circumvent it.</li> <li>▪ IMPEL TFS should promote the use of the tools developed under the EQual programme on the matter of end of waste and facilitate the exchange of experiences and practices on Basecamp.</li> <li>▪ Customs and Environmental authorities continue to develop collaboration agreements and undertake joint activities (e.g. training, joint operations, mutual support, sharing of tools and information).</li> </ul>	

110 People attended this annual meeting, representing 31 IMPEL Member Countries and European and global organisations including Interpol, the Secretariat of the Basel Convention, the European Commission (DG ENV and DG TAXUD) and the World Customs Organization.

**Disclaimer**

This report on the IMPEL TFS Conference 2014 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.

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## 1. INTRODUCTION

Between 11 and 13 June the IMPEL-TFS conference was held in Oslo, Norway. The conference, which since 1992 is organized annually 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).

In total 110 people attended the meeting. They represented 31 IMPEL Member Countries and European and global organisations including Interpol, the Secretariat of the Basel Convention, the European Commission (DG ENV and DG TAXUD) and the World Customs Organization.

The theme of this year's conference was *'Tackling illegal shipments of waste, by working together – promoting improved interagency collaboration between Environmental Authorities and Customs'*.

The main aims of the conference were further to:

- To discuss practical solutions that enhance the joint efforts of environmental agencies and customs in their fight against illegal shipments of waste;
- Share best practices and lessons learned on the matters of interagency collaboration and repatriation of illegally shipped waste;
- Update the IMPEL 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 Guidelines for Customs Controls on transboundary waste shipments developed under the PARCS project and the work on the development of possible new HS codes for certain waste streams;
- Discuss the amendments to the WSR introducing minimum criteria for waste shipments inspections.

## 2. CONFERENCE PROGRAMME

### Day one

The conference was officially opened by Ms Marit Kjeldby, Deputy Director General, Chemical and Waste Department from the Norwegian Environment Agency.

Mr John Seager, Chair of IMPEL, presented the new strategic direction of IMPEL, including the development of five new expert teams. These five expert teams (Industry and Air, Waste and TFS, Water and Land, Nature Conservation and Cross-cutting, tools and approaches) will replace the two existing clusters; cluster I and the TFS cluster. There was some discussion about the fact that in many countries the persons responsible for TFS are not involved in other waste regulations, for example the Landfill Directive. It was therefore suggested to develop two sub-groups under the Waste & TFS Expert Team; one on TFS and one on Waste matters. One person mentioned that in order to support the new organisation of IMPEL, an expansion of the Secretariat should be considered.

As the focus of this conference was on improving collaboration with Customs, an overview of the Norwegian situation was provided by Mr Bjørn Røse, Executive director of the Norwegian customs. He highlighted that the collaboration between Customs and the Environmental Agency has been improved and that joint inspections are now being carried out. The collaboration agreement is laid down in a Memorandum of Understanding. The joint inspections are very well prepared and thorough plans of action are drafted beforehand.

What followed was a series of presentations updating the audience about ongoing IMPEL TFS projects and activities by other organisations. Ms Katie Olley, Mr Thomas Ormond and Mr Rob de Rijck gave an update on their TFS projects, respectively: Enforcement Actions III, the Waste Sites II and the Prosecutors network.

On behalf of the Secretariat of the Basel, Rotterdam and Stockholm Conventions, Ms Julliete Voinov Kohler spoke about the latest developments at the Basel Convention concerning enforcement matters.

Ms Isabelle Strobbeleir from DG TAXUD presented the Guidelines. The guidelines are to be finalized end of June and will be published in the fall of 2014. Besides English, the guidelines will also become available in German and French.

During his presentation, Mr George Kiayis, DG ENVIRONMENT, highlighted the recent amendments to the Waste Shipments Regulation.

## Day two

Before going into the parallel workshop sessions, two plenary presentations were provided: one by Mr Erwin Verheuge from the Belgian Federal Police. He informed the group about the Manual that was developed for police officers about how to perform transport checks. The other presentation, given by Martin Johansson (Swedish Customs) and Pär Kollberg (Swedish EPA) demonstrated how collaboration at national level between involved agencies was organised and how it worked in practice.

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

1. End of waste (Gillian Hill)
2. Police workshop (Huib van Westen)
3. New amendments to the Waste Shipment Regulation (Kevin Mercieca and Marina de Gier)
4. Testing of WEEE (Silje Johannessen and Bart Palmans)
5. “Waste” (waste framework directive) = “waste” (customs tariff)? (Alexander Paul)
6. Best practices on enforcement and interagency collaboration (Alfred Sharples)

The outcomes of the six workshops were presented and discussed at the plenary session.

The second day of the programme ended with a joint session by Katie Olley, Juliette Kohler, Marina de Gier and Huib van Westen: Take back of illegal shipped waste – Guidance and Case Studies. This slot showed the work that is being undertaken on the matter of return shipments.

