



European Union Network for the Implementation
and Enforcement of Environmental Law

IMPEL Waste and TFS CONFERENCE 2015 REPORT

'Waste crime'

Ljubljana, Slovenia

30 September – 2 October 2015

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

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<p>Executive Summary</p> <p>The Slovenian Inspectorate for the Environment and Nature hosted the annual IMPEL Waste and TFS Conference in Ljubljana from 30 September to 2 October 2015. Close to one hundred environmental practitioners from IMPEL member countries and associated organisations participated in the event.</p> <p>Besides several updates on IMPEL’s activities and projects, news from partner organisations and projects such as the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes (Asian NT), the Regional Enforcement Network for Chemicals and Wastes (REN), European Union Action to Fight Environmental Crime (EFFACE) and also an introduction to the SMART Waste project was shared with the audience. There were discussions on a practical level at six different workshops and presentations of case studies and the annual updates from the Basel Convention Secretariat, INTERPOL and from the European Commission.</p> <p>This year’s conference was special. It was the first joint Waste and TFS Conference after the restructuring of IMPEL. There is considerable potential in combining waste and TFS forces in terms of enforcement of environmental law and combating waste crime. One of the possible outcomes of this conference is a future project focusing on a study of the whole waste chain, not only on the TFS element.</p>	
<p>Disclaimer</p> <p>This report on the IMPEL Waste and TFS Conference 2015 is the result of a project within the IMPEL Network. The content does not necessarily represent the view of the national administrations or the Commission.</p>	

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1. INTRODUCTION

Between 30 September and 2 October the IMPEL Waste and TFS conference was held in Ljubljana, Slovenia. 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). Since 2015 also other Waste legislation is part of this conference.

In total 97 people attended the meeting. They represented 26 IMPEL Member Countries and European and global organisations including Interpol, the Secretariat of the Basel Convention, the European Commission (DG ENV), and UNEP Bangkok.

The theme of this years' conference was 'Waste crime'

The main aims of the conference were further to:

- discuss practical solutions that enhance the joint efforts of environmental agencies, police and prosecutors in their fight against illegal shipments of waste;
- Share best practices and lessons learned on the matters of interagency collaboration;
- Update the IMPEL Waste & TFS network on relevant developments, such as the restructuring of the IMPEL Network , progress of ongoing projects and work done by partner organisations;
- Learn about the developments on e-tfs and discuss the challenges on implementing e-tfs;
- Discuss (criminal) information gathering and risk assessment;
- Discuss the connection between illegal landfill and illegal transboundary movement of waste;
- Facilitate exchange of experiences based on case studies on return shipments, problems and solutions.

2. CONFERENCE PROGRAMME

Day 1 Programme

The conference was officially opened by Ms Irena Majcen (Minister of the Ministry for the Environment and Spatial Planning).

Mr Michael Nicholson, IMPEL secretariat, presented an update of IMPEL and also the outcomes on a study by IMPEL regarding the implementation challenges. Recently Kosovo has joined IMPEL as a member. As important implementation gaps were mentioned the low fines, lack of enforcement regarding hazardous waste and the different interpretation of the waste legislation

What followed was a series of presentations updating the audience about ongoing IMPEL Waste and TFS projects and activities by other organisations. Mr Mark Preston, Mr Thomas Ormond, Mr Rob de Rijck, Mr Huib van Westen and Ms Jana Miclavcic gave an update on their Waste and TFS projects, respectively: Enforcement Actions III, Inspection Planning, Prosecutors network, NCP days and Landfill

On behalf of the Secretariat of the Basel, Rotterdam and Stockholm Conventions, Ms Juliette Voinov Kohler spoke about the latest developments at the Basel Convention concerning enforcement matters, like the E-waste guideline and the take-back manual.

During his presentation, Mr George Kiayias, DG ENVIRONMENT, highlighted the recent amendments to the Waste Shipments Regulation. He mentioned e.g. the issues regarding tacit consent, the guideline on Annex VII, the questions by Member States on the interpretation of animal by-products. He also presented the outcomes of a study on environmental crimes, such as lack of priority in member states, the fines are too low and problems with evidence gathering.

