

European Union Network for  
the Implementation and Enforcement  
of Environmental Law

**IMPEL CLUSTER 2  
TRANSFRONTIER SHIPMENTS OF WASTE "TFS"**

# **IMPEL-TFS CONFERENCE 2011 REPORT**

*Kassel, Germany  
5-7 April 2011*



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



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<b>Executive Summary</b>  <p>Between 5 and 7 April 2011 the annual IMPEL-TFS conference was held in Kassel, Germany. 108 Delegates from 26 IMPEL Member Countries, Serbia and Switzerland and representatives from the Secretariat of the Basel Convention, Interpol, the European Commission and the Japanese Ministry of Environment attended the meeting. Also representatives from Industry and research institutes attended a part of the meeting.</p> <p>The conference concentrated on the ongoing activities and projects of the IMPEL TFS cluster, new project proposals, activities from partner organisations, the consequences of the end-of-waste criteria in relation to the enforcement of the Waste Shipment Regulation, national case studies, end-of-life vehicles, online tools, intelligence led enforcement methods and the role of shipping lines in detecting and preventing illegal shipments of waste.</p> <p>It was furthermore concluded that the conference remains a good opportunity to network and share experiences with good inter-agency involvement.</p> <p>It was recommended that IMPEL TFS should draft terms of reference for the Enforcement Action III project and the Public Prosecutors project for adoption by the IMPEL General Assembly in November 2011. Furthermore IMPEL TFS was asked to consider drafting guidance documents on the implementation and enforcement of the end-of-waste criteria regulation, including a project on the end-of-waste criteria regulation, aiming to gather feedback on the practical implementation and enforcement of the end-of-waste criteria regulation in relation to the WSR enforcement.</p> <p>It was recommended that the European Commission should also consider drafting guidance documents (together with the waste shipments correspondents group) to facilitate the implementation and enforcement of the end-of-waste criteria regulation.</p>	
<b>Disclaimer</b> This report on the IMPEL TFS Conference 2011 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 5 and 7 April 2011 the annual IMPEL-TFS conference was held in Kassel, Germany. 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).

108 Delegates from 26 IMPEL Member Countries, Serbia and Switzerland and representatives from the Secretariat of the Basel Convention, Interpol, the European Commission and the Japanese Ministry of Environment attended the meeting. Also representatives from the waste management industry, a shipping line and research institutes were present at a part of the meeting.

The conference concentrated on the ongoing activities and projects of the IMPEL TFS cluster, new project proposals, activities from partner organisations, the consequences of the end-of-waste criteria in relation to the enforcement of the Waste Shipment Regulation, national case studies, end-of-life vehicles, online tools, intelligence led enforcement methods and the role of shipping lines in detecting and preventing illegal shipments of waste.

The main aims of the conference were:

- To exchange, share and discuss experiences and best practises with the enforcement of the WSR;
- To inform the participants on the progress of running IMPEL TFS projects and discuss possible new activities of IMPEL TFS;
- To increase awareness and build capacity among all involved authorities responsible for the enforcement of the WSR;
- To stimulate cooperation and form partnerships with relevant third countries and international organisations;
- To reach an efficient collaboration between waste enforcement authorities, police services, customs authorities and public prosecutors.



## 2. CONFERENCE PROGRAMME

The conference was chaired by members of the **IMPEL TFS Steering Committee: Ms Anne-Laure Genty, Mr Nigel Homer, Ms Ingela Hiltula, Mr. Kevin Mercieca and Mr. Rainer Werneburg** on the first, second and third days respectively.

### Day 1 Programme

The first day of the conference was divided in two parts. A series of sessions in the morning were dedicated to the IMPEL-TFS National Contact Points and police officers. The afternoon programme included a number of presentations updating the audience on activities related to the transfrontier shipments of waste.

The conference, which was hosted by the State of Hesse (Germany), was opened by **Mr. Hans-Peter Conrad, Vice President of the Regierungspräsidium Kassel.**

**Mr Edgar Freund from the Ministry of Environment, Energy, Agriculture and Consumer Protection of Hessen** presented the enforcement of waste management and shipment in the State of Hesse.

The state of waste management and shipment in Germany was presented by **Mr. Andreas Jaron from the Federal Ministry for Environment, Nature Conservation and Nuclear Safety.** Germany was ranking first in the European Union concerning overall recycling rates (source ACR+ 2009). In general the recovery of valuable materials in waste should enable the return as secondary raw material and energy in the production process. The challenges mentioned were more prevention by higher efficiency, more and better recycling which should lead to better qualities, better controls at generation, shipments and waste management, better rules and more cooperation.

**Mr. Carl Huijbregts (VROM Inspectorate, Netherlands)** presented the final draft report of the IMPEL TFS Enforcement Actions phase II project. The main aim of the project was to promote and improve inspections and enforcement of waste shipments through and out of the EU and to verify the waste destination and treatment in countries of destination and develop tools to support a better implementation of the Regulation. In total 8 inspection periods have been carried out. During the project a total of 26,705 transports were checked and 21,670 (roughly 81%) underwent physical inspections. Out of these physically checked transports 18% were related to transfrontier shipments of waste. Transport inspections included mainly road and harbour transport and were a mix of random and targeted inspections. In 21% of the physically inspected waste transports, violations of the WSR requirements were detected. Among these, 34% constituted illegal transports (offense to notification or export ban), 52% were administrative violations (offense of article 18) and 14 % violations of national rules. The four most frequent categories of waste where illegal shipments were observed during the inspections reported within the project are waste of electrical and electronic equipment (WEEE), municipal waste, end-of-life vehicles/vehicle parts and textile wastes. In total 25 exchanges were performed, involving 22 countries and 67 experts. As tools the revised inspection guideline, the quick start guide and an update of Waste(s) Watch were developed.

It was concluded that the project facilitated an improved enforcement of the WSR, but big differences in implementation between the MSs remain a point of worry as well as the uneven playing field due to port hopping.

It is therefore recommended to continue with the project and to perform inspections and exchanges, but also to intensify cooperation with enforcement partners, strengthen bilateral cooperation, promote and facilitate chain approach and develop intelligence led inspections, among others.

After the presentation questions were raised if the project detected certain trends in waste streams and how to prevent the generation or shipments of waste. Main trends remain the illegal export of e-waste, end-of-life vehicles and plastic waste. Improving the sorting and treatment of waste in Europe could reduce the amount of waste being shipped.

The final draft report of the IMPEL-TFS E-waste project was introduced by **Mr. Chris Smith from the Environment Agency of England and Wales**. The aims of this project were to understand the scale of the WEEE export trade and why it is a problem, and to develop a strategy to prevent and disrupt illegal exports of WEEE.

During the project 4 workshops were held in Portugal, Belgium, Sweden and UK and 18 competent authorities participated. There were also contributions from the WEEE recycling industry, Greenpeace and Customs in Europe and Asia. A separate workshop was held to generate input for the revision process of WEEE Directive with the Practicability and Enforceability checklist developed by IMPEL. The project also mapped the e-waste chain to identify leakage points.

The report concludes that e-waste is still being exported to non-OECD countries, causing harm to the environment and human health and an incomplete picture still exists which limits the understanding of the problem. In some cases a lack of resources, training and knowledge compounds this problem. An intelligence-led and coordinated approach is fundamental to tackling the illegal e-waste export market at European and international level.

Any competent authority requiring a better understanding of the illegal e-waste exports market in their country can achieve this by undertaking a threat assessment. This helps in the development of a control strategy which enables the flow of waste from cradle to grave to be mapped, highlighting where best to intervene and ensuring an efficient and effective response.

Questions after the presentation were if there are any recommendations drafted for follow up, which is not the case at this point. Did countries perform a threat assessment (TA) of the e-waste chain? The UK and the Netherlands have performed a TA, but it is rather difficult to gather information. How to get smarter with the inspections? Chris Smith suggested involving shipping lines. One comment was made concerning the specific situation of the UK compared to other MSs which have borders with others countries.

***Both final draft reports will be presented for adoption to the IMPEL General Assembly 23-25 May in Budapest, Hungary.***

***Ms. Nancy Isarin of the IMPEL TFS Secretariat*** informed the audience about the progress of the ongoing IMPEL TFS projects:

1. EU-Africa project
2. NCP Exchange Days
3. EU-Asia collaboration
4. Waste sites
5. Doing the right things – TFS
6. Assessing the practicability and enforceability of the WSR

The results of the Augias project were presented by **Mr. Frans Geysels, chief commissioner at the Belgian Federal Police, Environmental Crime Service**. After a seminar in France in 2008 it was concluded that many police officers in the EU were not familiar with the Waste Shipment Regulation, or considered it too complicated or too technical.