The IMPEL TFS manual on managing illegal shipments of waste and their return is currently being revised and updated. The revised version will be available in the fourth quarter of 2014. The Implementation and Compliance Committee under the Basel Convention has developed a guidance documents on how to deal with takebacks according article 9.2 of the Basel Convention. The draft document will be submitted to the upcoming Open Ended Working Group of the Basel Convention in September this year.

Also some examples of return shipments of illegally shipped waste were presented. These cases clearly demonstrated the continued need for good contacts and communication between EU countries and waste receiving countries outside the EU.

## Day three

The final day of the conference kicked-off with a presentation by Mr Bjørn Bjørnstad, Deputy Director General, Control Department of the Norwegian Environment Agency showing how TFS inspections and enforcement was organised in Norway. Less than 2% of the waste generated in Norway is disposed of; and more waste is exported than imported. The inspections carried out, are based on risk assessments and laid down in inspection plans. Recently more focus has gone to the collaboration with other involved agencies, such as Customs and Police, and countries (Nordic Council of Ministers and IMPEL TFS).



Traditionally for the last day of the conference, an industry representative is invited to give their view and perspective on the inspection and enforcement of waste shipments. Some of the challenges Norway faces are e-waste declared as green waste or used goods, difficulties in the distinction between waste from (secondhand or used) products, no sanctions on attempt, low penalty, the statute of limitations two years and long investigation time by police.

Ms Runa Kerr, Chief compliance officer at Norsk Gjenvinning (NG), gave the industry perspective and TFS experiences of a Norwegian waste treatment facility. NG offers a wide range of waste management and recycling solutions and provides commercial, industrial and local authority customers with waste services to minimize their impact on the environment. The NG Group exports waste to EU countries and to Asia and imports some waste to turn into energy. The main challenge is to have and keep control of the value chain: being able to check the waste from point of origin to its final destination. Many actors are involved in the process, with the traders and agents posing the highest risk. In 2013 NG launched its own investigation into the traders and agents it worked with and found many irregularities. For example shipments were found that were declared as clean green listed waste materials, but in fact were mixed with other contaminants; sometimes even hazardous materials. Based on their findings NG set up a system of internal control of NG's shipment, agents and end customers.

In order to prevent this type of illegal trade and traffic Ms Kerr listed some recommendations to be taken from the Industry side:

- Improve upstream and downstream control;
- Improve documentation control;
- Obtain knowledge of the EU legislation and the receiving country's legislation;
- Reduce the number of agents and traders used and conduct an IDD check of the different partners;
- Perform internal «on-site controls» of each end customer;
- Stop/re-direct shipments in case of doubts.

She also listed some recommendations for the Competent Authorities and enforcement agencies:

- Apply red list procedures for all transfrontier shipments of waste (notification) or reduce the numbers of exporters;
- Introduce certificates for companies with transfrontier shipments of waste - Authorized Waste Exporting Operator and withdraw the certificate if non-compliance;
- Continuous inspection and verification;
- Supply exporters with knowledge of inspectors (new regulations / "exportability" of waste) and create think-tank in Europe with the industry;
- Introduce level playing field within EU/EEA;
- Same level of punishment/sanctions.

She ended by stating that a fine does not scare the business which you want to control: the threat of imprisonment or losing the right to export will.

The outcomes of the global operation on detecting illegal transboundary movements of waste 'Demeter III' was presented by Daniel Moell from the World Customs Organization (WCO). Under the operation, which ran for five weeks in October and November 2014, intensified controls of waste shipments and other shipments considered of risk were performed by 44 WCO Members. The operation took place in close cooperation with China Customs and was supported by Secretariat of the Basel Convention, UNEP Regional Office for Asia and the Pacific, INTERPOL, IMPEL, INECE and DG TAXUD.

The operation mainly showed the difficulties in distinguishing between waste and used or secondhand goods and highlighted the need for international common standards on this matter. The operation led to a higher awareness among the Customs officers to perform controls on transboundary movements of waste and stressed the need for a coordinated approach. Recommendations include continuing with hands-on training to Customs and other competent authorities in advance of operations and including all relevant partners in the planning phase of these types of operations. Arrangements for cooperation between Customs and other competent authorities should further be based on formal agreements.

Update on the INTERPOL Environmental Crime Programme and the CWIT project

Ms Therese Shyrane from INTERPOL presented the Countering WEEE Illegal Trade (CWIT) project. The aim of the CWIT project is, through intensive data collection, stakeholder involvement and an intelligence-based approach, to:

- estimate the volumes of WEEE generated in Europe;
- analyse the involvement of organised crime in the global distribution of e-waste;
- develop a detailed understanding of the destinations and routes
- and to provide a set of recommendations to the various stakeholders.

