



European Union Network for the Implementation
and Enforcement of Environmental Law



IMPEL Waste and TFS Conference 8th to 10th November 2022; Malta

Final Report

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Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 7th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections, and more recently in the General Union Environment Action Programme to 2030 and EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil'.

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



<p>Title of the report: IMPEL Waste and TFS Conference Final Report</p>	<p>Number report: 2022(V)</p>
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<p>Executive Summary</p> <p>The 2022 annual IMPEL Waste and TFS Conference took place hybrid from 8 to 10 November 2022. 86 environmental practitioners representing 33 IMPEL member countries, European institutions and global organisations including the Secretariat of the Basel, Rotterdam and Stockholm Convention, UNITAR, the European Commission DG Environment, OLAF, the European Union Forum of Judges for the Environment, the European Network of Prosecutors for the Environment, the ENVICRIME Network, and representative from Environmental Network Africa.</p> <p>The focus of the conference was Waste Shipments and Circular Economy after COVID-19 – What has happened? Following issues were covered during the conference:</p> <ul style="list-style-type: none"> - Update on ongoing projects under Waste & TFS ET - Update from European Commission and partner networks - Enforcement under the aspects art. 63 to 68 of the WSR proposal - Data, technologies and digitalization in the Waste Management Sector - End-of-Waste status assessment through IMPEL Guidance and Passport in order to overcome administrative barriers: a practical - Plastic wastes - Obligation for online market places and fulfilment service providers in Germany 	
<p>Disclaimer</p> <p>This report is the result of a project within the IMPEL network. The content of the report does not necessarily represent the view of national administrations or the European Commission.</p>	



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The conference was opened by Malta's Minister for the Environment Miriam Dalli (video), Prof Viktor Axiak (chairman ERA) and Helge Ziolkowski, chairman and Expert Team Leader IMPEL Waste&TFS. The agenda was adopted.

The first point on the agenda was the update from all IMPEL Waste and TFS (sub-) projects.

Romano Ruggeri as project leader Waste Management and Circular Economy talked about the activities:

The project has

- produced a guide on circular economy,
- developed practical tools for waste management (End of waste),
- developed a database (demo) for End of Waste,
- started a workshop for circular economy,
- Guidance for landfill inspections, Pre-treatment of waste before landfilling, Investigating gaps in implementation of the Landfill Directive,
- Waste training for control authorities,
- Promoting exchange of information and encouraging homogenisation between Member States by identifying common technical and environmental standards

Huib van Westen as project leader for Ship Recycling talked about the activities in this sub-project. The project will run from 2022 - 2024. The main aim of this project is try to link up different control authorities to improve cooperation in order to reduce illegal activity and to get more clarity with regard to when a ship becomes waste.

Brian Heffernan from the sub-project plastic waste shipment talked about their activities. The project started because China has banned the import of plastic from 2018. And in 2019 the Basel Convention made changes on the export of plastic waste and these changes has coming into force in European law 2021. The project has produced a guidance document on plastic waste, guidance documents for control inspectors, polymer descriptions, waste type and waste codes in addition to the correspondent's guideline No. 12 of COM. The guidance has been published in June 2022.

The next speaker was **Jonas Lundin as co-project leader of the sub-project Big/little TFS**. The project has made a survey for waste inspectors in the EU for investigate what needs to be done to improve the control and get a more coherent view on the waste controls. Most important was to find out how the WSR works during inspections and what must be done or changed.

Janka Steinert from the sub-project article17 WEEE directive talked about sub-projects work with enforcement against freeriders, exchange of best-practice, information & experiences concerning different issues. The project will made unofficial translation of (all) national WEEE law into English.

Martin Zemek as NCP leader Waste&TFS has given information about the short meeting of NCP's in the morning.

Next agenda points were about updates from DG ENV, CZ as EU-presidency and BRS Secretariat.

Yorg Aerts from DG ENV gave an update on the latest developments in EU waste policy: Review of the Waste Shipment Regulation, Basel Convention: e-waste, POPs Regulation, batteries, ELV, Waste



Framework Directive EoW, packaging and packaging waste, WEEE, RoHS. He mentioned the importance of the sub-project Big/little TFS for the revision of the WSR.

Tatiana Terekhova of the BRS Secretariat reported on the outcome of COP-15 and update on intersessional work towards COP-16.