Day 2 programme

Before going into the parallel workshop sessions, three plenary presentations were provided. One by Ms Ieva Rucevska (GRID-Arendal, Norway) on the UNEP report *Waste Crime-Waste Risks: Gaps in Meeting the Global Waste Challenge*¹, which focuses on the main drivers for illegal waste traffic and waste management. The latest research on e-waste, a product of one of the world's largest and fastest growing manufacturing industries, estimates that about 41.8 million Mt of e-waste was generated in 2014. According to various estimates, the amount of e-waste properly recycled and disposed of ranges between 10 to 40%. On the basis of an estimate previously used by INTERPOL of an average value of e-waste at USD 500 per ton, the range/estimated value of e-waste handled informally or unregistered, including illegally, amounts to USD 12.5-18.8 billion annually. It is not known how much of this e-waste that is subject to illegal trade or simply dumped. The report gives also recommendations on how to tackle the problem.

Cees van Duijn (INTERPOL) introduced the principle of NEST (National Environmental Security Task Force) and encouraged countries to establish this principle as an effective way to fight environmental crime. A NEST is a national multi-agency cooperative formed from police, customs, environmental agencies, other specialised agencies, prosecutors, non-governmental organisations and intergovernmental partners. The purpose of NEST is to bring together law enforcement agencies and their respective areas of expertise around a common mission or goal, such as reduction of pollution, conservation of a species or protection of other natural resources including forests and fish stocks. The third presentation, given by Mr Willie Wilson (SEPA, UK), explained how a NEST was set up in Scotland.

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

1. Factors for a successful court case (what kind of evidence is needed for a successful court case and the role of the inspector); led by Rob de Rijck and Howard McCann.
2. Inspection Planning, risk-assessment, information gathering and exchange; led by Thomas Ormond.
3. Embedding the results of the Implementation Challenge into the work programme of the Waste and TFS Expert Team; led by Michael Nicholson and Allison Townley.

¹ Link to report: <http://www.grida.no/publications/rr/waste-crime/>

4. How to cooperation between TFS inspectors and waste inspectors; led by Hilde Sundt Skalevag.
5. Return shipments, best practices; led by Enes Srdic and Padraig O'Shea.
6. On landfills: The (criminal) factors/reason behind illegal landfill and how to overcome this; led by Alison Townley and Nevenka Zvolelj.

The outcomes of the six workshops (see annexes for the extended reports) were presented and discussed at the plenary session.

After the presentations of the 6 workshops, Mr Cees van Duijn gave a presentation on the CWIT project of Interpol. A project focused on e-waste crime².

Day 3 Programme

The final day of the conference kicked-off with a presentation by Mr Bojan Pockar of Slovenia, on a illegal landfill of tyres. Followed by a presentation of Life + Smart Waste Project³ by George Hope in which he presented some future projects to tackle waste crime. After George Hope, Ms Upik Kamil gave us on update of the activities of the Asian Network on the transboundary movements of hazardous waste. On their website information can found about the legislation in Asian countries and the activities of this Network.

After the coffee break Ms Teresa Fajardo del Castillo of the Efface project⁴ presented the interim results of the study. Efface short for "European Union Action to Fight Environmental Crime" - is a 40-month EU funded research project. Eleven European research institutions and think tanks are involved. EFFACE assesses the impacts of environmental crime as well as effective and feasible policy options for combating it from an interdisciplinary perspective, with a focus on the EU. She told us that a level playing field within Europe e.g. on the level of fines would never be reached if enforcement stays the competence of the Member States. She also stressed the importance of using the combination of criminal enforcement together with administrative enforcement.

² Project website: <http://www.cwitproject.eu/>

³ Project website: <http://www.sepa.org.uk/regulations/waste/life-smart-waste/>

⁴ Project website: <http://efface.eu/>

The last presentation of the conference was the update of the REN project⁵ by Mr Huib van Westen; a UNEP project subsidized by Sweden. In this project training was given to customs officers in several Asian countries. Huib van Westen also presented a case of household waste illegal exported from Canada to the Philippines.

After the last presentation the chair of the SC IMPEL Waste and TFS expert team summarized the outcomes of the Conference.

