

IMPEL TFS – African collaboration follow up

Final report: 12 May 2012



European Union Network for
the Implementation and Enforcement
of Environmental Law

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 Bruxelles, 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 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at:

www.impel.eu

Title report: IMPEL TFS – African collaboration follow up	Number report: 2011/20
Project managers: Joseph Sarfo Domfeh and Nancy Isarin	Report adopted at IMPEL General Assembly: 7-8 June, Copenhagen
Authors: Nancy Isarin	Number of pages: 18 Report: 13 Annexes: 5
Project team Joseph Sarfo Domfeh (Norway), Vicky Rockingham (United Kingdom), Piet ten Brink (Netherlands), Anno Loonstra (Netherlands), Simonne Rufener (Switzerland), Klaus Willke (Germany), Jeannine Pensaert (Belgium), Marc de Strooper (Belgium) and Catherine van Nieuwenhove (Belgium).	

Executive summary:

The goal of this follow up project is to establish and maintain contacts in key African countries with competent authorities, assess the situation regarding (illegal) imports from the EU, problematic waste streams and import restrictions and agree on how to deal with verification requests and detected illegal shipments and their return. The project is closely linked to the activities under the E-waste Africa project from the Basel Convention Secretariat (SBC).

Under the SBC E-waste Africa project, between July and October 2011, training workshops were organized to train representatives from environmental authorities, inspectorates, customs, police, port authorities and others in Ghana, Benin, Nigeria and Egypt. The training workshops focused on the legislative framework on e-waste, inspection and investigation methods, classification of used equipment, communication and collaboration and procedures on how to deal with illegal imports of e-waste.

The IMPEL project team were involved in the preparations and execution of these workshops as experts and trainers. By participating in the African workshops, the IMPEL inspectors were able to establish a network of African officers and have face-to-face discussions with African colleagues concerning the situation of illegal shipments of e-waste from Europe to Africa. The experiences during the trainings in Africa have been very valuable for the IMPEL inspectors in order to understand the limitations the African colleagues face when trying to monitor, prevent and detect illegal movements of e-waste and learn about national import procedures and restrictions in relation to e-waste and second hand equipment. The experiences will be shared with the other members of the IMPEL TFS cluster.

Most countries expressed their intention to continue with inspections at the port. IMPEL expressed their willingness to continue to provide support for the inspections by sharing knowledge and tools developed by the IMPEL network.

To maintain and further build up the established contacts between the two regions, the establishment of an EU-Africa Enforcement Network has been recommended. This network should aim to encourage the implementation and enforcement of international, regional and national legal frameworks pertaining to the control of transboundary movements of wastes/hazardous wastes/e-waste and facilitate the cooperation and coordination between the involved countries/authorities to detect, deter and deal with illegal shipments of waste. Draft terms of reference for this network has been developed but further decisions will be taken under the umbrella of the SBC E-waste Africa Project.

Disclaimer:

This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations or the European Commission.

Table of Contents

1. Introduction	7
2. National workshops	8
2.1 Preparations	8
2.2 Set up	8
2.3 Deliberations	9
2.4 Evaluation	10
2.4.1. Ghana	10
2.4.2. Benin	11
2.4.3. Nigeria	11
2.4.4. Egypt	12
2.4.5. Lessons learned	12
3. Conclusions and recommendations	13
4. Annexes	14

1. Introduction

This report describes the outcomes and experiences of the IMPEL TFS –Africa collaboration project, which was carried out between January and November 2011.

The goal of this project is to establish contacts in key African countries with competent authorities (focus on West Africa), assess the situation regarding (illegal) imports from the EU, problematic waste streams and import restrictions and agree on how to deal with verification requests and detected illegal shipments and their return. The project is closely linked to the activities under the E-waste Africa project from the Basel Convention Secretariat (SBC), where IMPEL is involved in providing training and developing a toolkit for African law enforcement officials on e-waste matters.