The aims of the Augias project were therefore: 1. to increase awareness of the officer in the field regarding environmental crime, 2. to develop tools to enhance the efficiency of transport checks, thus spurring on the officer in the field to conduct more and more thorough checks, and 3. to improve the exchange of information on national and international level. Under the project various tools have been developed, such as a manual + pocket, a standardized form and an international platform. A train-the-trainer event has been organised in May 2010 and an EU wide police control action in October 2010. This last action led to the submission of 859 waste traffic control forms and in 22% of the inspections infringements were detected.

The performance of more (targeted) inspections and the sharing of information will lead to a sufficient amount of international input and collaboration that will enable analysts to perform strategic and tactical analyses. The Augias project will most likely continue under the umbrella of a new EU-wide network of police officers combating environmental crime: Envicrimenet.

**Ms. Juliette Voinov Kohler, Policy and Legal Advisor, Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**, informed the group about the activities undertaken by the Secretariat to improve the enforcement of the Basel Convention and about relevant agenda items to be considered during the tenth meeting of the Conference of the Parties (COP-10, to be held on 17-21 October 2011 in Colombia). An important item for COP-10 will be the Strategic Framework 2012 – 2021. The Open-ended Working Group VII agreed in principle on the vision, guiding principles and strategic goals and objectives in the Framework. Guiding principles include ensuring that every Party has national legislation and regulation in place, as well as enforcement mechanisms, to control transboundary movements (TBM), and prevent and combat illegal traffic; goals and objectives include the effective implementation of Parties' obligation on TBM of hazardous wastes and other wastes for instance by preventing and combating illegal traffic in hazardous and other wastes.

The Implementation and Compliance Committee furthermore recommended that COP-10 establishes a partnership on preventing and combating illegal traffic (PPCIT) to bring together and improve coordination among relevant entities with a specific mandate to deliver capacity building activities on preventing and combating illegal traffic, such as WCO, Interpol, UNEP, individual Parties, the Basel Convention Regional Centres, informal networks and the Secretariat, with a focus on the development of tools and training materials, the organization of workshops, as well as information exchange.

Various tools are being developed under the Convention, for instance a draft instruction manual for the prosecution of illegal traffic of hazardous waste and other wastes, a joint e-learning tool for Customs on the Basel/Rotterdam/Stockholm Convention and technical guidelines on the transboundary movements of e-waste in particular the distinction between waste and non-waste.

And finally she gave an update about the projects under the Convention that contain an enforcement component:

1. The Probo Koala Programme: a project that aims to strengthen enforcement capacity for the monitoring and control of transboundary movements of hazardous waste and chemicals in the African region
2. The E-waste Africa programme, component 4: this activity aims to monitor, detect and prevent illegal shipments of e-waste to Africa. IMPEL is a key partner in this programme and provides the trainings of African officials, the development of tools and an EU-Africa network.
3. Strengthening the capacity of the SIDS in the Caribbean: the objective of this project is to strengthen the capacity of SIDS in the Caribbean in implementing their obligations under the Basel Convention and, as appropriate, the Stockholm and Rotterdam Conventions.

**The European Commission/DG Environment was represented by Mr. Peter Wessman.** He presented the activities by the European Commission in the area of improving implementation and enforcement of EU waste law. A consultant is currently performing an assessment and developing guidance on the matters of financial guarantee and the information to be provided in Annex VII to the Waste Shipment Regulation, expected to be ready by the end of 2011. The European Commission also launched an electronic helpdesk for rapid information exchange and developed a FAQ document, which is accessible via the website of the European Commission. They are also looking into the possibilities of electronic notification- and information systems. This service is provided by the Semantic Interoperability Centre Europe "SEMIC.EU" (<http://www.semic.eu/>)

**Mr. Emile Lindemulder from INTERPOL, Environmental Crime Programme** informed the audience about the activities of his organisation. The Environmental Crime Programme was established in 2009 and its mission is to assist all law enforcement agencies in effective enforcement of (inter)national environmental legislation and treaties, by:

- Boosting know-how, skills and co-operation in enforcement;
- Making secure international exchange of intelligence;
- Giving operational support in the field;
- Providing chances to network and share best practices.

In the area of capacity building and awareness raising INTERPOL has developed papers and reports in the area of illegal management of waste, such as the report on E-waste and organized crime and illegal discharges from vessels. With respect to intelligence INTERPOL plays a role in transmitting, storing and enhancing information, as well as analyzing enhanced information and sharing intelligence. For environmental enforcement information, INTERPOL has developed the Ecomessage system. Key in this system is to make use of the network of National Contact Bureaus (NCBs) to exchange the information.

The INTERPOL Global E-waste Crime Group project was launched in 2010 and aims to further investigate the links and perform tactical analysis, provide sustainable integrated solutions for awareness, intelligence, prevention and enforcement and set up intelligence-led global joint operations. The UK (English) EA is leading the project to take their approach to global level.

The last presentation of the day concerned a national case study about the illegal import of spent catalysts and was given by **Ms. Lilija Dukalska from the State Environmental Service in Latvia.**

## Day 2 Programme

The second day of the conference started with a presentation by **Mr. Peter Wessman** about the online stakeholder consultation on the feasibility of strengthened EU legislation for waste shipment inspections. In Council conclusions adopted in June 2010 it was stated that the COM should consider strengthening EU requirements on inspections of waste shipments and should suggest the development of additional measures to support Member States with enforcement of the Waste Shipment Regulation (WSR). This led to a number of studies that focused on criteria and measures in relation to strategy, capacity, planning, training and inspections. The stakeholder consultation process ended April 12, 2011 and will be followed by an impact assessment. One of the possible outcomes could be a legislative proposal describing (minimum) criteria on waste shipment inspections.

Peter Wessman's presentation was followed by a series of workshops. A summary of the outcome of the discussions is outlined in chapter 4.

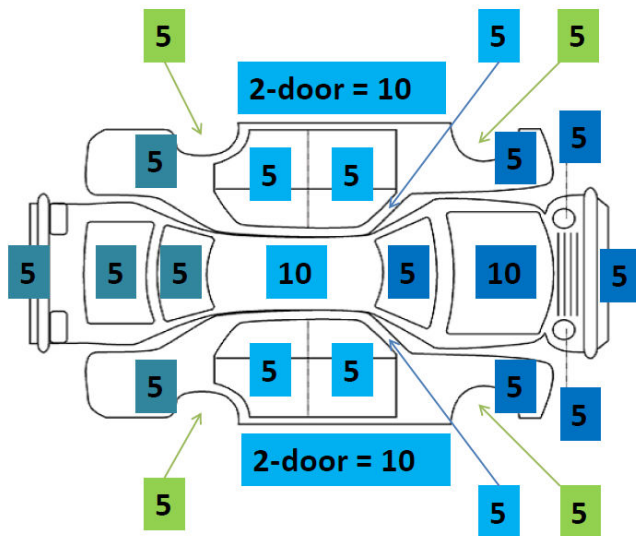
After the break-out sessions two presentations were given in relation to the matter of end-of-life vehicles. First **Mr. Peter Wessman** informed the participants about the developments of the waste shipments correspondents' guideline concerning waste vehicles. Although these guidelines are not legally binding, they can contribute to a more uniform application of the WSR and they could become a basis for future legally binding instruments. The guideline, which directs authorities responsible for the enforcement of the WSR, but also persons arranging shipments of waste vehicles or used vehicles, , garage owners, dismantlers, recyclers, dealers and traders, is expected to be adopted in mid-2011. The guideline lists different vehicle types, criteria and indicators to distinguish waste from non-waste and hazardous from non-hazardous waste. A comment from the audience was to promote the final guideline to the stakeholders, for example by issuing a press release.

**Mr. André Hauser of the Swiss Federal Office for the Environment** presented the outcomes of a study that examined the impact of the definition of ELV on exports and the environment.

It was considered to change the definition of waste vehicles based on the mandatory technical roadworthiness test. Also vehicles older than 10 years without being tested the last 3 years or longer should be considered as waste.

Based on the outcomes of the study it was decided to modify the definition and apply a more systematic approach to define the degree of deformation based on the number of deformed areas, with additional criteria:

- Leaking vehicles,
- Vehicles with air-conditioning or cooling devices that contain ozone-depleting substances,
- Vehicles without registration documents.



**Illustration 1: Assessing the deformation of a vehicle. In case of more than 55 points, the vehicle would be considered as a waste.**

**Ms. Caroline Mackaie from OCLEASP, France**, presented a national case study in relation to the illegal management of e-waste. The case showed the complexity of the e-waste chain and the number of actors and locations involved from different countries inside and outside the EU. A coordinated action by several police services, supported by INTERPOL, accompanied the investigation.

The break-out sessions during the afternoon were followed by two presentations on new online tools that are being developed or have been developed to support a better implementation of the Waste Shipment Regulation.

First of all **Ms. Gabriele Hirth from Germany** introduced the waste database, developed and funded by the Ministry of Environment, Energy, Agriculture and Consumer Protection of Hessen. This database helps inspectors and enforcers to identify waste streams, gives information about the procedures to be followed in case of cross-border shipment, lists all the relevant codes and characteristics and contains photos with examples. The database will also be made available in English.