⁵ Project REN: <http://www.projectren.org/>

Annexes

Annex I. CONFERENCE PROGRAMME

IMPEL Waste & TFS Conference

30 September- 2 October 2015

Ljubljana, Slovenia

Theme 'Waste Crime'

Wednesday 30 September

12.30

Lunch and Registration conference delegates

14.00

Conference Opening and Welcome

Ms Irena Majcen (Minister of the Ministry for the Environment and Spatial Planning, Slovenia)

14.20

Adoption agenda

Allison Townley (Chair of IMPEL Waste &TFS Steering Committee, Northern Ireland Environment Agency, UK)

14: 30

IMPEL Update

Michael Nicholson (IMPEL secretary)

14.50

Update IMPEL Projects

- *Enforcement Actions (Mark Preston, Northern Ireland Environment Agency, UK)*
- *Waste Inspection Planning (Thomas Ormond (Department for Occupational Safety and Environment and member of IMPEL Waste and TFS Steering Committee , Germany)*
- *Prosecutors Network(Rob de Rijck, Ministry of Security and Justice, Netherlands)*

15.30	Coffee/tea break
15.45	Update IMPEL Projects <ul style="list-style-type: none"> - <i>NCP days (Huib van Westen, ILT, Netherlands)</i> - <i>Landfill (Jana Miklavčič, Ministry of the Environment and Spatial Planning, Slovenia)</i> -
16.15	Update by Partner organisations <ul style="list-style-type: none"> - <i>Basel Convention Secretariat (Juliette Voinov Köhler)</i> - <i>European Commission (George Kiayias)</i>
17.00	Closing of day 1
	<i>Dinner on own expenses</i>
Thursday 1 October	
09.00	Opening remarks <p><i>Kevin Mercieca (Deputy Chair of the IMPEL Waste &TFS Steering Committee, Malta Environment and Planning Authority, Malta)</i></p>
09.15	Presentation - UNEP report on Waste Crime- Waste Risks <p><i>Ieva Rucevska (GRID-Arendal, Norway)</i></p>
09.45	National Environmental Security Taskforce (NEST) in practise <ul style="list-style-type: none"> - Principles of NEST, <i>Cees van Duijn (INTERPOL)</i> - Country presentation <i>Willie Wilson (SEPA, UK)</i>
10.15	Introduction to the workshop sessions
10.30	Coffee/tea break
11.00	Start workshops (three morning and three afternoon) <ol style="list-style-type: none"> 1. Factors for a successful court case (what kind of evidence is needed for a

successful court case and the role of the inspector) **led by Rob de Rijck (Ministry of Security and Justice, Netherlands) and Howard McCann (Environment Agency, England, UK)**

2. Inspection Planning, risk-assessment, information gathering and exchange **led by Thomas Ormond (Department for Occupational Safety and Environment and member of IMPEL Waste and TFS Steering Committee, Germany)**
3. On landfills: The (criminal) factors/reason behind illegal landfill and how to overcome this. Is there a connection between illegal landfill and illegal transboundary movement of waste **led by Allison Towley (Northern Ireland EA) and Nevenka Zvolej (Environmental Inspectorate, Slovenia)**
4. Return shipments, best practises **led by Enes Srdic (Human Environment and Transport Inspectorate, Netherlands) and Pdraig O'Shea (SEPA, UK)**
5. How to cooperate between TFS inspectors and waste inspectors led by **Hilde Sundt Skålevåg (Norwegian Environment Agency, Norway)**
6. Embedding the results of the Implementation Challenge into the work programme of the Waste and TFS Expert Team **led by Michael Nicholson (IMPEL Secretariat) and Allison Townley (Chair of the IMPEL Waste &TFS Expert Team)**

12.30	Lunch
13.15	Continuation of Workshops As above
14.45	Coffee/tea break
15.00	Plenary feedback and discussion on all 6 workshops
16.00	CWIT (Countering WEEE Illegal Trade) Project, Cees van Duijn (INTERPOL)
16.30	Closure Bojan Počkar (IMPEL Waste &TFS Steering Committee and Host, Inspectorate of the Environment and Spatial Planning, Slovenia)
17.00	Departure for Joint dinner in Bled

Friday 2 October

09:00 Opening remarks *Marina de Gier (IMPEL Waste &TFS Steering Committee, ILT, Netherlands)*