This project is a follow up of activities that started in 2009 and 2010. A kick-off meeting on EU-Africa collaboration was held in Accra, Ghana in November 2009, with the theme “Clamping Down on Illegal Waste Shipments to Africa”; IMPEL provided technical support. This meeting provided a platform for a ‘needs assessment’ on the control of illegal traffic of used and end of life e-products in the West African sub-region. This was followed by a two week training of 19 African regulatory and enforcement officers in Europe in 2010. In 2011, national workshops were prepared and undertaken in four selected African countries. IMPEL provided 2 inspectors per workshop. These inspectors were responsible for a part of the training, leading discussion and carrying out exercises with the participants.

2. National workshops

Under the SBC E-waste Africa project, between July and October 2011 training workshops were organized to train representatives from environmental authorities, inspectorates, customs, police and port authorities and others in four selected African countries. The training workshops focused, inter alia, on the legislative framework on e-waste, inspection and investigation methods, classification of used equipment and e-waste and procedures on how to deal with illegal imports of e-waste. The workshops also included practical and simulation exercises and a visit to the port where the participants were expected to discuss port procedures, inspections, safety matters and the identification of e-waste.

Besides acquiring better knowledge on how to monitor and control imports of UEEE and e-waste, the participants discussed the further development of an enforcement network supported by a communication and information exchange tool. Key staff from the authorities involved, were identified to become a part of the enforcement network.

The following workshops took place:

1. 25-27 July 2011 in Tema, Ghana
2. 5-7 September 2011 in Cotonou, Benin
3. 13-15 September 2011 in Lagos, Nigeria
4. 10-12 October 2011 in Alexandria, Egypt

These workshops provided a good opportunity for the involved IMPEL inspectors to establish contacts, learn about (illegal) imports of e-waste, national import restrictions and take back procedures.

2.1 Preparations

The IMPEL experts that facilitated the workshops, had a preparatory meeting in January 2011 in Faro (Portugal). At this meeting the role of the IMPEL experts was discussed, as well as the template for the workshops programme and the content of the toolkit (for example power point presentations, exercises, the IMPEL TFS training DVD and an e-waste inspection and enforcement manual).

2.2 Set up

The format and the set up of the workshops were similar, as recommended by IMPEL.



Inspection exercise at Tema Port (Ghana)

The **first day** included an opening ceremony and good will messages, followed by technical sessions. These technical sessions dealt with relevant legislation concerning e-waste and transboundary movements of waste at international, regional and national level. It also included an introduction about the SBC E-waste Africa project, the national interagency collaboration and the health and environmental impacts of e-waste. In some countries, IMPEL showed parts of its training DVD and a short movie about some of the sources and the impacts of e-waste.

For the **second day**, a field trip to the port was organized. During all port visits, the participants were able to inspect one out of several containers loaded with UEEE and e-waste. This was a good opportunity for the participants to practice the classification of / distinction between waste and non-waste. In Egypt, the age of the equipment is an important criterion; the participants were shown how to identify this. Another important issue for Egypt is the accumulation of wastes held by Customs in the port.

In Ghana, a case of mislabeling with stickers indicating the coolants was discovered. The stickers mentioned that CFC-free coolants were used, but in fact the equipments contained ozone depleting substances.

During the port inspection in Benin, the participants found equipment that should be classified as hazardous waste, such as broken and non-functional television screens.

In Nigeria, the teams could not carry out proper examination of the containers as the available containers had already been opened and there were no facilities to unload the containers to physically examine the goods. A demonstration of the examination procedure was conducted instead. In one of the three containers, a TV set was found with a voluntary sticker as an indication of a positive EEE-Test result of a British recycling facility.



Testing of used equipment Cotonou Port (Benin)

The **third day** continued with presentations and discussions. Main items for this day were: the intervention methods in case of an illegal import, the procedure to return the illegally shipped waste to the country of export, the set up of the future European – African enforcement network and simulation exercises.

At the end of each workshop conclusions and recommendations were agreed upon. All participants, except in Ghana, received a certificate for their participation in the workshop, followed by a closing ceremony.

2.3 Deliberations

The discussions at the four trainings in some cases showed overlap, but in other cases dealt with national specific issues.