The project is divided in five work packages and with the use of various questionnaires, data will be collected. More information is available on the project website: [www.cwitproject.eu](http://www.cwitproject.eu)

She also informed the group about the Pollution Crimes Forensic Investigation Manual, which is being developed under the coordination of INTERPOL. The manual is available on INTERPOL's website: <http://www.interpol.int/Crime-areas/Environmental-crime/Resources>.

INTERPOL is further planning to run the following projects:

- Enigma II; an INTERPOL operation on e-waste where cooperation is sought with UNEP & INECE for training and will include North American & Asian countries;
- Project Clean Seas: Addressing ship pollution violations;
- Illegal Pesticides (banned or counterfeit);
- Ozone Depleting Substances.

Mr Marco Avanzo introduced the Italian National Forest Corp and their work on combating illegal waste trafficking. The National Forest Corp was established in 1822 and is a State Police Corp since 1981. The main themes it is working on include forest fires, waste trafficking and pollution, protection of soil and flora and fauna, and food security. The criminal investigations performed by the Corp show that in many cases environmental crime is related to other types of crime such as corruption, falsifying documents, fraud in public contracts and/or related to human health issues. In 2013 50.982 inspections were performed related to waste issues and 1741 were detected. In total 670 seizures were made, 37 arrests and 3126 fines were issued. In that same year to first operation on e-waste took place, involving 233 inspections of waste management facilities, 13 crimes detected and 6 fines issued.

The Italian Forest Corp is happy to announce that it will host the next meeting of the IMPEL TFS National Contact Points in the second half of 2014.

### 3. Conference conclusions and recommendations

- I. The conference stressed the need for a good cooperation with Customs in order to prevent and detect illegal shipments of waste.
- II. The conference noted a variety of case studies concerning the illegal shipments of waste, inter-agency collaboration and guidance and experiences with the takeback of illegally shipped waste;
- III. The conference was updated on progress in relation to IMPEL TFS activities, the new IMPEL structure and also from partner organisations.
- IV. The conference remains a good opportunity to network and share experiences with good inter-agency involvement.
- V. The conference generated input for future activities and projects under the TFS cluster.
- VI. Participation by industry was again welcomed.

#### ***It was recommended that:***

- IMPEL TFS should develop a project proposal for a project on waste shipment inspection planning and consider other forms of support in this area, such as a helpdesk and a FAQ document.
- In relation to the WEEE Directive, IMPEL TFS should publish the study of the Nordic Project on Basecamp. Basecamp should also be used to share information on how different countries have transposed Annex VI of the WEEE Directive, to share examples of documentary proof (good and bad) and to share examples of inspection results: how are companies coping with this new legislation and maybe trying to circumvent it.
- IMPEL TFS should promote the use of the tools developed under the EQual programme on the matter of end of waste and facilitate the exchange of experiences and practices on Basecamp.
- Customs and Environmental authorities continue to develop collaboration agreements and undertake joint activities (e.g. training, joint operations, mutual support, sharing of tools and information).

### Workshop 1: Best practices on enforcement and interagency collaboration

During the first presentation, Mr. Alfred Sharples from the Malta Environment and Planning Authority presented the best practices of enforcement and interagency collaboration between the various departments in Malta which include the Malta Environment and Planning Authority, Customs, Transport Malta and Malta Police.

#### Objectives of workshop:

During the presentation, it was noted that although there are no formal agreements such as MoU's between the various authorities, a successful word of mouth agreements exist between the various departments. Way back some years ago, the Malta Environment and Planning Authority and the department of Customs agreed on a way forward to monitor closely shipments of waste. To this effect, an export procedure which includes Annex VII data verification process prior to export was set up for all movements of waste. Therefore, no shipments will be allowed to be exported unless the Annex VII documents are acknowledged by the Malta Environment and Planning Authority as competent authority of dispatch.

The second part of the presentation focused on the various inspections carried out during the last two years in collaboration with Customs, Transport Malta and Malta Police. Inspections included road-side inspections, inspections carried out during loading whether at the place of generation or at an authorised facility and joint inspections at the Malta Freeport for shipments of waste in transit through Malta.

The second presentation was by Mr. Mattias Lingren from the County Administrative Board of Norrbotten. Mr. Lingren discussed the successful collaboration in the northern part of Sweden. During the presentation, it was noted that one of the most important tools to monitor and combat illegal storage or movements of waste was through the use of helicopters due to the remote places and distances to search for typical illegal facilities.

The presentation also focused on intelligence led work: The purpose to understand and create a situational awareness to raise understanding of illicit waste trade.