- 09:10
- Slovenian case, *Bojan Počkar (IMPEL Waste &TFS Steering Committee and Host, Inspectorate of the Environment and Spatial Planning, Slovenia)*
 - Life+ Smart Waste Project, *George Hope (SEPA, UK)*
 - Presentation on REN-project, *Huib van Westen (ILT, Netherlands)*

10.40 Coffee/Tea break

- 11.10
- Efface Project, *Ms Fajardo del Castillo (Faculty of Law Plaza de la Universidad s/n Granada, Spain)*
 - Asian Network on the transboundary movement on hazardous waste, *Ms Upik Kamil, Indonesia*

12.00 Final remarks and conclusions of the conference

12.20 closing of the conference

12.30 Farewell lunch and Departure

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Annex III. Terms of Reference

TOR Reference No.:	Author(s): Nancy Isarin
Version: 2	Date: 21 January 2015

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<input type="checkbox"/>
Waste and TFS	<input checked="" type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input type="checkbox"/>
Cross-cutting – tools and approaches -	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input checked="" type="checkbox"/>
Development of tools/guidance	<input type="checkbox"/>
Comparison studies	<input type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>

1.3 Full name of work (enough to fully describe what the work area is)
Conference on the Implementation and Enforcement of the Waste Shipment Regulation
1.4 Abbreviated name of work or project
IMPEL TFS Conference 2015

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)	
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.	
2.2 Link to IMPEL MASP priority work areas	
<ol style="list-style-type: none"> 1. Assist members to implement new legislation 2. Build capacity in member organisations through the IMPEL Review Initiatives 3. Work on 'problem areas' of implementation indentified by IMPEL and the European Commission 	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
2.3 Why is this work needed? (background, motivations, aims, etc.)	
<p>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 above all maintaining good and practical collaboration between Member States, third countries and relevant international organisations.</p> <p>In June 2014 a number of amendments to the WSR were adopted, aiming at a better and more</p>	

equal inspection regime of the WSR throughout the EU; for example by the establishment of inspection plans. The amendments also enhance the competences of the enforcement agencies and improved sharing of information.

On another note, the matter of E-waste has always been a priority for the TFS cluster. This topic has also been picked up by other international organisations and Industry, as shown by the Countering WEEE Illegal Trade project (CWIT). This project, which is coordinated by INTEPROL, aims to provide a set of recommendations to support the European Commission, law enforcement authorities, and customs organisations, in countering the illegal trade of eWaste in and from Europe. In June 2015 the CWIT project will have its final conference and INTERPOL had suggested to have their and the TFS conference back-to-back.

Lastly building and strengthening the link between the EU and key third countries is also required in order to verify the environmentally sound treatment of waste outside the EU. Part of the activities will therefore also include attending the annual meetings from two Asian networks; namely the Asian Network and the REN network.

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

- Exchanges of best practices and experiences
- Promotion of IMPEL work to a broader audience
- More uniform approach and interpretation of the WSR
- Improved collaboration between the involved law enforcement agencies
- Presenting the outcomes of the CWIT project to their most important target group
- Collect ideas for future work of the TFS cluster
- Improved links and joint actions with Asian countries

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

Previous IMPEL TFS Conferences and third party collaboration.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)
Decide on a theme for the conference, prepare the programme (speakers, presentations, workshops, etc), 2,5 days conference, report. If it is decided that the conference will be jointly with INTERPOL, the preparations will be done in close collaboration with them. And of course the members of the IMPEL TFS Steering Committee.
3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)
<ul style="list-style-type: none">- Conference report- List of topics for possible future work for the cluster- Press-release- Reports from the two Asian meetings Having the conference together with INTERPOL, will also generate publicity for IMPEL.
3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)
January: Preparations February: Invitations March – May: Programme June: Conference September: Conference Report November: Asian network and REN meetings December 2015: Adoption reports at the GA
3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)
IMPEL TFS Steering Committee members
4.2 Project team (who will take part: name, organisation and country)
IMPEL TFS Steering Committee members
4.3 Other IMPEL participants (name, organisation and country)
4.4. Other non-IMPEL participants (name, organisation and country)
INTERPOL/CWIT project representatives

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 1 (exact)	Year 2	Year 3	Year 4