Day 1 was closed with a social event.

Day 2 opened with updates from partner networks.

Otmar Deubzer from UNITAR informed that there is a project through UNITAR to looking closer at waste flows going to Africa. 80% of containers inspected containing waste declared as household items and used personal belongings mostly cars, car parts and electronic waste.

The next speaker was **Anton Purnomo from Asia Network**. He talked about promoting common understandings about illegal shipments of hazardous waste, exchanging information on legal frameworks, statistical data, cases etc. and the importance to maintaining close relations between CA/FP through face to face meetings and online Outcomes of COP15 and Intersectionality works towards COP16 (with focus on e-waste amendment).

Farah Bouquelle from EUFJE has given information about the network. The aim of this forum is to promote knowledge of environmental law among judges, exchange experiences in the field of training of the judiciary in environmental law, share environmental law practice and contribute to better implementation and enforcement of environmental law. Members of this forum are individual judges and courts (over 150 members), associate members and observers from 43 different countries.

José Manuel from Encivcrime Net told us that waste shipments are becoming a major global problem, with estimates suggesting that 25% of all of them are illegal. The companies responsible for recycling and disposing of the waste and in their quest to increase profit margins they have found that it is much more profitable for these activities to be carried out in developing countries. This whole system has been changed due to Chinese zero waste import policy. Illegal transport (and handling) of waste is an illegal activity worth between €3 000 and €10 000 million per year. This did not eliminate the activity, but simply moves it to other areas where the authorities would not yet have developed a restrictive policy.

Rob de Rijck from ENPE explained that ENPE is a European network of environmental prosecutors. Proposed activities for 2023-2025 are workshop focusing on Eastern Europe, illegal import of waste by road and dumping of waste, educational material focusing on Eastern Europe and illegal pesticides workshop on illegal pesticides: educational material and animation.

Katie Olley from SWEAP has given a summary about the results of the Shipments of Waste Enforcement Action Project and the inspection app. The next projects are Customs training and inspector exchange.

Donna Brodie has given an overview about the **Cyprus project** regarding waste treatment problems on the island. The project was running between 2020 and 2022.



The next speaker was **Mr Luigi Iginò Garruto from OLAF**. OLAF's mission and mandate The European Anti-Fraud Office (OLAF) is the only EU investigative body with a mandate to detect, investigate and work to stop fraud involving EU funds or resources. What can OLAF investigate? EU revenue: customs and anti-dumping duties, EU expenditure, structural funds, rural development funds, external assistance in cases of suspected serious misconduct by EU staff and members of the EU institutions OLAF investigates other topics. Illegal trade, infringement of intellectual property rights, health and environment. On customs enforcement of intellectual property rights (e.g. airbags, chainsaws, stocks, rum, brandy, whiskey, wine, etc. and illicit trade in pesticides, waste, timber, refrigerant gas and illicit trade in substandard face masks, disinfectants, medical equipment and medicines, food fraud (counterfeit or contaminated food products) Luigi asks that Member States make more use of OLAF. OLAF does not have experts who can qualify waste OLAF is only a support and will not lead an investigation. OLAF has the mandate to open an investigation in a Member State but they do not. The main task is to coordinate the case between different countries and contact countries outside the EU. 400 people work at OLAF, 60 of which are investigators. He told us about a case when Denmark imported hand sanitiser from Turkey and they discovered that the alcohol contained methanol. After about a month, Ireland received a consignment with the same content. Denmark reported this to OLAF who warned all Member States about this product. OLAF contacted Turkey and assisted Denmark with the investigation. Thousands of litres of this hand sanitiser were seized.

The next item was a **panel discussion about enforcement under the aspects of art. 63 to 68** of the draft revision WSR. Under the moderation of Huib van Westen Yorg Aerts (DG ENV), Luigi Iginò Garruto (OLAF), Katie Olley (SWEAP) and Helge Ziolkowski (IMPEL Waste&TFS) discussed some aspects about the new role of OLAF and the new enforcement group. It's not clear which role IMPEL Waste&TFS expert team becomes in this new enforcement strategy.