#### Key points from presentation

State of play:

- A) Working methods are based on European and global level
- B) Collaboration between municipalities and agencies
- C) Expulsion of people involved in illicit trade together with confiscation of cargo
- D) Clear identification of modus operandi

Gaps:

- Limited knowledge in municipalities
- More collaboration with other agencies such as Police and Tax revenue
- The provisions in the Traffic Police Regulations lacks specific instructions on waste transport

Key points from discussions:

Disparities in working hours of Customs administrations as opposed to those of Environment Protection Agencies (EPAs) by having the former working 24/7 and the latter working during office hours. Certain attendees disclosed that no emergency contact points were established in MoU's between Customs and EPAs resulting in delays and incurred demurrage. More training for Customs personnel will circumvent this gap together with the creation of an intra-community database which will augment guidelines with contact points.

## **Workshop 2: Law enforcement**

There were giving four presentations;

I E-Waste case from Norway to Asia, Norwegian Police, Mr. Per Knut Vistad

An Asian-Norwegian offender was misleading transports by false documents. The police inspected 6 containers which lead to the start of an investigation against the company. Because the police had no legal power at this stadium to do a house search they've asked customs to do a check on the transport behaviour of that company. There was discovered that earlier 80 containers were shipped to Malaysia which were not reported to the competent authority. That was enough for the police to interrogate the offender which was first denying the other transports. Later he confessed and was convicted in court.

Some conclusions from the investigation:

- Use and cooperate with other partners and agencies,
- Exchange intelligence,
- House search is important,
- Be aware of corruption,
- Be aware of gaining money in the field and confiscate the money!

II Nordic TFS project: "Illegal waste transport with the focus on (police) intelligence and Organized Crime" by the Swedish Police, Ms. Malin Folkesson.

The project which is still running has a focus on the traffic police and their ability to detect illegal waste transports.

The project is funded by the Nordic governments and consists;

- Organizing a kick off meeting,
- Organizing meetings with focus on ELV's-E-waste-Battery's,
- Cooperation between Nordic countries,
- Making a Strategic analysis.

Some results till now;

- Lots of illegal transports are discovered,
- Illegal trade of car batteries by criminal groups also related to thefts,
- Different punishments are discovered over the several cases from jail to probation.

III INTERPOL: CWIT project (Countering WEEE illegal trade) and other INTERPOL projects, presented by Ms. Therese Shryane.

The CWIT project is a multi stakeholder (7) project which has a few goals like gathering information/intelligence on strategic and operational level. It's coordinated by INTERPOL and the objectives are to estimate the volume of WEEE in Europe and make an analysis on criminal behaviour associated with WEEE trade. All Member States are requested to fill in a questionnaire.

Update of the other INTERPOL projects;

- Release and making of a Forensic manual within environmental crime end June 2014,
- Manual on waste on Seas by the Clean Seas sub group,
- Project Enigma II waste streams North America tot Asia/Pacific,
- Project on illegal trade pesticides,
- NEST (how to cooperate with others partners in one country),
- Refuse Derived Fuel,
- Campaign Turn Back Crime.

IV Mercury trade, Swedish EPA Mr. Pär Kollberg.

In Europe there are discovered some illegal Mercury waste streams. In Germany a company is suspected to commit fraud with the way of treatment of this hazardous waste. It seems that the waste is illegally sold instead of disposed in salt mines after being treated. The stored material in the mine was another red material which looks as treated mercury. It seems that the German company imported waste from several European countries, notifications are withdrawn by environmental authorities. Awareness must be raised to new possible illegal trade and transports.

Reminders in this case;

- Environmental Crime is huge after drugs and weapons,
- Millions of euro's involved in this illegal trade,
- Cooperation between Police and Environmental authorities is very important.

#### **Workshop 4: Revised Waste Shipments Regulation and DTRT Project**

The workshop started off with two presentations. Kevin Mercieca gave a short presentation on the revised WSR. The focus of the discussion was on the requirement for an inspection plan. The plan needs to be revised every three years, cover all regions in a Member State and include number of inspections including the minimum physical checks that need to be done.

Marina de Gier gave a presentation on the Doing the Right Things IMPEL TFS project which produced a manual on best practice in TFS inspection planning and execution. This manual was completed in 2012 and outlines the whole planning and inspection cycle and goes into issues of risk assessment. It can be utilized for preparing inspection plans required by WSR.

#### **Discussions**

- How much can you deviate from a plan? Deviation is inevitable but you need to adjust you plan regularly to take into account the changes and updates. That is why you need good planning and a good idea of the time it takes to do specific inspections.
- Who is responsible for a shipment? 1) firstly the notifier or exporter who prepared movement documents 2) Waste generator 3) Competent Authority
- Who has plans already that may conform to the requirements of the WSR revisions? Sweden, Czech Republic, Ireland
- Plans need to be done jointly with customs and police and other agencies since these plans will affect their operations. It is important that the plan drafters have a good overview of the roles and competencies of all the agencies involved.
- Police and Customs in particular have a lot of information which can be very useful for plan preparation.