**Mr. Nigel Homer of the Environment Agency for England and Wales (EA)** presented the waste export controls tool, an online guidance to determine which procedures should be followed in case of exports to different countries. The online guidance was developed as the EA received a lot of enquiries on this matter by phone and email.

### Day 3 Programme

The third day started with presentations from industry representatives.

**Mr. Ludwig Ramacher from Remondis Industrie Service** shared his practical experiences with transfrontier shipments of waste from the private sector perspective. Remondis has waste management activities in 28 countries and therefore deals with TBM of waste on a daily basis. He presented examples of critical deliveries and practical implementation questions (for example how to deal with delays of trucks in case of the 3 days pre-notice). He stated that the European network of disposal and recovery/recycling facilities is quite unequally distributed and that, at least in a transition phase transboundary movements of waste also for disposal are a better option than dumping the waste in badly equipped landfills. The proximity principle should be seen not combined with regional or national borders but with transport distances as those are decisive for emissions. In case of TBM of green listed waste he opted for an obligatory pre-announcement system, as otherwise few information is available about these shipments while being critical and problematic.

**Mr. Mario Mocker from the ATZ Development Centre** explained the strategy of resources in the State of Hesse taking account of secondary raw materials. He presented future technologies which require certain resources that are likely to become scarce. The study assessed state-specific resource strategies from leading industries. Sources for secondary raw materials were considered: municipal waste, electronic scrap, sewage sludge and used vehicles.

The study addressed some issues of concern:

- Lack of information in database (mainly on the global raw material situation, insufficient details and few branch-specific data);
- Lack of information on value chains.

The report recommends actions in relations to political proceedings, strategies, promotion of instruments and the need for research and development.

**Mr. Andy Dearn from Maersk Line UK Intermodal Operations** presented the role of shipping lines in preventing and detecting illegal waste shipments from a UK perspective. He explained the operational process at Maersk and their option to prevent their containers being used for the illegal shipments of waste. All the shipping lines operating in the UK are involved in a partnership with the Environment Agency, under which information on bookings is shared with the EA and containers can be selected for a visual inspection before departure. In 2008 the EA started this initiative with a National Project Team aiming to share information between stakeholders, tackle Issues, raise awareness, educate actors involved in the shipping business and stop potential shipments at source. *The text of the presentation is available in annex IV.*

A discussion took place on how this initiative could be up-scaled to other parts of Europe as other countries have to deal also with a lot of transit movements.

**The IMPEL TFS Secretariat, Ms Nancy Isarin**, shared some final remarks with the conference:

- The IMPEL TFS website does not exist anymore. For news in the area of waste shipments, please go to: [www.wscep.org](http://www.wscep.org). For news about IMPEL, please check [www.impel.eu](http://www.impel.eu)
- Don't forget to register as a participating country for the Enforcement Actions III project!
- 23 – 25 May, IMPEL General Assembly in Budapest
- 26-27 September, Waste sites project expert workshop, Frankfurt am Main
- 28-29 September, NCP exchange days, Berlin **Please note that the dates have changed!!!**
- 29-30 September, IMPEL TFS Steering Committee meeting, Berlin
- All countries are requested to consider hosting next year's TFS conference.

**Mr. Rainer Werneburg, member of the IMPEL TFS Steering Committee**, gave a summary of the conference and the main outcomes. The host organisation, the Ministry of Environment, Energy, Agriculture and Consumer Protection of Hessen, was thanked for their hard work and excellent organisation of the 2011 conference.

And finally **Mr. Edgar Freund** thanked Mr. Rainer Werneburg for all his work in the waste shipment area as he will leave the IMPEL TFS cluster and Steering Committee and retire in 2011.



### **3. CONFERENCE CONCLUSIONS AND RECOMMENDATIONS**

- The conference noted a variety of case studies concerning the illegal shipments of waste and new emerging issues, such as end-of-waste criteria.
- The conference was updated on progress in relation to IMPEL TFS activities and also from partner organisations.
- The conference remains a good opportunity to network and share experiences with good inter-agency involvement.
- Suggestions were made concerning a number of new projects, such as the role of public prosecutors and enforcement actions III.
- The conference suggested some changes to the WSR which were noted by the Commission.
- The need for further guidance in the application of the WSR was again highlighted in order to ensure consistency of enforcement.
- Participation by industry was again welcomed.

#### ***It was recommended that IMPEL TFS should:***

- Draft terms of reference for the Enforcement Action III project and the Public Prosecutors project for adoption by the IMPEL General Assembly in November 2011;
- Consider draft guidance documents on the implementation and enforcement of the end-of-waste criteria regulation;
- Consider developing a project on the end-of-waste criteria regulation, aiming to gather feedback on the practical implementation and enforcement of the end-of-waste criteria regulation in relation to WSR enforcement.

#### ***It was recommended that the European Commission should:***

- Consider drafting guidance documents (together with the waste shipments correspondents group) to facilitate the implementation and enforcement of the end-of-waste criteria regulation.

#### ***Furthermore:***

- Sweden and INTERPOL agreed to produce a briefing note on how to apply the intelligence led approach, starting with a beginners guide to risk assessment.

## 4. SUBGROUP DISCUSSION - Summary of the outcomes

### Workgroup 1 – Consequences of the End-of-Waste criteria on the WSR enforcement

Chair: Pat Fenton  
Reporter: Nancy Isarin

Firstly Mr. Pat Fenton explained the principle of the end-of-waste criteria. The notion 'end of waste' was introduced in the Thematic Strategy on the Prevention and Recycling of Waste, issued by the European Commission in 2005. The idea is to clarify, at the EU level, under which circumstances waste ceases to be waste and becomes a material that can be traded freely on the internal market. The revised EU Waste Framework Directive (2008/98/EC) sets out the framework conditions for developing end of waste criteria. A general methodology for the establishment of end of waste criteria has been developed by the Joint Research Centre of the European Commission and accepted by the EU member states. This methodology stipulates that end of waste criteria can refer to:

- the input material,
- the waste treatment process,
- the quality of the recycled material,
- quality control procedures that guarantee the fulfilment of conditions on input, processing and product quality,
- labels indicating for which applications the recycled material can be used.

Secondly a round table discussion took place based on the following questions:

1. Were you consulted when the end-of-waste criteria were developed?
2. What practical problems do you expect with the implementation and compliance checking of the criteria in case of transfrontier shipments of waste / waste ceased material?

Most participants in the workshop were not personally consulted on the criteria, but colleagues in other departments. In relation to the 2<sup>nd</sup> question, the following points were raised:

- How to check and proof the material meets the criteria, especially in a transport setting (time consuming process and additional problems for transit countries as they have to contact the country of origin)
- Burden of proof? Who has to prove that the material meets the criteria?
- Who decides if there is a regular market for the material?
- Involvement of brokers and dealers in the chain make it more complex to check.
- How to deal with export/imports to/from non-EU MSs?
- How to make a pre-selection in the ports?
- Space for national criteria. Where to find this? How to enforce these?
- What is considered trained staff and verifiers?
- Visual inspection (hazardous substances, bulk shipments)
- Consignment versus individual shipment

#### Outcomes

1. It was concluded that the end-of-waste regulations make it more complex for the law enforcement officers to verify compliance with the WSR.

2. It was recommended that:

- The COM should play a role in facilitating the implementation of the EoW Regulation in the MSs;
- Guidance documents for/by COM, correspondents and IMPEL TFS;
- IMPEL TFS considers a future project on the practical enforcement of the E-o-W criteria in relation to the WSR enforcement.

## **Workgroup 2 – Waste Sites project**

Chair: Thomas Ormond

Reporter: Mattias Lindgren

The Chair, Mr. Thomas Ormond gave an outline of what the session would focus on, mainly on the aims of the project, running activities and future activities.

The waste sites project aims for better understanding of problematic waste streams (inter alia WEEE, ELVs, plastic waste etc.) and the role of upstream waste sites are key factors for this project. To reach the aims of the project, it is important to exchange information of best practices and solutions on methodology and knowledge on upstream waste site inspections that have been carried out in the Member States. The presentation highlighted that the end product of this work of gathering knowledge of best practices would be guidance material like a field manual and a handbook with more extensive content. Furthermore it was noted that better collaboration between relevant agencies is important, and that this should be ensured on both national and international level between different authorities and law enforcement authorities.

The Chair informed on the results from the questionnaire that was sent out in January to IMPEL Member States. Altogether 12 replies from 10 IMPEL member states were received, and the member states expressed an interest that the project should focus its efforts to develop guidance material, in particular on identification and inspection of waste sites and on criteria for distinguishing waste from non-waste.

The first project team meeting in Frankfurt, 9-10 March, 2011, with participants from Germany, Latvia, the Netherlands, Sweden, Slovenia and the UK, discussed the interpretation of the questionnaire and the consequences for the work plan. Furthermore the meeting exchanged ideas on best practices. As the most important result, it was reported that the project group agreed to draft a field manual (short version, i.e. a supplement to the "Waste(s) Watch" pocket guide) and a larger handbook containing more detailed and comprehensive guidance.