The common discussions

Participants **shared their views** on recent developments in progress made to tackle the e-waste menace following the inception workshop of component four of the SBC E-waste Africa project in Ghana in November 2009.

Participants recognized the need to **work in partnership** with stakeholder institutions to facilitate the development of guidelines, policies and legislation to address the e-waste problem both at national and international level.

Participants deplored the **lack of capacity, infrastructure and institutional mechanisms** to support the process. In addition, the lack of inspection and safety equipment was highlighted.

In most countries, provisions of the Basel Convention have **not yet been implemented**, as they are yet to be domesticated into a national legislative framework. This situation makes the enforcement of the rules concerning transboundary movements of waste a challenge.

Participants noted that crude e-waste management occurs in the informal sector of the economy involving **people who may be ignorant** of the hazards of exposure to toxins in e-waste, with children and women being the most vulnerable group.

Participants observed that there is **inadequate public education and awareness** on the problems associated with the uncontrolled importation of near-end-of-life and end-of-life EEE into the country, and the lack of a clear distinction method between e-waste and used EEE.

2.4 Evaluation

On 9 and 10 November 2011, the IMPEL project team met in Rotterdam (Netherlands) to evaluate the trainings and share experiences and information gained during the training. Furthermore the use of the E-waste inspection and enforcement manual, the development of a communication tool and the establishment of an EU-African Enforcement Network were all discussed. These deliverables are linked to the SBC E-waste Africa Project.

2.4.1. Ghana

The workshop in Ghana was held from 15-17 July 2011 in Tema. In terms of participants, one important partner was missing, the Ministry of Environment. The national trainers were the same as those who attended the training in the EU and they used the knowledge gained at the EU training. The group was familiar with the e-waste issue and related health and environmental problems, also due to the bilateral project between Ghana and the Netherlands on e-waste. Experiences with dealing with illegal shipments of e-waste were limited though. During the meeting there was some disagreement between the Ghana EPA and Customs. The West-African Network and recovery facilities created the most discussions.

It was considered that the biggest gap- at the time - was the non-existence of (e-waste) regulation at the domestic level. Although some improvements have been made since 2009, there are still major issues, such as regulation on the distinction between UEEE and e-waste, on the import and transit of hazardous waste and on the management of hazardous wastes in Ghana. IMPEL should underline the importance of take back requests by African countries to the European countries from which illegal e-waste shipments originate.

Ghana is working on the Hazardous and Electronic Waste Control and Management Bill, which:

- Prohibits the importation of E-Waste into Ghana;*
- Prohibits the crude E-Waste management such burning and provides for environmentally sound management of electrical and electronic waste;*
- Provides for a levy on locally manufactured / assembled or imported electrical and electronic equipment; and*
- Establishes an E-waste Recycling Fund*

The Bill is likely to be adopted in 2012.

2.4.2. Benin

In Benin the training took place from 5 to 7 September 2011, in Cotonou. For Benin it was the first time the authorities involved in the e-waste issue, came together. Two of the three persons trained in Europe, gave presentations at the national workshop. They used the information and knowledge they gained in Europe. The level of awareness about the e-waste issue was low. Also, there was no experience with dealing with illegal shipments of e-waste. One of the recommendations was to create more exposure about the situation in Benin and focus on awareness raising in the country about the detrimental effects on human health and the environment when e-waste is not handled in a proper manner.

Due to a lack of safety measures, detecting equipment in the port (such as instruments to detect hazardous gases or measure radioactivity) and no x-ray scanner for containers, controls of incoming e-waste shipments are a risk for the Customs officers.

2.4.3. Nigeria

The national e-waste training workshop in Lagos, Nigeria, was held between 13 and 15 September 2011. Even though the preparations were poor and mainly carried out by one person, the meeting itself was a great success. All the participants were very much involved in discussions and were



Inspection demonstration at Tincan Island Port, Apapa, Lagos

aware of the e-waste problems. Unfortunately, not everyone that attended the training in Europe was involved in the preparations for the meeting. Besides domestication of the Basel Convention, it was recommended that the Federal government should commit resources to support regulatory authorities to effectively operationalize the National E-waste Regulations, chemicals management strategies and other relevant interventions aimed at curbing the WEEE menace, including collaboration with international networks, such as IMPEL and INECE.