- Land locked regions may have issues with seeking info on who is waste generator and who are the brokers.
- Also discussed at which level an inspection plan should be made. It was clarified that the revised Regulation allows plans to be done covering all the Member State or separate plans covering a number of geographical regions.

**Future project ideas:**

1. Developing a standard format for an inspection plan in line with the requirements of the WSR
2. Preparation of an FAQ Document on Inspection Plans
3. Providing a Helpdesk on Inspection plan
4. Development of a risk data sharing platform for sharing intelligence between competent agencies in the EU.
5. Platform to exchange priorities and experiences
6. Project on sharing existing plans
7. Training on making inspections plan

## Workshop 4: Testing of WEEE

**Presentations:**

- (1) Silje Johansson, Norwegian authority, on the Nordic Project, which is financed by the Nordic Waste group. The outcome of the Nordic Project is a guidance document for testing of used EEE, as well as a guidance for customs and export/import supervisors. It is based on several other guidance documents.
- (2) Bart Palmans on WEEE directive transposition in Flanders, based on two main elements:
  - a. Reuse criteria: legal standards that used EEE should meet, if not they have to be treated as waste;
  - b. Reuse centers: refurbishment companies with qualified staff; reuse centers are responsible for testing of second hand EEE.

**Discussions:**

- (1) Which member states have already transposed the WEEE directive?
  - few MS managed to transpose in time
  - most MS did a one on one transposition, without gold plating
  - Katharina Aiblinger-Madersbacher has started a discussion and inventory on Basecamp

(2) inspections:

- not many countries have started inspecting according to Annex VI
- Ireland did start the new type of inspections, but mainly documents. They see it as an evolving process, in the future they will put more emphasis on the quality of the equipment
- NL: have started complete inspections according to the Annex VI
- Austria: have started inspections according to Annex VI, because they had already implemented part of it some years ago
- It will be interesting to see how prosecutors will deal with these cases!

(3) documents/records:

- in most cases the documentary requirements of the Annex VI were transposed in a literal way (one on one) → but few MS have experience with the test reports and other documents
- BE (Flanders): the documentation on the “record” (according to Annex VI) will be replaced by a barcode
- interesting to know what types of reports will be used by companies all over Europe

**Conclusions:**

The workshop proposes to create a space on Basecamp, to store the following information:

- study of the Nordic Project, once finalized
- share information on how different countries have transposed Annex VI of the WEEE Directive
- examples of documentary proof (good and bad)
- examples of inspection results: how are companies coping with this new legislation and maybe trying to circumvent it

**Workshop 5: “Waste” (Waste Framework Directive = “Waste” (Customs Tariff)?**

Presentation given by Dr. A. PAUL on the differences in the definition of waste between Environmental and Customs legislation. Customs is the first or last point to pass for commodities which enter/leave the EU. Each consignment is subject to customs clearance and requires a customs nomenclature code. The structure of the customs tariff – TARIC (10 digits) integrating applicable measures; CN code (8 digits), valid in the EU; HS code (6 digits), valid world-wide. 6 General rules for the interpretation of the CN – classification according to ‘objective characteristics and properties’. This makes it difficult to take into account the ‘intention to discard’. Waste can be found throughout the nomenclature since almost any traded commodity can turn into waste. A problem exists with the Customs tariff classification of WEEE: there is no WCO agreement on what is a WEEE and thus no specific code. There is no definition of WEEE in customs legislation but there is a definition of waste and scrap for metals. He further presented some of the ongoing activities at EU and International level. There is a discussion and a project ongoing of possible creation of new codes for WEEE at EU and International level.

## Conclusions

- Environmental legislation ≠ Customs legislation
- differentiation wastes/non-wastes (different concept of wastes) remains a challenge
- still to be done: TARIC integration of EU WSR (correlation table)
- January 2014 workshop on waste is considered as a success
- possible new HS subheadings for certain types of waste
- need for data for most frequently or never used waste codes: priority order
- challenge to find precise and objective criteria for WEEE

## Q&A session

1. MT: Who will establish the “end of life” state of a product, the country of origin or that of destination?

R: The participants were informed that the expression “end-of-life” originates from the EU environmental legislation (e. g. end-of-life vehicles) while it does not exist in customs legislation. Furthermore, at global level, it might be very difficult to agree on common criteria on what is to be considered as an “end-of-life” product and/or “outdated” technology. Perhaps EU standards could be taken into account (e.g. correspondents’ guidelines on ELVs).

-Art 28 EU WSR: if a commodity is considered as “waste” in one country and as non-waste in another country, it should be considered as a waste by all affected parties.

2. WSR – on linguistic issues of certain waste code descriptions, corrections will be published soon by the Council (DG ENV).

3. CY: WEEE directive includes a provision on how to distinguish a product from a waste.

R: The participants were informed that for customs purposes such products (e.g. fridge with a cut cable or mobile phones without an accumulator) might still be classified as “unfinished” or “incomplete” products under the same nomenclature code.