The timeline for the future activities of the project:

- Until May 2011, information gathering on existing guidance and invitation to the workshop in September;
- Expert workshop and a second team meeting in Frankfurt in 26-27 September;
- March 2012 First draft of guidance tools;
- April 2012 Test inspections;
- May 2012 Third project team meeting;
- September 2012 Finalisation of guidance tools and adoption of the documents at the IMPEL General Assembly in December, 2012.

## Discussion

UK remarked that there seems to be a broad variety of frequency of inspections that are carried out in the Member States and underlined that different guidance would be needed for waste sites that are inspected more and less frequently. Besides, it would be a huge task to harmonize the frequency of inspections. Furthermore the UK also presented the inspection method they are using on waste sites, i.e. the “waste flow mapping” technique, by which information, data and intelligence concerning the facilities, their operators and other relevant persons are compiled and the result determines the action to be taken, e.g. the frequency of inspections. It was noted that the UK method may cost a lot of resources and money to carry out. Some participants pointed out that they expected from the project ideas on administrative techniques to handle waste sites after an inspection has been carried out. Moreover a question was raised if it was necessary to have a paragraph on safety in the manual. The Chair noted that some countries have extensive guidance on risk and safety and some others seem to lack that type of routines.

Other participants suggested that the guidance material should include information on how the inspections are carried out today in different countries as a bench mark. The IMPEL Secretary pointed out that some of this information could be found in the reports on past IMPEL projects. The Chair agreed but thought it necessary to check whether the facilities targeted in those inspection are fully comparable with the “waste sites” that are in the focus of the current project.

## Conclusion

The Chair thanked the participants for their contributions and closed the session. He also reminded the audience to send in proposals via e-mail to: Thomas.Ormond [at] rpda.hessen.de or upload suggestions on IMPEL-TFS Basecamp.

## Workgroup 3 – EU-Asia collaboration project

Chair: Carl Huijbregts  
Reporter: Thor Henriksen

### Summary of presentations and discussion

*The gathered group listened to three presentations given by Carl Huijbregts (on Hong Kong), Huib van Westen (on Vietnam), and Shinuchi Honda (on the Asian Network). European regulators have for a while tried to follow wastes along the routes to Asia, to see if the expected regulations results were fulfilled. Invitations to collaboration with authorities in Asia have been fruitful. The resulting Asian Network is counting quite many national members (> 10), and is an important communication partner for sender countries in Europe. Discussion concentrated on ways to make supervision and enforcement more effective. There are two main ways of doing that: (a) to secure better control of data in movement documents, and (b) increased cooperation with all stakeholders along the routes of the shipments. Wider regulations framework and market conditions abroad are very difficult to influence.*

### Presentations

Carl Huijbregts: on Hong Kong, and verifications and repatriation. The trader and the exporter often don't know the real sites of destination in due time, based on information in Annex VII only. Findings from investigations show that data given in the Green Movement Form was somewhat incorrect or false. The transactions are related to market conditions with partners concluding agreements within one day. Import tax to mainland China from border regions may lead to waste conversion (by compression) before export. Illegal indications are use of addresses close to borders, and the lack of CCIC acceptance documents.

Huib van Westen: on visit to Vietnam. Legislation in the country was observed, and challenges were found. Regulations are: a general prohibition to import any kind of waste into Vietnam, but exemptions are scrap for recycling (metals, paper, glass, plastics). There is a ban on importing or exporting some waste types: used EEE, car tyres, and car parts. Waste import for re-export is allowed by Ministry of Industry and Trade (MoIT), but permits are needed. Challenges are finding final destinations, investigating facilities, and taking specific enforcement steps.

Shinuchi Honda: on the Asian Network, and Workshops. Problems by enforcement in the field have been listed. These are, in short:

- Dummy companies or change of names for parties (importer/exporter/consignee)
- Lack of cooperation with competent authorities (origin/destination)
- Lack of means for take-back (like not finding any reliable shipping companies)
- Lack of financial means for the take-back
- Long distance to the state of origin for the waste
- No legal obligation for take-back in domestic law at destination/transit

Types of illegal wastes, and their routes, were presented.

#### **Discussion on problems listing and solutions**

One obvious reason for false information is the existence of corruption. Another problem is smugglers. How do we counteract this?

At least it was regarded as important that information flows among competent authorities (CAs) are made more complete. The cooperation should be increased, and even including partners who are not directly involved in the EC regulations on shipments of waste.

Interim recovery may be found along the route, and the final destination facility may be insufficient for an environmental sound management (ESM).

One solution to counteract this may be improving and upgrading the necessary legislation along the line. Another solution is making stricter assessments based on Article 36, and thereby reducing the references to the diverse possibilities given in Regulation 1418/2006 (and other connected regulations). Even increased use of partnerships, and BAT contracts (securing technology standards), were proposed as possible solutions.

#### **Workgroup 4 – Follow up Enforcement Actions II project**

Chair: Katie Willis  
Reporter: Allison Townley

Katie Willis from UK (Scotland), acting as the proposed project manager, outlined the proposed timelines for this new project:

- Questionnaire to be circulated to all participants in July 2011;
- Presentation of draft TOR to NCP meeting in Berlin September 2011;
- Agreed to conduct a three day inspection in September. Although this will not be dealt with by the consultants it should be reported as previously through the enforcement actions e mail address. The project manager will then summarise the results of this inspection period;
- TOR will be presented to the General Assembly in November 2011;
- Start up conference in January 2012;
- Proposed inspection periods: March 2012, June 2012 and October 2012.

Discussions initiated on how to encourage Members States who previously did not participate in Enforcement Action II:

- Jitka Jensovska, Czech Republic to chase up Italian participation through contacts supplied by Carl Huijbregts, Netherlands and Emile Lindemulder, INTERPOL;
- Jitka Jensovska, Czech Republic to chase up contact person in Slovak Republic;
- Martin Ganyushkin, Bulgaria to chase up Greek contact;
- Katie Willis and Allison Townley, UK to chase up England;
- Luxembourg agreed to speak to senior management on joining the project.

It was agreed to keep the reporting based on three days activity for each inspection period. It was also agreed to continue company inspections. However, it is important to compliment the work of the Waste Sites project. All forms are to remain the same and the title of the project is to be a continuation of the previous project i.e. Enforcement Actions III.

**Discussion on Risk assessment:**

- Lithuania suggested focus should be on imports as well as exports via non OECD countries naming end of life vehicles from Tunisia as a problem area;
- Latvia also had issues with batteries from Nigeria;
- Sweden/INTERPOL/Austria agreed to produce a briefing note on how to implement intelligence – beginners guide to risk assessment.

A suggestion was made to include a question in the questionnaire to be circulated on waste types that are of interest to each participant. Malta suggested putting a comments box on the questionnaire for free text to enable comments to be included by participants.

It was agreed that the project should cover two years.

**Press involvement:**

- Portugal and Czech Republic provided good examples of their media coverage during Enforcement Actions II;
- Netherlands suggested the “good guys” should be included in media reports – not all bad;
- Project manager agreed to do a draft press release for each inspection period.

**Review Group**

It was agreed that a review group comprising Netherlands, Germany, Northern Ireland and possibly Malta would be established to discuss if the project is running well and review results of project.

19 countries signed up during the Conference.

**Workgroup 5 – Involvement of Public Prosecutors in the WSR enforcement**

Facilitator: Jenny van Houten  
Reporter: Jenny van Houten

**Goal of the workshop**

During the workshop three short presentations were given followed by a discussion with 23 participants. Amongst the participants were 4 prosecutors from Belgium, Germany and the Netherlands. The goal of the workshop was to strengthen the link with the prosecuting parties in the WSR enforcement cycle.

Furthermore, prosecutors should be enabled to work together on an international level and to improve prosecutions of violations of the WSR throughout Europe. Therefore they need to share experiences, communicate about for example the level of fines and to cooperate efficiently with each other.

### **Presentations**

The first presentation by Dutch Public Prosecutor Mr. Rob de Rijck covered an explanation of the prosecution of illegal waste shipments in practice in Rotterdam. Several interesting case examples illustrated that a step towards international harmonisation should be made to ensure an efficient, fair and even prosecution of illegal waste shipments. Lately, prosecutors are communicating more because of several international ad hoc initiatives to improve collaboration. This communication is very useful for prosecuting professionals and therefore a structural correspondence group of prosecutors should be established. Furthermore it is needed to share case law with the international prosecuting audience. A collection of (national, translated) case law could be set up for the use of prosecutors of environmental crime in daily practice.