After the lunch break we had 4 separate group work about

- Art. 24 WSR experiences with return shipments (SE) regarding take back and recovery operation (Helge Ziolkowski and Egle Vilkinyte)
- Substances of very high concern (Cr VI+, other hazardous cont. in plastics or other materials) (Enes SRNDIC and Walter Pirstinger)
- Notification procedures - GLW and art. 49 (PL) (Edyta Kozłowska-Kurek and Justyna Banaszak)
- an online workshop about the role of IMPEL as observer Basel convention and EU enforcement group

Art. 24 workshop - Take-back of containers with used goods/waste under Art. 24

- Unlike Sweden, exporters (not the competent authority) organize take-back in other countries and pay for all costs.
- Containers are taken back to facilities authorized to handle the waste.
- Difficult to find facilities where sorting can take place.
- Some countries allow the exporter to empty and sort the goods themselves.



- Functional testing of goods is allowed.
- Belgium and the UK have contracts with external companies that can carry out functional testing of goods.
- The exporter can get non-waste back if the costs are paid.
- If the country of dispatch suspects that an illegal shipment of waste has left the country, tips/information about the shipment is sent to other countries through e.g. Customs or other competent authorities.
- Simplified notification process is used (Duly reasoned request (DRR) + Annex IB + G2 document).

Group work “Hazardous substances in plastics – On the example of cable sheathing/cable waste”

First, background information was given on the structure of cables, the composition of cable sheathing, additives of concern (especially DEHP, Pb/Sb compounds and BFRs), legal restrictions on additives of concern and the analytical results of several samples of cable peeling residues. Afterwards, the resulting classification of cable waste and residues from cable processing as well as the consequences for the cable processing companies were presented. Nearly all of the participants of the working group were not aware that just in a few cases waste cables can be classified as green listed waste and that most of the waste cables and waste peeling residues have to be classified as hazardous waste. Finally proposals for next steps like the amendment of the IMPEL plastic waste shipment guidance and the need of a new EU-correspondence guidelines were discussed.

The next point of the workshop was to inform and discuss about Sources of Chromium VI in the environment and at workplace; Exposure to Chromium VI; Health effects; Classification and Chromium VI detection test kit and examples. After the discussion the following questions has coming up:

- Do you agree on Dutch opinion? EWC: 17 04 09* when the concentration of Chromium VI exceeds 0,1%. When it's lower than 17 04 05 applies. WSR: Amber list A1040 (for both EWC codes). Notification procedure EU/OECD and ban for non-OECD. All participants agreed with our classification.
- Any experience with metal waste containing Chromium VI? Not yet.
- Any restrictions on national level regarding and this type of waste? Not (yet).

The specific topic of the **workshop notification procedures** was usage of Y48 code in relation to waste such as RDF containing significant amount of plastic and destined for R1 operation in non-OECD countries. According to the definition of Y48 code and Correspondent Guidelines No. 12, entry Y48 is applicable if a consignment of non-hazardous plastic waste:

- cannot be classified under B3011 because the waste is destined for operation other than recycling and /or
- the content of contamination or other types of waste exceeds a total maximum of 2 % of the weight of the consignment.



Non-hazardous waste such as RDF and similar (19 12 10 or 19 12 12 according to European Waste Catalogue) contain significant amount of plastic. According to the current experience of Polish CA, the amount of plastic in RDF varies in a wide range but is usually very high, reaching up to 80 % or even higher, in some cases even 95 %. At the same time these kinds of waste are destined for R1/D10 processes. Before Y48 entry was introduced such waste had been considered non-listed. In the current state it is unclear whether Y48 code is applicable to waste such as RDF consisting mostly of plastic. If the Y48 code should be applied, it is unclear what amount of plastic is low enough to consider a consignment of waste not falling under Y48 category. The problem described above is important in relation to export of waste to non-OECD countries because export of waste classified as Y48 is prohibited whereas export of non-listed waste is possible under notification procedure. The aim of the workshop was to gather information and discuss the approach of different authorities to classification of waste such as RDF destined R1 process in non-OECD countries. The workshop showed that:

- Most of authorities do not have enough experience with export of these kinds of waste to non-OECD countries therefore they have not yet developed any practical approach to the problem.
- The practical approach adopted by Slovenian authority is that only 19 12 10 wastes produced in accordance with national standard and containing less than 50 % of plastic is considered non-listed. Waste such as 19 12 12 and/or containing more than 50 % of plastic are classified as Y48 and consequently their export to non-OECD countries is prohibited.
- In England RDF containing less than 95 % could be considered non-listed waste.
- All participants agreed that the usage of Y48 code in relation to waste such as RDF is not clear enough and it requires further discussion.