4. BG: sometimes waste for customs but not for EA, e.g. tobacco of Chapter 24

5. GE: Among the objective characteristics is there also the value of a good taken into account for determining the classification?

R: The participants were informed that for customs classification purposes it is usually not the case, but perhaps for risk analysis purposes in order to identify fraud attempts. The difficulty remains how to unambiguously distinguish waste from used/end-of-life goods, since e.g. the market value of such commodities in the country of destination is not necessarily known.

6. NO Customs: there is also a definition of waste in HS chapter 40 (pneumatic and tyres)

7. NL: about integration in the TARIC, it might be burdensome for trade since they are then requested to provide additional information on the imported and exported goods. In case of mistakes, how should it be dealt with?

R: The participants were informed that because there is no specific customs nomenclature code for certain kinds of wastes, the CN code(s) covering new and used products will be included in the correlation table and thus be integrated into TARIC. This might cause additional burden to industry. Therefore TAXUD intends to keep the number of assigned CN codes limited to a short list of commodities (e. g. Annex of the WEEE Directive).

8. MT: In case of the creation of new CN codes for e.g. used or waste monitors, would the duty rates be different?

-> The participants were informed that in case of the creation of such new CN codes, the conventional duty rates would not change since these are usually negotiated at the level of free-trade agreements or of the WTO.

## Workshop 6: 'End of Waste'

### Presentation

The introductory presentation outlined two projects the UK is involved in that promote the use of waste as a resource, as well as improving regulatory consistency and clarity. These are the Equal (LIFE+) Programme and the IMPEL End of Waste project.

For those interested in finding out more about the project, an IMPEL basecamp project page is set up to share ideas, expertise, information and access tools that will help deliver a more robust and consistent approach to end of waste. You can access the webpage via <https://impeleu.basecamphq.com/login>. To request a login please email Nancy Isarin: [nancy.isarin@ambiendura.com](mailto:nancy.isarin@ambiendura.com).

You can also contact Michelle Brockley – [mich.brockley@environment-agency.gov.uk](mailto:mich.brockley@environment-agency.gov.uk)

### Discussion:

The discussion benefitted greatly from the fact that over 30 people attended representing the full range of organisations and issues associated with TFS aspects of end of waste, covering: permitting, inspections, customs, police, enforcement and prosecution. This has provided very useful input to the Equal and IMPEL end of waste projects, particularly on the issues faced by those needing to make quick decisions when they inspect loads during shipment. The group confirmed four main 'end of waste' issues for TFS that were identified in previous conferences. Each of these was discussed with the aim of recommending solutions.

	Issue	Discussion points / Possible Solutions
1	Country of dispatch view is 'non-waste' – destination view is 'waste'	<ul style="list-style-type: none"> <li>- Make use of waste regulatory regime and Article 28</li> <li>- Improve the definition of waste in the Waste Framework Directive</li> <li>- Publish standardised lists of materials that meet end of waste (as for animal by-products legislation)</li> </ul>
2	Checking if companies have accredited QMS	<ul style="list-style-type: none"> <li>- Doesn't factor in criminal offences – value of QMS?</li> <li>- VAT charges – who pays?</li> <li>- Risk of fraud</li> <li>- Not clear how to check and which are valid</li> <li>- Checking verifiers of QMS (outside competency of TFS authorities)</li> <li>- Details of recovery code prior to the material meeting end of waste</li> <li>- EPR and waste legislation requirements</li> </ul>

3	Documented evidence that material meets 'End of Waste'	<ul style="list-style-type: none"> <li>- Statement of conformity useless for mixed consignments.</li> <li>- Difficulty checking statement of conformity &amp; how to check credentials of issuer – value of statement?</li> <li>- Vouching for company outside EU (importer ) – EPR?</li> <li>- Customs may detect missing information during checks – dialogue needed with competent authorities.</li> <li>- Different types of waste are creating problems.</li> </ul>
4	Checking compliance with End of waste & TFS Regulations during transport	<ul style="list-style-type: none"> <li>- Different competent authorities depending on waste/non-waste.</li> <li>- Use powers available to us</li> <li>- In/out of EU (only EU movements considered in this project)</li> <li>- Difficult to find contacts outside EU</li> </ul>

**Conclusions:**

The project lead will contact delegates who have expressed an interest in the project and identify the best way to take these points forward. There will also be a conference for the project later this year.

Next steps include:

- Sharing information and best practice through the IMPEL basecamp forum,
- Standardisation and use of EQual tools to support decisions
- Establishing how the management of waste derived materials fits in with the management of wastes and the waste legislation which already applies to shipments within the EU.
- Having clear contacts to progress outputs, but avoiding 'contact list overload'.