Second in row was the Belgium Public Prosecutor Mr. Marc van Cauteren who explained the latest initiatives on international prosecution cooperation. In June 2010 an 'International Seminar for European Prosecutors of Environmental Crime' was organised in The Hague. 18 countries and the European Commission participated and this was the first step in international WSR cooperation at the prosecution level. The seminar resulted in an official statement. Several recommendations were made such as: the establishment of a European prosecutor's network and the stimulation of aligned prosecution. Participants support the European Council Conclusions of 20 May 2010 (5956/5/10) on the 'Prevention and combating of illegal trafficking of waste, particularly in international trafficking'. A meeting for prosecutors was arranged October 2010 during the EUFJE conference (judges' network) in Brussels. During this meeting the prosecution of European Environmental Law was discussed and several countries presented their experiences in the field. Similar recommendations were made. On April 1st 2011 a follow up meeting was organised in Brussels to ensure further support from parties such as DG Justice, UNEP and to explore possibilities for the next steps. After this IMPEL-TFS Conference several relevant activities are planned such as 'Investigation, prosecution and judgment of environmental offences' by the Judicial Training Institute in Durbuy, Belgium on 25-27 May. According to Mr Van Cauteren collaboration is needed and not only international collaboration but also inter-agency collaboration. Furthermore, it would be a good thing if an international forum will be established for prosecutors of environmental crime. It was also recommended to IMPEL-TFS to invite the European Agency of prosecutors 'Eurojust' to the conference.

Third, Ms. Jenny van Houten from the Dutch Inspectorate of the Ministry of Infrastructure and the Environment presented a project proposal for 2012. It concerned a brand new 'IMPEL-TFS Prosecutors Project'. The Terms of Reference should be approved in the IMPEL General Assembly in November 2011. A project manager and interested project members are welcome to apply for participation. The project proposal consists of three parts:

- The establishment of a European 'correspondence group' or network for prosecutors of WSR violations and environmental crime;
- The start of a database with translated national and international case law on WSR prosecutions and other environmental law;
- The support of the correspondence group through exchanging experiences, information on prosecution and awareness raising about prosecution of illegal shipments. This can be achieved by several activities such as meetings, reporting etc.

## Discussion session

The discussion that followed supported the idea of starting up a network for prosecutors of environmental crime. A German representative mentioned that in practice, contact with prosecutors in their own country and also abroad is difficult and the awareness on environmental crime is low. This is why it is very difficult to start up a case and that is the reason that the level of prosecutions is very low. This is why the network is very important. Denmark stated that they supported the project proposal and that prosecution is an indispensable part of the regulatory chain. Inter-agency collaboration is necessary to close this regulatory chain since many authorities are involved in one illegal waste shipment case. International cases such as WSR violations are much more complex than national cases. The idea was shared to organise a prosecutors meeting back to back with the NCP meeting to strengthen the bond between environmental authorities and prosecuting authorities. Dutch participants mentioned that the exchange of info really helped building up their case and that they would like to be informed about experiences in other countries. This also should create more awareness about prosecution of environmental crime. The experiences can be used as input for the officers who are dealing with policy and regulations. Every case is very complex and the problems should be evaluated and shared with the regulators. A Swedish representative suggested that the collaboration should also include other environmental crime topics, not just WSR. It was mentioned that the Terms of Reference of the Prosecutors Project should cover the Council Conclusions mentioned in the Statement of The Hague. Furthermore, The Secretariat of the Basel Convention (SBC) is developing a manual for prosecutors so it is useful to align any activities with the SBC. Germany mentioned that a police platform called 'Envirocrimenet' is being set up which include organisations such as Interpol and Europol. Since the link with prosecution is there, it is smart to keep them informed too. Ireland suggested copying the goals of the The Hague statement for the project proposal (except number 4).

## Workgroup 6 – Case studies and best practices

Chair: Bart Palmans  
Reporter: Bart Palmans

The workshop consisted of three presentations:

1) Magdalena Kwarta (Norway) gave an example of a transport of used telephone exchange centrals from Slovenia to the Netherlands, the trading company being based in Norway. The discussion that followed focused on the role of Norway in this story. It was decided that Norway cannot be regarded as a transit country, and thus is not involved. It is also recommended that in cases where the person who arranges the shipment has no address in the country of dispatch or destination, the research and prosecution should focus on the producer of the waste.

2) Chris Smith (UK) explained how the EA detects illegal shipments by using the information from shipping lines. Every month the latter are requested by EA to report shipments that meet certain criteria. The reported shipments are analyzed and the suspicious ones are registered in an intelligence report that is crossed with historical data. This produces a monthly list of suspect companies. This list is communicated to the shipping lines, asking them to stop and to report future shipments, and is also distributed to enforcement partners through the SOCA forum.

The EA prefers the details of shipping lines above customs declarations, because the latter do not contain information about the place of loading. The suspect shipments will not be passed to the BSC Focal Points, as there is no evidence that those shipments are indeed illegal.



3) Bart Palmans (Belgium) showed two examples of notified shipments that presented problems with ADR regulation during transport. In both cases it took very long to find a solution acceptable to all concerned authorities, especially because the legal framework was not clear and there was no good communication between authorities.

After discussion, the following was proposed that:

- such shipments can be seen as "illegal" if the notification file and the approval of the competent authority refers to the ADR Convention. That way the transport could be considered as “not in accordance to the notification documents”;
- it is better that those particular shipments are regarded as potential cases of Article 22 or 24. In this way, the framework is clear and arrangements may be made according to the manual for return shipments.

**COLOPHON**

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# Annexes

## Annex I. CONFERENCE PROGRAMME

### PROGRAMME IMPEL-TFS CONFERENCE

**5-7 APRIL 2011**  
**KASSEL, GERMANY**

<b>5 April 2011</b>	<b>IMPEL TFS Conference, 5-7 April 2011</b>
12.00 hrs	Registration conference participants
13.00 hrs	Welcomes lunch for conference participants
14.00 hrs	Word of welcome <i>By Mr. Hans-Peter Conrad - Vice President of the Regierungspräsidium Kassel</i>
14:15 hrs	Enforcement of waste management and shipment in the Federal State of Hesse <i>By Mr. Edgar Freund – Ministry of Environment, Energy, Agriculture and Consumer Protection of Hessen</i>
14.30 hrs	Waste management and waste shipment in Germany <i>By Mr. Dr. Andreas Jaron - Federal Ministry for Environment, Nature Conservation and Nuclear Safety</i>
14.45 hrs	Adoption agenda & update IMPEL-TFS Steering Committee <i>By Ms. Anne-Laure Genty (Chair IMPEL-TFS Steering Committee, France)</i>
15.00 hrs	IMPEL TFS project reports <ul style="list-style-type: none"> <li>- <i>Enforcement Actions II project (Mr. Carl Huijbregts, Netherlands)</i></li> <li>- <i>E-waste project (Mr. Chris Smith, United Kingdom)</i></li> </ul>
15.30. hrs	Progress of ongoing IMPEL TFS projects <i>By Nancy Isarin (IMPEL TFS Secretariat)</i>
15.45 hrs	Coffee / tea break
16.15 hrs	Experiences of the AUGIAS project <i>By Mr. Frans Geysels (Belgium)</i>
16.30 hrs	Update partner organisations <ul style="list-style-type: none"> <li>- <i>Secretariat of the Basel Convention (Ms. Juliette Kohler)</i></li> <li>- <i>European Commission (Mr. Peter Wessman)</i></li> <li>- <i>Interpol (Mr. Emile Lindemuller)</i></li> </ul>
17. 30 hrs	National case study: illegal import of spent catalyst <i>By Ms. Lilija Dukalska (Latvia)</i>

17.45 hrs	Closing day 1
19.00 hrs	Dinner at the hotel restaurant
<b>6 April 2011</b>	<b>IMPEL TFS Conference, 5-7 April 2011</b>
09.00 hrs	Opening remarks by Chair and introduction to the workshops <i>Ms. Ingela Hiltula (member of the IMPEL TFS Steering Committee, Sweden)</i>
09.15 hrs	Results of the stakeholder consultation on inspection requirements <i>By Mr. Peter Wessman (European Commission)</i>
09.45 hrs	Parallel sub sessions 1. Impact of the new Waste Framework Directive on the enforcement of the Waste Shipment Regulation - <i>By Mr. Pat Fenton</i> 2. Waste sites project - <i>By Mr. Thomas Ormond</i> 3. EU-Asia collaboration - <i>By Mr. Carl Huijbregts</i>
11.00 hrs	Coffee/tea break
11.30 hrs	Plenary feedback and discussion
11.45 hrs	End-of-life vehicles - New correspondents guideline <i>By Peter Wessman (European Commission)</i> - Study on the definition of waste in relation to used cars <i>By Mr. André Hauser (Switzerland)</i>
12.15 hrs	National case study: illegal shipment of WEEE <i>By Ms. Caroline Mackaie (France)</i>
12.30 hrs	Lunch
14.00 hrs	Opening afternoon session by Chair and introduction to the workshops <i>Mr. Kevin Mercieca (member of the IMPEL TFS Steering Committee, Malta)</i>