How much money do you require from IMPEL?	33.340			
How much money is to be co-financed	-			
Total budget	33.340			

6. Detailed event costs of the work for year 1

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per day)	Total costs €
<u>Event 1</u>	11880	8910	8550 (for all 90 participants)	29340
<i>Conference</i>				
<i>24-26 June 2015</i>				
<i>Lyon, France</i>				
<i>90, but 33 on IMPEL budget</i>				
<i>3</i>				
<u>Event 2</u>	1500	500		2000
<i>Asian Network meeting</i>				
<i>Q4</i>				
<i>Asia</i>				
<i>1</i>				
<i>4</i>				
<u>Event 3</u>	1500	500		2000
<i>REN Meeting</i>				
<i>Q4</i>				

<i>Asia</i>				
<i>1</i>				
<i>4</i>				
<u>Event 4</u>				
<i><Type of event></i>				
<i><Data of event></i>				
<i><Location></i>				
<i><No. of participants></i>				
<i><No. of days/nights></i>				
<u>Total costs for all events</u>	14880	9910	8550	33340

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.2 What are the total costs for the consultant?	
7.3 Who is paying for the consultant?	
7.4. What will the consultant do?	
7.5 Are there any additional costs?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:

7.6 What are the additional costs for?	
7.7 Who is paying for the additional costs?	
7.8. Are you seeking other funding sources?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Namely: 1 dinner and venue by host organisation
7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Namely: promotion material about IMPEL and IMPEL TFS to share with the conference participants. This is a broader group than normal, as this is a joint conference.

8. Communication and follow-up (checklist)

	What		By when
8.1 Indicate which communication materials will be developed throughout the project and when <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR ^{✓*}	<input checked="" type="checkbox"/>	October 2014
	Interim report ^{✓*}	<input type="checkbox"/>	
	Project report ^{✓*}	<input checked="" type="checkbox"/>	September 2015
	Progress report(s) [✓]	<input type="checkbox"/>	
	Press releases	<input checked="" type="checkbox"/>	
	News items for the website ^{✓*}	<input checked="" type="checkbox"/>	June 2015
	News items for the e-newsletter	<input checked="" type="checkbox"/>	June 2015
	Project abstract ^{✓*}	<input checked="" type="checkbox"/>	June 2015
	IMPEL at a Glance [✓]	<input type="checkbox"/>	
	Other, (give details):	<input type="checkbox"/>	

		<input type="checkbox"/>	
8.2 Milestones / Scheduled meetings (for the website diary)	24-26 June 2015		
8.3 Images for the IMPEL image bank	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
8.4 Indicate which materials will be translated and into which languages	-		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	-		
8.6 Identify which groups/institutions will be targeted and how	All involved law enforcement agencies, international organisations, WEEE management Industry.		
8.7 Identify parallel developments / events by other organisations, where the project can be promoted	Final conference CWIT project		

✓) Templates are available and should be used. *) Obligatory

9. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

*In case of doubts or questions please contact the
IMPEL Secretariat.*

*Draft and final versions need to be sent to the
IMPEL Secretariat in word format, not in PDF.*

Thank you.

Report landfill workshop: Factors behind illegal landfilling

The workshop started with three short presentations.

1. Jana Miklavcic told us about a Slovenian case. In this case a hundred years old zinc production plant was closed and had to be demolished. The construction and demolition waste was left near the old plant and this area was not authorized to landfill waste there. One of the causes of this illegal landfill was the fact that there are not enough sites in Slovenia which could deal with this kind of waste.
2. Nevenka Zvolelj from Slovenia told us that a NGO reported 13,000 locations of illegal dumping of waste. These 13,000 locations varied in size from very small to huge. 60 till 70 % of the waste at these locations are now removed. Most of the time these locations are seen in rural areas. In these areas there aren't always good accessible to collection points and people don't want to pay for the disposal of waste.
3. Allison Townley from Northern Ireland told us about a licensed waste management company in NI which had a large sand and gravel site next to their company. This terrain couldn't been seen because there were fences and trees around these terrain. Over several years 500,000 tons of waste has been dumped there during the weekends. Nobody has seen (also not the authorities who visited the company) or reported this illegal dumping sites. As the site is so close to the border with Ireland there may also have been waste illegally imported to the site. How could this happen? Why didn't the community report this illegal dumping. 10,000 trucks drove to this place, somebody must have known. Reasons are the avoidance of landfill tax which is around 83 pounds a ton, also this is a rural area. The company bought the land and the houses around this place and the community is dependent from this company.