***“Tackling illegal shipments of waste, by working together – promoting improved interagency collaboration between Environmental Authorities and Customs”***

**Wednesday 11 June 2014**

11:30	Registration conference delegates
12:00	Welcome lunch for conference delegates
13:00	Conference Opening and Welcome  <i>Marit Kjeldby, Deputy Director General, Chemical and Waste Department (Norwegian Environment Agency)</i>
13:10	Adoption agenda  <i>Marit Kjeldby, Deputy Director General, Chemical and Waste Department (Norwegian Environment Agency)</i>
13:20	Collaboration between customs and environmental authorities  <i>Bjørn Røse, Executive director (Norwegian customs )</i>
13:40	The future of IMPEL  <i>John Seager and Chris Dijkens (Chair and Vice Chair of IMPEL)</i>
14:15	Update on IMPEL TFS Projects  - <i>Enforcement Actions (Katie Olley, Scotland)</i> - <i>Waste Sites (Thomas Ormond, Germany)</i> - <i>Prosecutors Network and database (Rob de Rijck, The Netherlands)</i>
15:00	Coffee/tea break and group photo
15:30	Partner organisations update  - <i>Basel Convention Secretariat (Juliette Voinov Kohler, BRS Secretariat, UNEP)</i> - <i>European Commission:</i>

	<ul style="list-style-type: none"> <li>• <b>DG Taxud: Guidelines on customs controls of transboundary shipments of waste (Isabelle de Stobbeleir)</b></li> <li>• <b>DG Environment : New amendments to the Waste Shipment Regulation (George Kiayias)</b></li> </ul>
16:15	Closing day 1
<b>Thursday 12 June 2014</b>	
09:00	Opening remarks and introduction to the workshops <i>By Jon Engström (Sweden, Chair of the IMPEL TFS Steering Committee)</i>
09:15	TFS Inspection Manual for Police Forces <i>By Erwin Verheuge (Belgian Federal Police)</i>
09:45	An example of collaboration at national level <i>By Martin Johansson (Swedish Customs) and Pär Kollberg (Swedish EPA)</i>
10:15	Introduction to the workshops sessions <i>By Jon Engström (Sweden, Chair of the IMPEL TFS Steering Committee)</i>
10:30	Coffee/Tea break
11:00	Workshops (1 – 3) <ol style="list-style-type: none"> <li>1. Best practices on enforcement and interagency collaboration (Alfred Sharples)</li> <li>2. Police workshop (Huib van Westen)</li> <li>3. New amendments to the Waste Shipment Regulation (Kevin Mercieca and Marina de Gier)</li> </ol>
12:15	Lunch
13:15	Continuation Workshops (4 – 6) <ol style="list-style-type: none"> <li>4. Testing of WEEE (Silje Johannessen and Bart Palmans))</li> <li>5. “Waste” (waste framework directive) = “waste” (customs tariff)? (Alexander Paul)</li> <li>6. End of waste (Gillian Hill)</li> </ol>
14:30	Coffee/tea break
15:00	Plenary feedback and discussion on all six workshops

	<i>Led by Kevin Mercieca</i>
16:00	Take back of illegally shipped waste – Guidance and Case Studies <i>Joint session by Katie Olley, Juliette Kohler, Marina de Gier and Huib van Westen</i>
17:00	Closing day 2

### Friday 13 June 2014

09:00	Opening remarks by the Chair  <i>By Allison Townley (Northern Ireland, member of the IMPEL TFS Steering Committee)</i>
09:05	TFS in Norway  <i>Bjørn Bjørnstad, Deputy Director General, Control Department (Norwegian Environment Agency)</i>
09:35	Norsk Gjenvinning: Industry perspective and TFS experiences of a Norwegian waste treatment facility - <i>By Runa Kerr (Chief compliance officer)</i>
10:10	Work done by the World Customs Organization - <i>By Daniel Moell (WCO)</i>
10:30	Coffee/tea break
11:00	Update on the INTERPOL Environmental Crime Programme and the CWIT project – by <i>Therese Shyrane (INTERPOL)</i>
11:20	Introduction to the Italian National Forest Corp and their work on combating illegal waste trafficking - <i>By Marco Avanzo (Italy)</i>
11:40	Open discussion
12:00	Final remarks and conclusions of the conference
12:20	Official closing of the conference



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## Annex IV Terms of Reference