In Nigeria the National Environmental Standards and Regulations Enforcement Agency (NESREA) drafted regulations, which may be cited as the National Environmental (Electrical/Electronics Sector) Regulations S.I. No. 23 of 2011. The principal objective of these regulations is to prevent and minimize pollution from all operations and ancillary activities of the EEE sector to the Nigerian environment. The regulations are based on a life-cycle approach and are intended to cover all aspects of the EEE sector from cradle to grave. NESREA also developed a guide for importers of used EEE into Nigeria, which contains the guiding principles, requirements for import of used EEE, and the description of items that are not allowed to be imported to Nigeria. According to this guide, all importers of used EEE in Nigeria are required to register with NESREA.

2.4.4. Egypt

The final e-waste training workshop took place between 10 and 12 October 2011 in Alexandria, Egypt. The BCRC Egypt played a big role in the preparations for the workshop. Communication between the responsible representatives from the Ministry of Environment and from Customs, was sometimes problematic, resulting in planning difficulties with the IMPEL-team. The overall impression of this workshop was that the leading authority is not particularly focused on enforcement. Also, the discussions during the workshop dealt more with accumulated waste in the ports, rather than on (preventing) illegal imports.



Technical session on storage of e-waste in Alexandria (Egypt)

It became clear that at this stage, Egypt is more concerned about arranging proper national collaboration agreements rather than linking to international developments in the area of enforcing shipments of e-waste.

During the workshop it became clear that Egypt has domestic legislation that prohibits the import of used EEE that is more than 5 years from the date of production.

2.4.5. Lessons learned

Lessons learned during the trainings, were the following:

- planning seemed to be an issue throughout the project – both for the EU training in 2010 as well as for the national workshops. This required a flexible attitude from the IMPEL inspectors.
- Another big concern was the preparations of the national workshops. There should be more balance and shared ownership in the preparation and communication by the host country. Documents were sent out (too) late to the participants, in order for them to prepare sufficiently. Also the port exercises should have been better prepared – by having the authorities agreeing upfront about the exercises, considering the transport time, by having the containers ready for inspection and by having the necessary tools available (cables, electricity, etc).
- On a positive note: in some of the Africa countries, the national workshop was the first opportunity for organisations to meet and be in contact with each other.
- For future activities, a formal letter from IMPEL to the managers, heads of divisions or other appropriate level, responsible for the IMPEL inspectors, would be welcomed, in order to guarantee their support for time and other resources to be spent on the project.

3. Conclusions and recommendations

By participating in the African workshops, the IMPEL inspectors **established good and personal contact** with African officers from various authorities responsible for the monitoring and enforcement of shipments of e-waste and UEEE. The workshops created a good opportunity for IMPEL inspectors to meet and **discuss face-to-face with African colleagues** the situation of illegal shipments of e-waste from Europe to Africa. The experiences during the trainings in Africa have been very valuable for the IMPEL inspectors in order to understand the limitations the African colleagues face when trying to monitor, prevent and detect illegal movements of e-waste and learn about national import procedures and restrictions in relation to e-waste and second hand equipment.

The **experiences will be shared** with the other members of the IMPEL TFS cluster by presenting the activities at the IMPEL TFS conference 2012 and relevant project team meetings from other projects. The reports of the national workshops will be made available on Basecamp.

Most countries expressed their intention to **continue with inspections** at the port. IMPEL is willing to **continue to provide support** for the inspections by sharing knowledge and tools developed by the IMPEL network. In cases where countries are frequently faced with illegal exports and/or imports of e-waste originating from the EU, short term **inspectors' exchange programmes** should be developed.

To maintain and further build up the established contacts between the two regions, the establishment of an **EU-Africa Enforcement Network** has been recommended. This network should aim to encourage the implementation and enforcement of international, regional and national legal frameworks pertaining to the control of transboundary movements of wastes/hazardous wastes/e-waste and facilitate the cooperation and coordination between the involved countries/authorities to detect, deter and deal with illegal shipments of waste. Draft terms of reference for this network have been developed, but further decisions will be taken under the umbrella of the SBC E-waste Africa Project. In case physical meetings are difficult to organize, alternatives, such as online meetings and webinars, will be developed.