During the discussion the next points came up:

- Another reason for illegal landfilling/dumping is when a company goes bankrupt and has no money to clean up the place.
- The advice was given not to revoke the license before the company has paid for cleaning up the site.
- In the UK they have several projects to deal with the problem. The projects focus on mis discription of waste, wrong use of eural codes, and the problems regarding hazardous waste.
- Austria uses the money from landfill tax for cleaning up illegal waste.
- Common acknowledgement was the fact that rural areas are vulnerable for illegal landfilling.
- Also a lack of good infrastructure for collecting waste and a lack of inspections were mentioned.
- In the Netherlands there is a problem in some areas of dumping drugs waste (which is often hazardous) in the woods. Costs of removal are very expensive. Also these kinds of waste will never end up at a legal collection point.
- A suggestion was to require the companies to register all the incoming and outgoing waste.
- The attitude and the level of waste companies has to be improved.
- Record the data of every transport of waste from a to b.

- In Belgium there is a system for manure to track and trace the movement of manure. Only problem is that you don't know the amount of manure during transport.
- In Italy they are testing a system of track and trace.

The workshop ended with the remark, these guys seems smarter than us.

Possible IMPEL projects:

1. Mislabeling waste and wrong use Eural codes (to understand how it works and what can be done);
2. To understand how hazardous waste can leak out the system
3. How does a good infrastructure for collecting waste in rural areas look like and what kind of financial mechanism works best to avoid illegal dumping and landfilling.
4. Making an overview of best practices in member countries of reporting and tracking waste from A to B within their country (not only the transboundary movements).

Report on "Inspection planning, risk assessment, information gathering and exchange"

This workshop was chaired by Thomas Ormond (DE) and had about 50 participants. The lively discussion focused on the following points:

- 1) Elements of a waste shipment inspection plan,
 - 2) Risk assessment (factors),
 - 3) Minimum number of inspections,
 - 4) Information basis,
 - 5) Cooperation between authorities and
 - 6) Publication of the inspection plan.
- The necessary elements of a waste shipment inspection plan can be derived from Art. 50(2a) WSR. However, it is unclear if letter (g) of that provision means *available* or *required* resources of staff and funding. In order to improve the current status it would be useful to include both data.
 - The group agreed that a risk assessment should look at the impacts of waste shipments on the environment and human health as well as social and economic consequences in all countries concerned and, in a more limited sense, not neglect the health and safety of inspectors before an inspection is carried out. Apart from the dimension of a risk, the factors influencing its probability should be included, such as the time and location of inspections, the number of operators, involvement of organised crime, type of waste and the treatment it undergoes, source and destination of the shipment etc.
 - The subject of minimum number of inspections was partly controversial. Some participants pointed to the discussions about the draft of Regulation 660/2014 in the Council Working Group which led to the omission of minimum numbers in the list of inspection plan elements in Art. 50(2a) WSR. Others emphasized the legal aim to identify the minimum number of inspections in the context of risk assessment and the obligation to evaluate regularly the implementation of the inspection plan, which could not be reasonably done without

quantitative data. The group tended to agree that numbers will be needed at least for the risk assessment.

- The discussion about the necessary information basis for inspection plans showed considerable differences in the competences and practices of Member States' authorities. Whereas the competent waste shipment authorities in some countries (like the UK) work regularly with information from police and customs and have experienced police officers or "field intelligence officers" in their ranks, competent authorities in other parts of Europe perform checks largely at random and without police intelligence. It was pointed out that the use of classified information presupposes secure e-mail connections, secure storage and corresponding rules on data protection and clearance levels.
- Regarding cooperation between authorities, several participants recounted positive experiences with Memorandums of Understanding (MoUs); others saw informal arrangements as mostly sufficient. The group agreed that in any case a clear and practice-oriented definition of competences and responsibilities was needed. If an MoU is concluded, one of its key subjects should be the access to each other's information.
- A publication of inspection plans is rejected in some countries while foreseen in others. Participants agreed that publication of a plan itself is not mandatory under the WSR, unlike the data mentioned in Annex IX (number of inspection plans for a territory, date of adoption, period covered, latest review date, authorities involved, contact points). Beyond that, an obligation might be derived from the Aarhus Convention which, however, also provides for exceptions with regard to sensitive information. NL pointed to the positive effect on public awareness that might be achieved by active information on planned inspections, like it is practiced by tax authorities ("inspection focus of the year").