### 1. Project details

<b>Name of project</b>
<i>IMPEL TFS Conference 2014</i>

### 2. Scope

<b>2.1. Background</b>	The projects and activities of the TFS cluster are based on the European Waste Shipment Regulation (EC) N° 1013/2006 (WSR). Being a Regulation and including a cross-border aspect, it is of high importance to have an active and practical European network of inspectors and regulators that meet on a regular basis to exchange practical experiences. Not only environmental inspectors, but also Customs and Police officers and the Judiciary. Ongoing IMPEL-TFS projects continue to show the need for establishing and <b>above all</b> maintaining good and practical collaboration between Member States, third countries and relevant international organisations. As other law enforcement agencies are also more and more focusing on waste shipment inspections, the theme for this year's conference will be 'Collaboration'.
<b>2.2. Directive / Regulation / Decision</b>	Waste Shipment Regulation EC N° 1013/06 and Regulations EC N° 1418/2007 and 740/2008 concerning the export of certain waste streams for recovery to non-OECD countries, the Recast WEEE Directive 2012/19/EU and the Regulation on the End of Waste 333/2011.
<b>2.3. Article and description</b>	EC Regulation N° 1013/06, article 50(5):  "Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments."
<b>2.4 Link to the 6<sup>th</sup> EAP</b>	Articles 3(2) and 9(2,d)
<b>2.5. Link to MAWP</b>	The Waste Shipment Regulation and related pieces of legislation related to waste management, such as the WEEE and the ELV Directive and the End-of-Waste Regulation, are one of the key priorities of IMPEL. A conference like this and the agreements resulting from the conference contribute to capacity building, cross-border cooperation, joint enforcement activities,

	<p>improving inspection methods, training of inspectors, exchange of information and awareness-raising. Also will it support a more equal and uniform implementation of the Waste Shipment Regulation in the Member States. One of the priorities of the European Community.</p> <ul style="list-style-type: none"> <li>• I/1/4/5/7/8</li> <li>• II/7</li> <li>• III/1/5/9</li> <li>• VI/7/10</li> </ul>
<b>2.6. Objective (s)</b>	<p>The conference has the following objectives:</p> <ol style="list-style-type: none"> <li>1. Establish and further tie the links with other law enforcement agencies and actors involved in the prosecution;</li> <li>2. Discuss running and new projects and joint activities</li> <li>3. Discuss the impact and practical implementation of the amendment of the WSR with the proposed minimum criteria for inspection planning and burden of proof.</li> <li>4. Exchange practical information (e.g. by case studies)</li> <li>5. Get updated by other relevant activities from related organisations (e.g. DG ENV, Basel Secretariat, WCO, INTERPOL)</li> <li>6. Discuss experiences with the provisions of the Waste Shipment Regulation 1013/06 and Regulation 740/2008 and 1418/2007 and give feedback to the competent authorities and COM</li> <li>7. Continue cooperation agreements with third countries, regions and international networks.</li> </ol>

### 3. Structure of the project

<b>3.1. Activities</b>	<p>Organisation of a conference aiming to gather approximately 90 participants, being inspectors and regulators from Competent Authorities, but also from other organisations such as police and customs and representatives from waste receiving countries such as China. Relevant partner organisations will also be invited.</p> <p>The conference will have some plenary sessions and in-depth working sessions.</p> <p>The idea is to co-organise the conference together with DG TAXUD from the European Commission.</p>
<b>3.2. Product(s)</b>	A conference report, including conclusions and follow-up actions and a press release.
<b>3.3. Planning</b>	1. Adoption ToR: December 2013

<b>(Milestones)</b>	2. Preparation:	January - May 2014 (programme, inviting speakers, accommodation and venue)
	3. Invitation:	March 2014
	4. Conference:	June 2014
	5. Report:	August 2014

#### 4. Organisation

<b>4.1. Lead</b>	Host country
<b>4.2. Project team</b>	The ones responsible for the organisation are: <ul style="list-style-type: none"> <li>• Host country</li> <li>• Members of the IMPEL-TFS Steering Group</li> </ul>
<b>4.3. Participants</b>	Approximately 90 participants from all the Member States, third countries and international organisations.

#### 5. Quality review

The (draft) programme reports will be reviewed by the project participants and the IMPEL TFS Steering Committee. The final report will be submitted to the IMPEL GA for approval.
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#### 6. Communications

<b>6.1. Dissemination of results</b>	Press release, report on the IMPEL website, news item on the IMPEL website.
<b>6.2. Main target groups</b>	Members of the IMPEL TFS cluster, the IMPEL General Assembly, Waste Shipments Correspondents Meeting, the European Commission responsible desk officer.
<b>6.3. Planned follow up</b>	-



## 7. Project costs/Resources required

	Estimated costs	Budget requested from IMPEL (€)	Total payments committed by lead authority (€)	Payments by lead authority directly to the project (€)	Payments by lead authority via the IMPEL budget (€)
• <b>Project meetings in total</b>					
<i>Meeting 1:</i> conference					
No of Participants: 90, but 30 on IMPEL budget.					
Travel (330€):	9.900	9.900			
Accommodation:	8.100	8.100			
Catering:			15.000	15.000	
Meeting venue:					
Sub-Total:					
<b>TOTAL</b>	<b>18.000</b>	<b>18.000</b>	<b>15.000</b>	<b>15.000</b>	
<b>Human Resources</b>					