Impel discussion.

One of the main areas where progress could be made is communication between the people on the ground and technical experts taking part in decision-making processes under the Basel Convention. Other means could be through the establishment of an email group or website where feedback could be submitted.

The group also discussed practical concerns arising from the implementation of certain rules emanating from the waste acquis, namely, how to distinguish exports of material which has reached end-of-waste status or by-products from exports of waste. Experts shared their national approach for such cases and the kind of documentary evidence that is requested from operators. National approaches on distinguishing used e-waste from used electronic equipment was also briefly mentioned.

The next speaker was **Romano Ruggeri from IMPEL**, who talked about the IMPEL digital tool that inspectors can use in the field. Its guidance can help inspectors understand the complexities and opportunities of EU environmental legislation and the different implementation practices in Member States, organise themselves more effectively, determine what support they need from politicians and legislators. become more sensitive to innovative business needs and concerns, learn about circular



challenges and good practices regarding plastics. The guide provides some practical tools relevant to final waste.

The last speaker of day 2 was **Prof. Saviour Formosa** from Malta. He talked about how Malta has **digitalised the waste transport sector**. They have set up a platform where all producers in manufacturing, waste management and transport will enter data. All lorries transporting waste must have GPS trackers. Transport companies must report how much waste they have transported. They also use satellite data to scan land areas to detect changes in the landscape. They also use drones that can take 3D images to detect illegal dumping at an early stage.

Day 3 was opened by Allison Townley.

The first speaker was **Maria Ricon Lievana** from the Commission's environment department. She talked about the **Circular Economy Action Package** for a cleaner and more competitive EU.

- new regulatory framework for batteries.
- new waste regulation Global alliance on circular economy and resource efficiency.
- proposal to review EU rules on concentration limits for persistent organic waste in waste.
- revision of the waste regulation
- start of negotiations on the global agreement to combat plastic pollution decided at UNEA5.2 in March 2022.
- March 2022 took the decision on the circular economy package.
- April 2022 took the decision to revised Industrial Emissions Directive.
- Upcoming projects are circular economy (November package)

Walter Pirstinger presented the topic “Hazardous substances in plastics – example of cable sheathing/cable waste”. The topic was presented both in a group work session and in a plenary session. Background information was given on the structure of cables, the composition of cable sheathing, additives of concern (especially DEHP, Pb/Sb compounds and BFRs), legal restrictions on additives of concern and the analytical results of several samples of cable peeling residues. Afterwards, the resulting classification of cable waste and residues from cable processing as well as the consequences for the cable processing companies were presented. Nearly all of the participants of the working group were not aware that just in a few cases waste cables can be classified as green listed waste and that most of the waste cables and waste peeling residues have to be classified as hazardous waste. Proposals for next steps like the amendment of the IMPEL plastic waste shipment guidance and the need of a new EU-correspondence guidelines were discussed.

The conference has been closed with final remarks and conclusions. Most important was to meet each other after the years of the Covid-19 epidemic, discuss and change experiences. The Steering Committee asking the participants for volunteers or the 2023 events NCP/SC spring meeting and autumn Conference f2f with NCP/SC meeting.



Besides annual reporting from international partner organisations, updates and discussions on IMPEL's activities and projects, panel discussions were facilitated with contributions from international partners organisations and non-EU countries, including from Africa and Asia, who are often at the receiving end of waste. There were presentations of case studies as well as practical examples of first enforcement experiences on the implementation on the recent Basel amendment on plastic and on the electronic exchange of data.

The conference provided good opportunity to practitioners in the field of TFS and waste management to get an update of ongoing activities and share experience and new developments in the CEAP including end-of waste and plastic waste. The conference has continued to build and maintain international cooperation with environmental enforcement practitioners and facilitating sustainable links between involved regions. This first physical meeting on Malta has shown how important the personal information exchange and the possibility to discuss global and local environmental issues is!



Annexes



IMPEL Waste & TFS Conference
8-10 November 2022
St. Paul's Bay, Malta
Agenda

Theme: Waste Shipments and Circular Economy after COVID-19
What has happened?