14.15 hrs	<p>Parallel sub sessions</p> <p>4. Follow-up Enforcement Action II Project - <i>By Ms. Katie Willis</i></p> <p>5. Involving Public Prosecutors - <i>By Ms .Jenny van Houten</i></p> <p>6. Case studies &amp; best practices - <i>By Mr. Bart Palmans</i></p>
15.30 hrs	Coffee/tea break
16.00 hrs	Plenary feedback and discussion
16.15 hrs	<p>Online waste database <i>By Ms. Gabriele Hirth (Germany)</i></p>
16.30 hrs	<p>Good practise: online waste export control tool <i>By Mr. Nigel Homer (United Kingdom)</i></p>
16.45 hrs	Closing day 2
17.30 hrs	Departure from hotel lobby for social event and dinner

<b>7 April 2011</b>	<b>IMPEL TFS Conference, 5-7 April 2011</b>
09.00 hrs	<p>Opening remarks by Chair <i>Mr. Rainer Werneburg (member of the IMPEL TFS Steering Committee, Germany)</i></p>
09.15 hrs	<p>Experience and cognition of waste shipments in the prospect of an international waste management enterprise <i>By Mr. Dr. Ludwig Ramacher ( REMONDIS Industrie Service GmbH)</i></p>
09.45 hrs	<p>Strategy of resources in the State of Hesse taking into account secondary raw material <i>By Mr Dr. Mario Mocker (ATZ Development Centre)</i></p>
10.15 hrs	<p>Discussion session <i>Facilitated by Mr. Pat Fenton</i></p>
10.30 hrs	Coffee break

11.00 hrs	Role of shipping lines in preventing and detecting illegal waste shipments <i>By Mr. Andy Dearn – Maersk Line UK Intermodal Operations</i>
11.45	Discussion session <i>Facilitated by Mr. Pat Fenton</i>
12.00 hrs	Final remarks and conclusions of the conference
12.25 hrs	Official closing of the conference
12.30 hrs	Farewell lunch
14.00	Departure

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## Annex III. Terms of Reference

<b>TERMS OF REFERENCE FOR IMPEL PROJECT</b>
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No	Name of project
2011/16	IMPEL TFS Conference 2011

### 1. Scope

<b>1.1. Background</b>	<p>The projects and activities of the TFS cluster are based on the European Waste Shipment Regulation № 1013/2006. 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 other relevant organisations.</p>
<b>1.2. Link to MAWP and IMPEL's role and scope</b>	<p>The Waste Shipment Regulation is one 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, 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>1.3. Objective (s)</b>	<p>The conference has the following objectives:</p> <ol style="list-style-type: none"> <li>1. Maintain, strengthen and expand the TFS network</li> <li>2. Discuss running and new projects and joint activities</li> <li>3. Exchange practical information (e.g. by case studies)</li> <li>4. Get updated by other relevant activities from related organisations (e.g. DG ENV, Basel Secretariat, WCO, INTERPOL)</li> <li>5. 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>6. Continue cooperation agreements with third countries, regions and other networks</li> </ol>
<b>1.4. Definition</b>	<p>The objectives will be achieved amongst by organising a conference<sup>1</sup>. The general conference will be attended by approximately 100 participants, being inspectors and regulators from Competent Authorities, but also from other organisations such as police and customs and representatives from</p>

<sup>1</sup> For actual joint inspections and enforcement activities, separate TFS projects are set up.

	<p>waste receiving countries such as China. Items on the programme will be:</p> <ul style="list-style-type: none"> <li>• Development at EU level on better implementation initiatives (e.g. minimum criteria, helpdesk, training)</li> <li>• Relation with the Basel Secretariat, WCO, Interpol and Asian &amp; African Networks</li> <li>• Cooperation and agreements with waste receiving countries outside the EU</li> <li>• case studies</li> <li>• better collaboration and networking</li> <li>• up-date on running projects</li> <li>• views from Industry and NGO's</li> </ul> <p>The conference will include presentations by key speakers, case studies and workshops.</p>
<b>1.5. Product(s)</b>	A conference report, including conclusions and follow-up actions and a press release.

## 2. Structure of the project

<b>2.1. Participants</b>	Approximately 100 participants from all the Member States, third countries and international organisations.
<b>2.2. Project team</b>	<p>The ones responsible for the organisation are:</p> <ul style="list-style-type: none"> <li>• Germany, Hessen state</li> <li>• The IMPEL-TFS Secretariat</li> <li>• The IMPEL-TFS Steering Group</li> </ul>
<b>2.3. Manager Executor</b>	Ms. Gabriele Hirth (Hessen state, Germany) and Nancy Isarin (IMPEL-TFS Secretariat)
<b>2.4. Reporting arrangements</b>	The preparation of the conference will be on the agenda during every IMPEL-TFS Steering Group meeting. Reports from the Steering Group are sent to the IMPEL-secretariat. The conference report will be send to the IMPEL plenary.
<b>2.5 Dissemination of results/main target groups</b>	A public version of the report will be uploaded on the IMPEL-website. A press release will be drafted and disseminated.

### 3. Resources required

3.1 Project costs and budget plan		2011
	<u>1. Overhead (organisation) cost (€) :</u>	<b>€ 25.000</b>
	<u>2 Project meeting costs (€)</u>	
	<u>Meeting 1<sup>2</sup></u>	<b>Conference</b>
	No of Participants:	<b>110, but max 64 on IMPEL budget</b>
	Travel <sup>3</sup> :	<b>32.000 (64* 500)</b>
	Accommodation <sup>4</sup> :	<b>24.000 (64*3 nights/125€)</b>
	Catering + Meeting venue	
	<u>Meeting 2</u>	
	No of Participants:	
	Travel:	
	Accommodation:	
	Catering:	
	Meeting venue:	
	<u>Meeting 3</u>	
	No of Participants:	
	Travel:	
	Accommodation:	
	Catering:	
	Meeting venue:	
	<u>3. Other costs:</u>	
	Consultant:	<b>12.500</b>
	Translation:	
	Dissemination:	
	Other (specify):	
	<b>TOTAL cost per year</b>	<b>€93.500</b>
	<b>TOTAL cost per year</b>	<b>€93.500</b>
<b>3.2. Fin. from IMPEL budget</b>	<u>2. Project meeting costs</u>	€56.000
<b>3.3. Co-financing by MS (and any other )</b>	<u>1. Overhead costs</u> as co-financing contribution, committed by the host country Germany, Hessen State	€25.000
	<u>3. Other costs</u> as co-financing contribution, committed by VROM Inspectorate (Netherlands) for the consultant.	€12.500
<b>3.4. Human from MS</b>		

<sup>2</sup> specify, like Review Group Meetings, Workshop etc.

<sup>3</sup> normative: €500/person

<sup>4</sup> normative: €125/person/night

#### 4. Quality review mechanisms

The quality of the conference and its products is reviewed by the IMPEL-TFS Steering Group, as well as all participants and the secretariats.

#### 5. Legal base

<b>5.1. 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.
<b>5.2. 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>5.3 Link to the 6<sup>th</sup> EAP</b>	Articles 3(2) and 9(2,d)

#### 6. Project planning

<b>6.1. Approval</b>	18-19 November 2010 at the 6 <sup>th</sup> IMPEL General Assembly in Brussels.
<b>(6.2. Fin. Contributions)</b>	
<b>6.3. Start</b>	December 2010
<b>6.4 Milestones</b>	Preparation: December 2010 – February 2011 (programme, inviting speakers, accommodation and venue)  Invitation: February 2011  Conference: 5-7 April 2011  Report: July 2011
<b>6.5 Product</b>	Conference report and a press release.
<b>6.6 Adoption</b>	November 2011 during the 8 <sup>th</sup> IMPEL General Assembly meeting.





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# ***IMPEL TFS Conference, Kassel***

***7<sup>th</sup> April 2011***

Presentation

Role of Shipping Lines in preventing and detecting illegal waste shipments  
A UK perspective

Author – Andy Dearn – Maersk Line UK Intermodal Operations  
Intermodal Service Recovery / HSE / Security / DGSA

Good Morning,

### **SLIDE ONE**

My thanks to the Environment Agency and the IMPEL TFS Committee for the invitation to attend this conference and speak to you all here today.

My name is Andrew Dearn and I am based in the Maersk Line UK Intermodal Operations Department in Birmingham where my responsibilities include daily operational service recovery issues, all Intermodal Health, Safety and Environmental operational issues and Intermodal security matters as well as advising on the carriage of dangerous goods as a Dangerous Goods Safety Advisor.

The Intermodal Operations Department is responsible for planning all the line haulage requirements for export collections and import deliveries in the UK and Ireland using both road and rail resources and we also have responsibility for the management of equipment flows and maintenance and repair.

The title of the presentation I have been asked to make to you today is the role of shipping lines in preventing and detecting illegal waste shipments from a UK perspective.

First of all, a little background on Maersk Line.