4. Annexes

- I. Terms-of-reference IMPEL TFS – Africa collaboration project, follow up.

TERMS OF REFERENCE FOR IMPEL PROJECT

No	Name of project
2011/20	<i>IMPEL TFS - African collaboration follow up</i>

1. Scope

1.1. Background	<p>To ensure that waste is shipped to licensed facilities and treated in an environmentally sound manner without damaging the environment and human health, it is necessary to follow waste from its origin to its final destination. In case of waste shipments and treatment within the EU, the network of contacts exists and can be used for requests. This is not yet the case in countries of destination outside Europe. The past years, IMPEL TFS has invested in establishing contacts in Asian countries, mainly China and Hong Kong.</p> <p>However, some major waste streams also find their way to African countries. Mainly the ELV and E-waste streams. The treatment of these streams there raises some doubts and better collaboration between the involved authorities is required. Recent developments have initiated the first contacts between IMPEL TFS and African countries. Firstly the INECE conference in Cape Town, April 2008, attended by representatives from key countries in Africa. Followed in June 2009 by two INECE workshops on E-waste and the Seaport project held in Ghana. Furthermore a representative of the Basel Convention Regional Centre from Nigeria attended the IMPEL TFS Conference in Sofia in 2008.</p> <p>In November 2009 IMPEL TFS held its first joint workshop in Accra, Ghana as part of the first phase of the EU-Africa collaboration project. The workshop report (nr. 2009/07) has been adopted during the 5th IMPEL General Assembly meeting in Spain (April 2010).</p> <p>In February 2008 IMPEL has signed a MoU with the SBC. Within the framework of this MoU, IMPEL TFS and the SBC have agreed to collaborate on component 4 of the SBC's E-wastes to Africa project. This project, launched in 2009 is aiming to equip West Africa and other African countries to be able to tackle the growing problem of e-waste import coming from industrialised countries and thereby protect the health of citizens. The project has 4 components:</p> <ol style="list-style-type: none"> 1) A study of the flow of e-waste into Benin, Cote d'Ivoire, Ghana, Liberia and Nigeria 2) A national assessment on e-waste in Benin, Ghana and Nigeria 3) A socio-economic study on e-waste in Nigeria with a feasibility of international cooperation between African SMEs and European recycling companies. The same study will be carried out in Ghana. 4) An enforcement programme in Benin, Egypt, Ghana and Nigeria led by IMPEL with the aim of preventing illegal export from Europe to West Africa. The programme consists of 2 training workshops in Europe and one in each of the four countries. <p><i>The role of IMPEL in the abovementioned SBC project, is described in a separate ToR, that has been approved at the 5th IMPEL General Assembly meeting, April 2010 in Spain.</i></p> <p><i>The 2 training workshops in Europe, as part of the SBC E-waste Africa</i></p>
------------------------	---

	<p><i>Project, were held in September 2010 in The Netherlands and Belgium. A report of this training will be available at the end of 2010.</i></p> <p>This ToR is also a follow up of the ToR of the EU-African Collaboration of 2009 and 2010.</p>
1.2. Link to MAWP and IMPEL's role and scope	<p>The proposed project team meetings of the IMPEL TFS representatives are meant to prepare the African workshops and are linked to the items Capacity Building and International Enforcement Collaboration.</p> <ul style="list-style-type: none"> - I/1 - II/7 - VII/1/3
1.3. Objective (s)	<ul style="list-style-type: none"> - Establish contacts in key African countries with Competent Authorities (focus on West Africa); - Assess current situation regarding (illegal) imports from the EU, enforcement structures, treatment possibilities, problematic waste streams and import restrictions; - Agree on how to deal with verification requests and detected illegal shipments and their return; - Develop a communication tool and a training toolkit; - Prepare and co-organise four workshops in each of the five countries together with the Secretariat of the Basel Convention and their regional BC centres in Africa. - Evaluate the African workshops and draft recommendations for follow-up activities.
1.4. Definition	<p>The objectives will be met by preparing the four workshops in the four African countries (see above). In these training programmes, African representatives will be trained to carry out inspections on waste shipments, to distinguish second hand products from e-waste, a better understanding of the Basel convention and on how to exchange information about waste shipments between EU and African countries. Another outcome should be a better common understanding of the situation and agreement for future collaboration on the enforcement of waste shipments from the EU to African countries.</p>
1.5. Product(s)	<p>Communication procedure and tool, operational network of contacts, collaboration agreements, training toolkit and the preparation of four workshops.</p>