Report on the workshop return shipments

There was a good attendance at the workshop with over 30 attendees present on the day. Discussions occurred amongst 4 groups and the harder issues raised greatest debate as anticipated. The group engaged with the questions asked but time ran over on the group. Overall those attending provided positive responses to the proposals below for the new manual. The role of the transit authority was central to discussions.

Responses

Q1. The title for the new manual

A1. A manual for take back procedures of illegal waste shipments was proposed but few opinions were proposed.

Q2. Should the manual facilitate communication and/or formalise decision followed by procedures?

A2. Yes through use of the flowchart. Those present thought inclusion of the flowchart useful.

Q3. Should the 30 day 'window' be flexible for when repatriation should be completed?

- A3. *Yes in special circumstances where difficulties may be foreseen.*
- Q4. Exceptions to the repatriation 'rule' (based on slide 8)
- A4. *Remove the word 'rule' was the general consensus on Article 24.*
- Q5. Please see slide 9 and discuss further examples of exceptions to the repatriation 'rule'.
- A5. *For the examples used there was general agreement on such examples but what of a situation where stolen waste is identified.*
- Q6. It is not legally possible to repatriate hazardous waste to non-Basel countries but should this be allowed?
- A6. *Yes, if a bi-lateral agreement is in place between a non-Basel party and a basel party for the purpose of waste recovery*
- Q7. The use of Annex IB forms to repatriate waste?
- A7. *Yes, this should be allowed. This form is already in use by some countries.*
- Q8. Any further changes needed to the manual?
- A8. *Yes, new Annex VII*
- Q9. Can we adopt a trial period of 12 months for the new manual?
- A9. *The proposal was put forward during the plenary feedback discussions and a show of hands favoured adoption of the new manual for a trial period of 12 months.*
- Q10. Anything else? Additional comments.
- A10. *Before the repatriation manual goes live I indicated that the manual would be passed to the NCPs for review after implementation of the findings/feedback from the workshop.*
- Competent Authority of dispatch is required to submit the DRR?*
- Requirement for a FG for the return shipment?*
- If the Annex VII paperwork is incomplete or incorrect regarding the movement of waste some countries would request a new Annex VII is completed before onward transport was allowed. There was discussion whether this could still be used in light of the proposed use of the Annex IB document.*

The implementation challenge

What should we feed into our, Impels, MASP?



Challenges already found

- How to identify waste/second hand goods
- Verification of waste in non-EU countries
- Poor management of dangerous waste
- Growth of illegal waste trade
- Large scale of the problem and lack of resources to deal with it
- Varying attitude of companies to environmental issues
- Waste treatment plants lacking in some areas
- Lack of harmonised level of enforcement and exchange of electronic data
- Issues in isolated smaller countries



Questions asked

- Do these findings look right to you?
- Are there other challenges you think the project has not identified?
- Are there other ways in which IMPEL could help tackle the challenges identified?



Do these findings look right to you?

- Capacity building, still important
- Verification of waste in non EU, hazardous waaste.



Are there other challenges you think the project has not identified?

- Keep better track of the wastestreams, both on national and international level. Hazardous waste gone missing.
- Understanding on of how the industry works
- Rising amounts of waste beeing treated and transported
- Differing opinions, waste or not?



Are there other ways in which IMPEL could help tackle the challenges identified?

- More collaboration and networking on all levels.
- List of waste facilities across EU
- Chasing the money-
- Exchange of information
- Continue our work upstream
- Meet changes in regulation in time (reverse burden of proof)
- Get the right people together
- Looking at inspections across waste
- Share the TFS model of working
- Wastechain aproach



Most important

- Deal with waste crime
- Keep track of wastestreams
- Strengthen cooperation



- End -