### **SLIDE TWO**

Today, Maersk Line is the largest container shipping line in the world and is part of the A.P. Moller Maersk Group which is a worldwide conglomerate. The group operates in 130 countries and has a workforce of some 115,000 employees.

The A.P. Moller Maersk Group comprises interests in container shipping, terminal operations and freight forwarding, as well as energy which include oil production, drilling and tanker operations. The group also has a number of other business interests as well including Maersk Technology, retail and banking interests, ship building and off shore supply vessels and operations.

### **SLIDE THREE**

In 2010, the Intermodal Operation moved approximately 290,000 export containers from the UK as line haulage compared to a global movement for Maersk Line of some 7.3 million FFE in 2010, an increase of 5%. As a result of the sheer number of moves we make, the possibility exists of shipping cargo that falls foul of the transfer of waste shipments regulations.

Maersk Line do not want to be party to the movement of any waste or recycled cargo shipments that may in any way fall foul of the regulations and thereby have the potential to cause any environmental impact.

The work we are doing in the UK which will be explained during the course of the presentation is aimed towards reducing the risk that we may ship illegal waste and recycled cargoes and this helps to support the wider environmental aims and objectives for Maersk Line in 2011 and beyond.

For that reason Maersk Line is committed to reducing our environmental impact and we have put a lot of effort in to doing so. Maersk Line has an environmental policy that commits us to protect the environment which includes reduction in CO2 emissions, introducing slow steaming for the vessels and fuel switching programmes. We want to continuously improve our environmental performance

throughout the organisation. The range of environmental initiatives described in this presentation, which are employed in the UK Intermodal Operations and Customer Services Teams proves our commitment to ensuring responsible environmental management to the best of our ability with regard to preventing and detecting illegal waste shipments.

Maersk Line's message is clear in that the environment is an important element of our business, and we are always working towards developing solutions that meet and exceed current and future standards.

#### **SLIDE FOUR**

Moving goods by sea is acknowledged as being the most energy efficient and environmentally friendly mode of transportation, and we recognise that we have a duty of care to fulfil to ensure to the best of our ability in detecting and preventing any potential movement of illegal waste or recycled materials.

For Maersk Line, protecting the environment is a question of constant care and forms one of our key company values. Within Intermodal Operations, it is central to the way we use our resources, and optimise and manage our operations.

Our environmental work is driven by three long-term objectives which are founded in the Maersk Line Sustainability strategy and, where needed, strengthened to yield the desired benefits and deliver on the overall strategy promises.

Therefore, we aim to make the containerised transportation we provide even more environmentally friendly by continuing to work with and engage all of our stakeholders to minimise any environmental impact.

#### **SLIDE FIVE**

The invitation to attend this conference today and talk to you about our work in preventing and detecting illegal waste shipments has come about by the growing and developing relationship we have with the Environment Agency, who as many of you will know are the regulatory authority responsible for England and Wales.

Through this developing and ongoing relationship, we have become aware from the very early stages that the wrong type of waste is ending up in the wrong destinations around the world which is causing serious environmental issues for the local communities, and as the carrier, we acknowledge that we have a duty of care to uphold. Even though the liability for the content and stowage of the goods inside the container lies firmly with the shipper, to do nothing would not be in accordance with our company values and could have the potential to place Maersk Line in a position of legal and environmental liability, a position that would not sit well with our commitment to reducing our overall environmental impact from the goods we transport.

It may well be the case, that there are some shipping agents, forwarding agents, third parties or sole traders who sell waste products to simply make a profit with little or no regard for any European environmental regulations and legislation or the environmental impact their activities may cause.

In order to ensure their cargo is shipped on Maersk Line vessels, we have found to our cost that every effort will be made to disguise what exactly the product is that is being offered for shipment. From the point of approaching the Customer Service Teams for a quote or a booking, the commodity

has been known to be described as rubber blocks for example which on it's own may not give rise to any suspicion when in fact it may well be waste paper, scrap plastic or waste tyres.

## **SLIDE SIX**

At this stage of the quote and booking process, every action taken over the phone, by e-mail or via an on line booking has to be at face value.

It is important to highlight this fact as this is a fundamental point on which Maersk Line and all other shipping lines operate when it comes to a customer making a booking for a container to be shipped.

It is impossible therefore, for a Customer Service member of a team or a colleague of mine in the Intermodal Operations Team to be able to determine on every occasion the validity of the information being provided.

A harsh lesson, but experience has taught us that not everything can be taken at face value.

It is important to also highlight that Maersk Line, as with any other shipping line, are not able to check the contents of what is loaded into any container unless there is a genuine reason to so from a safety point of view for example.

Random or periodic inspections on the whole are not undertaken by Maersk Line or other shipping lines, and certainly in the Port of Felixstowe, Tilbury and Grangemouth in Scotland which are the three main ports we operate from in the UK, there is no inspection regime of cargo contents unless there is cause to do so from a safety point of view such as a overweight issue or the container is found to be leaking an unknown or possible hazardous substance for example.

Container inspections, particularly from the Environment Agency point of view, can be very time consuming, expensive and labour intensive, particularly if they are conducted at the port terminal which require resources to be made available from a number of agencies. The key factor is to try and identify the problem at the source which in our case is the load point.

The rule has always been that we deal by exception.

## **SLIDE SEVEN**

From the beginning of 2008, a project team was set up within the Environment Agency which was given the objective of tackling the illegal export of waste and recycled materials. This project team was set up on a national basis, and was able to co-ordinate the activities of the 8 regional areas of the Environment Agency operation within England and Wales. One of the key moves made by the Project Team right from the beginning was to approach all of the UK container shipping lines to initially set up some dialogue in trying to identify ways in which information and data could be shared between the stakeholders involved.

The provision of this information and data for the Environment Agency was and remains fundamental to the success of the project team and it has taken the at least two years to build the data and intelligence which is required to tackle some of the issues and to bring awareness and education to those who need it and prosecutions to those individuals who have little or no regard for the legislation and regulations and for any environmental impact that arise from the operation and their activities.

This was a totally new venture for the Environment Agency as it was for the shipping lines as well.

The export of waste and recycled materials has grown considerably in recent years and the market segment now represents huge volumes and ocean freight revenues for shipping lines so initially there was some scepticism and uncertainty as to the aims and objectives that this new venture was setting out to achieve.

Such are the complexities surrounding the Transfrontier Shipment of Waste Regulations of 2007, that it is was and in some cases still is very difficult for Customer Service Staff to be aware of what type of waste and recycled materials would represent an environmental hazard and be an illegal shipment.

Through the assistance of the Environment Agency working with the shipping lines, a period of educational, awareness visits and development took place so that those Customer Service and Operational Teams involved in the handling, processing and logistics of moving waste and recycled materials became aware of some of the key issues and what requirements were required by the parties involved looking to move this type of cargo.

This help and assistance from the Environment Agency was an important catalyst in developing the relationship and trust with the shipping lines and also prompted the shipping lines to look inwardly at their own processes to see if they could improve their internal quote, booking and operational processes to try and identify at these stages, potential illegal shipments of waste and recycled materials.

The idea with this approach was to try and stop these potential shipments at source.

## **SLIDE EIGHT**

I will try and highlight each of the stages of the quote, booking and operational process to highlight how Maersk Line are currently working to identify these illegal waste shipment.

The initial approach for any new business will always be for an ocean freight quote. The policy on requests for quotes are they will no longer be accepted from a company who simply provides a mobile phone number as their only point of contact or who provides a google, hotmail or y mail e-mail address. Ideally, we would look to acquire a postal address and a land line number, along with a second contact to try and satisfy ourselves as best that we can that the prospective booking party is genuine rather than a company or individual who is looking to mislead Maersk Line right from the outset. If the prospective booking party is unable to provide a more permanent means of communication and contact which we are able to check and verify, then we will refuse to quote and accept any potential booking.

Also, at the quote stage, we would look to check as best we can, that the commodity being declared can be exported to the destination country, this can be done using the Environment Agency website or by contacting the International Waste Shipments Team for some expert advice and guidance if the enquiry proves a little difficult due to the complexities of the waste transfer regulations.

Also, at the quote and booking stage, Maersk Line have a policy of ensuring that all exporters, freight forwarders and agents complete, sign and lodge a letter of intent for recycled material shipments. This document is signed by the customer in consideration of Maersk Line carrying and forwarding their consignments, and that the customer hereby guarantees that export cargoes booked for shipment by them are properly declared and comply with all regulations applicable at origin, transit and destination points and in particular with the regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14th June 2006 and Regulation (EC) No 801/2007 on shipment of waste.

The letter of intent also commits the customer to undertake and guarantee that upon Maersk Line's first written demand they will fully and unconditionally indemnify Maersk Line and their agents against all costs and liabilities of whatever nature arising out of any mis-declaration of cargo and or non compliance with the above referred regulations. This indemnity will extend to any fine, storage, demurrage or detention charges (of whatever nature) or any cost of on-forwarding, disposal, destruction or salvage of cargoes which arise out of the shipment and discharge of cargoes, whether or not this takes place at the designated port of discharge.