2. Structure of the project

2.1. Participants	IMPEL TFS Members, SC and the secretariat and representatives from the Secretariat of the Basel Convention and their regional centres.
2.2. Project team	United Kingdom, Belgium, Germany, Norway, Netherlands, Switzerland
2.3. Manager Executor	Joseph Domfeh, Norway
2.4. Reporting arrangements	At the TFS Steering Committee meetings and IMPEL's General Assemblies.
2.5 Dissemination of results/main target groups	Report and website. EU MS and their Competent Authorities, IMPEL and IMPEL TFS, the European Commission and the Secretariat of the Basel Convention.

3. Resources required

3.1 Project costs and budget plan			2011	
	<u>1. Overhead (organisation) cost (€) :</u>			
	<u>2 Project meeting costs (€)</u>			
	<u>Meeting 1¹</u>			Project team meeting
	No of Participants:			8
	Travel ² :			4000€ (8*500€)
	Accommodation ³ : 1 night			1000€ (8*1*125€)
	Catering:			400€
	Meeting venue:			
	<u>Meeting 2</u>			Project team meeting
	No of Participants:			8
	Travel:			4000€ (8*500€)
	Accommodation: 1 night			1000€ (8*1*125€)
	Catering:			400€
	Meeting venue:			
	<u>3. Other costs:</u>			
	Consultant:			
	Translation:			
Dissemination:				
Production of project report				
TOTAL cost per year (€)			10.800€	
3.2. Fin. From IMPEL budget	<u>2. Project meeting costs</u>		10.800€	
3.3. Co-financing by MS (and any other)	<u>1. Overhead costs</u> as co-financing contribution, committed by...(name of institution).....			
	<u>3. Other costs</u> as co-financing contribution, committed by...(name of institution).....			
3.4. Human from MS	Human resources by participating MS's: 3 days for the 2 meetings and 2 days for preparations.			

4. Quality review mechanisms

(interim) reporting to the IMPEL TFS Steering Committee and IMPEL's General Assembly.

5. Legal base

5.1. Directive/Regulation/Decision	<ul style="list-style-type: none"> - European Waste Shipment Regulation (EC/1013/2006) - Commission Regulation (EC) 1418/2007 concerning the export of certain wastes for recovery to NON-OECD countries
5.2. Article and description	<p>Article 49, 2:</p> <p>(a) In case of exports from the Community, the competent authority of</p>

¹ specify, like Review Group Meetings, Workshop etc.

² normative: €500/person in 2010

³ normative: €125/person/night

	<p>dispatch shall require and endeavour to secure that any waste exported is managed in an environmentally sound manner throughout the period of the shipment (...)</p> <p>(b) Prohibit an export of waste to third countries if it has reason to believe that the waste will not be managed in accordance with the requirements of point (a)</p>
5.3 Link to the 6th EAP	Articles 3(2) and 9(d) of the 6 th EAP.

6. Project planning

6.1. Approval	18-19 November 2010 at the 6 th IMPEL General Assembly in Brussels.
(6.2. Fin. Contributions)	
6.3. Start	January 2011
6.4 Milestones	<p><i>1. Preparations and first project team meeting: 13 January 2011</i></p> <p><i>2 Trainings/workshops: March - May 2011</i></p> <p><i>3. Evaluation meeting: October 2011</i></p> <p><i>3. Final report: March 2012</i></p>
6.5 Product	Preparations of four workshops and Report
6.6 Adoption	March 2012