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Theme: Waste Shipments and Circular Economy after COVID-19
What has happened?

Tuesday 8 November	
13:00	Registration of conference participants and informal lunch
14:00	Conference opening and welcome <ul style="list-style-type: none">- Helge Ziolkowski (Chair of IMPEL Waste & TFS Steering Committee, Swedish EPA)- Hon. Miriam Dalli (Minister for the Environment, Energy and Enterprise)
14:15	Adoption of the agenda Helge Ziolkowski
14:20	Update IMPEL Waste & TFS Projects (10 minutes each) <ul style="list-style-type: none">- Waste Management and Circular Economy - Romano Ruggeri – [online]- Ship recycling - Huib van Westen- Plastic Waste Shipments - Brian Heffernan- Big/Little TFS – Jonas Lundin [online]



	<ul style="list-style-type: none"> - Implementation of Article 17 of the WEEE directive - Janka Steinert - NCP - Martin Zemek
15.30	Coffee/tea break
16.00	Update European Commission DG Environment. – Yorg Aerts
16:30	Review of WSR – update by CZ PRES – Irena Sedlackova
16:45	Update BRS Secretariat – Tatiana Terekhova
17.15	Closing of day 1
18.00- onwards	Cultural tour around Mdina and social dinner at Palazzo Castelletti

Wednesday 9 November

09:00	Opening remarks Chair – Kevin Mercieca
09:05	Update from partner networks UNITAR – Otmar Deubzer [online] Asia-Network – Anton Purnomo [online] EUFJE – Farah Bouquelle [online] EnviCrime Net – José Manuel Quintana Touza – [online] ENPE – Rob de Rijck



10.15	Coffee/tea break
10.30	External projects: - SWEAP + SWEAP APP - Katie Olley - Cyprus project –Donna Brodie, Simon Bingham and Janet Wade – [online]
11.00	Introduction of OLAF related to WSR/TFS - Luigi Iginio Garruto
11:15	PANEL: Enforcement under the aspects art. 63 to 68 of the WSR proposal Moderator – Huib van Westen COM – Yorg Aerts OLAF – Luigi Iginio Garruto IMPEL – Helge Ziolkowski SWEAP – Katie Olley
12:00	Data, technologies and digitalization in the Waste Management Sector - Prof. Saviour Formosa and Sergio Tartaglia
12:20	Introduction to the group work
12.30	Lunch break
13:30	Group work/tea house principle discuss 15 min about different themes regarding enforcement <ul style="list-style-type: none"> - Art. 24 WSR experiences with return shipments regarding take back and recovery operation (Helge Ziolkowski and Egle Vilkinyte) - Substances of very high concern (Cr VI+, other hazardous cont. in plastics or other materials) – Enes Srndic and Walter Pirstinger - Notification procedures - GLW and art. 49 (PL) - Edyta Kozłowska-Kurek and Justyna Banaszak.



14:30	Coffee/tea break
15:00	Results from the group work

Session: The role of End-of-Waste in the Waste Framework Directive and effects on the movement of waste across borders

15:30	Inspections at the End-of-waste production (waste recycling) installations: the IMPEL Guidance inspection tools - Romano Ruggeri (Project Leader IMPEL WMCE Project) [online]
15:50	End-of-Waste status assessment through IMPEL Guidance and Passport in order to overcome administrative barriers: a practical case – Luca Paradisi (IMPEL WMCE project core team member). [online]
16:10	Q&A Session
16:30	Closing the Day - Allison Townley
18:00 - onwards	Boat Trip from St.Paul’s Bay to Valletta (weather permitting), Cultural tour of Valletta and social dinner at Muza



Thursday 10 November	
09:00	Opening remarks Chair: Allison Townley
09:05	Newest circular economy package - Maria Rincón-Liévana (online)
10.00	Coffee/tea break
10.30	Plastic wastes - Plastic Waste Shipments (Brian Heffernan) – next steps/results expected (R3/R12) - Hazardous substances in plastics – classification/relation to WSR entries and procedures – Walter Pirstinger
11:30	Obligation for online market places and fulfilment service providers in Germany – Janka Steinert
12.00	Official closing of the conference Malta representative - Kevin Mercieca
12.20	Final remarks and conclusions of the conference
12.30	Farewell lunch and Departure