At the booking stage, any export booking can be made with Maersk Line using one of three methods, via phone, via e-mail or via e-booking on line.

With the added cover of the indemnity, the policy again on bookings are they will no longer be accepted from a company who simply provides a mobile phone number as their only point of contact or who provides a google, hotmail or y mail e-mail address. Ideally, we would look to acquire a postal address and a land line number, along with a second contact to try and satisfy ourselves as best that we can that the prospective booking party is genuine rather than a company or individual is looking to mislead us right from the outset. If the prospective booking party is unable to provide a more permanent means of communication and contact which we are able to check and verify, then we will refuse to accept any booking.

This can sometimes prove to be very difficult, particularly for e bookings made on line. Locally in the UK, we have now introduced added safeguards into the Intermodal Operational processes which I will explain later to try and deal with any attempt to disguise or deceive in an attempt to gain shipment of an illegal waste consignment.

Another positive developments from our relationship the Environment Agency, is the access to their website which has a section on there entitled "Public Registers". From this site, the user is able to put in information about a particular customer, agent or carrier to establish whether they have officially registered their business activities as required by the regulations and that they have the appropriate licences to carry out their business activities for the storage, sorting, loading, carriage and shipment of waste and recycled materials.

Every company involved in one or all of these activities has to have a licence issued by the Environment Agency and depending on the type of licence, there is a cost attached for approval. If we have any concerns about a particular company that may or may not appear on the public register, we can again contact the International Waste Shipments Team for expert advice and guidance and it also provides the opportunity to potentially visit the site prior to any booking or load being confirmed.

Individuals and organisations who are responsible for shipping waste between countries for recycling will be subject to International Waste Shipment rules which are governed by the Environment Agency. In order to help you apply these rules correctly and ensure compliance, we have developed an online 'Waste Export Controls Tool'. The Waste Export Controls tool is a useful aid in finding out about the regulatory controls that apply to a particular type of waste shipments.

The on line tool makes it easier and faster for you to establish the types of waste that can be shipped abroad, it will help you to find the supporting information that enables you to ensure compliance with the requirements of the Waste Shipments Regulations.

Cargo descriptions can also lead to suspicion as mentioned earlier, whereby we have seen customers wilfully mis-declare their cargo so as to mis-lead customer service staff.

One example that happened in 2010 saw a customer who approached Maersk Line asking for a quote to Korea for waste tyres, which we rejected to offer a quote on as there were discrepancies which we were unhappy about with some of the information being provided. A few days later, the same customer contacted Maersk Line again and spoke to someone different to ask for a quote for waste plastic and plastic scrap, again to Korea and on this occasion, a quote and booking were confirmed for a total of 71 x 40ft high cube containers. The cargo for this shipment was in fact waste tyres which were rejected from Korea on arrival and are now the subject of an Environment Agency investigation into potential fraud and deception as well as other regulatory offences.

This highlights some of the lengths a booking party will go to in order to deceive a shipping line. At no time during the various processes where there any issues, as plastic scrap into Korea is not a problem but waste tyres are a problem and this only came to light when upon arrival in Korea it was established that the consignee name and address provided in fact did not exist and there had been no request made for the necessary import licences and documents to be issued. Therefore, the Korean Customs Authorities would not allow Maersk Line to discharge a single one of the 71 containers so they all have to be returned back to Felixstowe at a cost of USD 300,000 in unrecovered ocean freight costs for Maersk Line.

This is a case of fraud and deception and has left Maersk Line with a huge financial exposure.

Because of the way in which the UK market operates with the disposal overseas of waste and recycled tyres generated by tyre companies and UK business, it is conservatively estimated that the individual who has deceived Maersk Line has achieved a clear profit of at least £ 100,000, an indication of the profits available from illegal waste shipments.

Another way, in which we now locally check the validity of shipments in the UK, is to use Google maps and view the load site. This can sometimes help you to identify if the load site is in fact storing the cargo which has been described at the booking stage, is in fact the same, or whether the booking party is telling the shipping line that they have a particular waste product to move when it is in fact something totally different. Using the Google map site can also help you identify if the site is suitable for the storage of waste products as well. This is a check that is used by the Environment Agency themselves and has proved to be very helpful on occasions.

Unfortunately, this check wasn't used at the time of the shipment of tyres, but it highlights a lesson we have learnt and one that could potentially have saved everyone a lot of time and money.

## **SLIDE NINE**

One of the key areas I also focus on as part of my role within the Maersk Line Intermodal Operations is the auditing of our haulage suppliers. This audit process looks many aspects of their operation including their

- \* Quality Status and Policy
- \* Organisation and Management Structure
- \* Scope of Operations
- \* Sub Contractors
- \* Staff Recruitment and Training
- \* Safety Health and the Environment
- \* General Security
- \* Site Security

## \* Vehicle and Container Security

All the haulage suppliers used by Maersk Line are required to have a Waste Carriers Licence issued by the Environment Agency. If you want to transport controlled waste in England and Wales as part of your business or with a view to profit, you need to register as a waste carrier. This is part of Maersk Line's Intermodal Operations selection process for any haulage supplier.

As part of the audit process of our suppliers, we take the opportunity to look at their operations and highlight in particular all the business we ask them to load on our behalf which involves the movement of waste or recycled materials.

### **SLIDE TEN**

As explained, many customers, agents and sole traders will look to disguise their cargo descriptions to mislead shipping lines, so Maersk Line encourage the driver's or our approved haulage suppliers to feedback any suspicions or concerns they have when they are given a job to load this commodity. This information has proved invaluable as it has helped to identify illegal loads sites, illegal cargo being loaded and avoided potential costs for Maersk Line.

Any information we receive is immediately passed onto the Environment Agency for them to assess and if necessary decide on follow up action involving their Enforcement Officers who may well visit the site at the time of the load, or arrange to inspect the load after completion with a view to the load being returned to the original load site accompanied by a visit from the local Enforcement Officer.

One of the final safeguards we have in place now within the Intermodal Operations Department is the sharing of intelligence led information provided monthly by the Environment Agency which is provided on a confidential basis. The information is a list of load sites which are exporters that are of interest to the Environment Agency but their appearance on the list does not suggest any one is carrying out any illegal activity, it is that as the regulator of waste in England and Wales, the Environment Agency wish to carry out random inspections and it was felt that this way would cause the shipping lines less disruption.

All the addresses that appear on the list are checked either on a daily or weekly basis against the Intermodal diaries and if anyone should appear, we report the booking details via e-mail to the Environment Agency Project Leader who will then decide if they wish to make any further follow up on the container which may involve an inspection at an inland depot or the port terminal.

This system has worked very well with Maersk Line and has proved successful in preventing and detecting illegal waste shipments.

We have also recently extended this relationship to involve the Scottish Environment Protection Agency, but as the current volumes are slightly lower than those originating from England and Wales, Maersk Line send a list each day to the Scottish Environment Protection Agency of all export bookings we are loading which have the cargo declared as waste and recycled materials. Although this relationship has only been in operation since early February, we are already seeing some positive results in identifying illegal shipments and the feedback from the Scottish regulator has been very positive.



## **SLIDE ELEVEN**

The key factor in being able to make all of the above processes work is being able to identify the actual load site where the cargo is being loaded. We are able to do this here in the UK as we currently have a ratio of around 50% which is line haulage.

If the load site is not known, then it becomes very difficult for the Environment Agency to monitor the activities of operations, and this may well be a challenge here on the continent as there is a higher ratio of merchant, agent or customer controlled haulage than there is line haulage.

This therefore poses a slight issue on the continent in that the way in which I have described the process we use in the UK in being able to identify possible illegal shipments, may not be so easily implemented.

This is because that if you were to approach the shipping lines here in Germany for example, or Belgium or Holland and ask them to provide information as to the actual load sites, they may not have so much of the information readily available.

One possible solution to this, would be for the regulators here today, to consider adopting a similar approach to the project set up in England and Wales by the Environment Agency, but rather than contacting the shipping lines direct as their main source of information, they identify the main forwarding agents, exporters and traders who are engaged in this market and ask them directly for the provision of the information for the load sites where they will predominately control the haulage.

Where of course, shipping lines control the haulage, it is possible for the shipping line to provide the information, but this will not be an overnight solution and would from the experience of the UK project, take some time to develop the appropriate level of trust and also establish the correct means of communication. This would also be the same for the main forwarding agents, exports and traders.

## **SLIDE TWELVE**

As a global company, we believe that we have a responsibility to lead and to set new standards in our business, environmental, safety and security performance.

I hope that by having the opportunity to speak to you here today and share with you the approach that is being taken by the Maersk Line UK Intermodal Operation working in partnership with the Environment Agency and more recently, the Scottish Environment Protection Agency, has demonstrated some of the ideas and initiatives we have put in place to try and prevent and detect illegal waste shipments.

## **SLIDE THIRTEEN**

Thanks and any questions?