



IMPEL-TFS ENFORCEMENT ACTIONS II

Enforcement of EU Waste Shipment Regulation

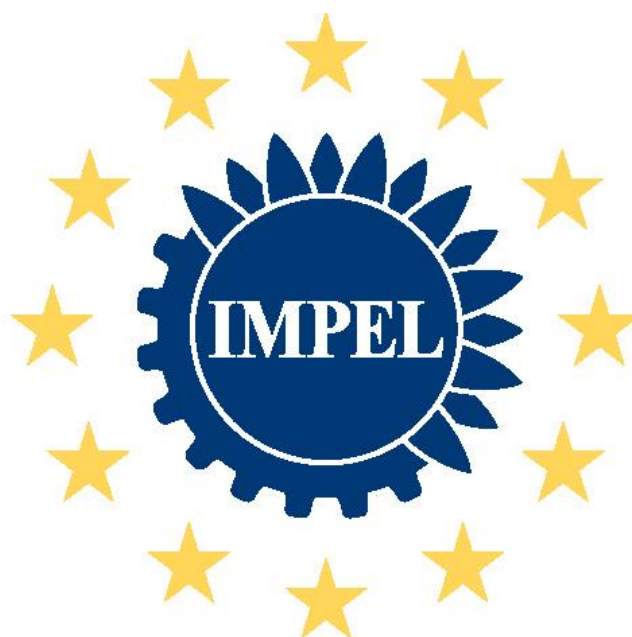
“Learning by doing”

12 October 2009

Interim Project Report



European Union Network for
the Implementation and Enforcement
of Environmental Law



European Union Network for the Implementation and Enforcement of Environmental Law

The European Union Network for the Implementation and Enforcement of Environmental Law is an international association of the environmental authorities of EU Member States, EU acceding and candidate countries, and EEA countries.

The network is commonly known as the IMPEL Network

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on certain of the technical and regulatory aspects of EU environmental legislation. 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. It promotes the exchange of information and experience and the development of greater consistency of approach in the implementation, application and enforcement of environmental legislation, with special emphasis on Community environmental legislation. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourages the development of enforcement structures and best practices.

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

<http://ec.europa.eu/environment/impel>

Title report: <ul style="list-style-type: none"> IMPEL-TFS Enforcement Actions II, Interim Project Report October 2008 – May 2009 		Number report: 2008/05
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Executive Summary:

After the Seaport project and Verification project, the Waste Enforcement Action I project has been performed from September 2006 to June 2008 under the umbrella of the IMPEL-TFS Network. Due to the results of Waste Enforcement Action I, a follow up project covering the period 2008-2010 was adopted by the IMPEL plenary.

Within this “IMPEL-TFS Enforcement Action II Project” joint inspections and exchange programs have been planned and performed – in three inspection periods – under the revised Waste Shipment Regulation 1013/06 which is applicable since 12 July 2007.

This report describes the preliminary results of the IMPEL-TFS Enforcement Actions II project carried out from October 2008 through May 2009 by 22 Member States and 4 further European countries. From these 26 countries 22 countries have completed and reported inspection activities. The project will continue with further joint activities till March 2011.

Main aim of this current Enforcement Actions project – as well as of the previous one – is to contribute to a permanent and consistent level of enforcement of Waste Shipment Regulation within Europe.

During the reporting period 10,481 transports were checked and 7,886 (roughly 75%) underwent physical inspections. Out of these 25% were related to transfrontier shipments of waste.

In 19% of these inspected waste shipments, violations of the WSR requirements were detected of which 37% were illegal transports, 46% were administrative violations and 17 % other violations. It should be noted that these figures are based on at random and target-oriented inspections and therefore do not reflect the overall compliance level in Europe. The four most frequent categories of waste where violations have occurred are (with a roughly equal share) paper and cardboard, plastic, metal and waste of electrical and electronic equipment (WEEE).

An inclusion of reported ad hoc inspections increase the figures to over 11,500 transport inspections and several hundred company inspections, with over 100 additional illegal shipments detected.

Results show that within the Enforcement Action II project major success has been made in terms of active participation of MS, number of inspections, exchange programs, joint activities and participation of customs and police officers. There are indications that enforcement of the EU waste shipment regulation is gaining in importance and priority. The activities of the past months however, also clearly showed that it would be highly beneficial to get on board all MS in order to prevent and eliminate illegal “escape routes” (e.g. by port-hopping) from the Community.

Priority for enforcement of the EU WSR at the high level in the MS should be further increased, efforts to further enhance participation of cooperating enforcement bodies (customs, police) should be continued and further emphasis should be put on continuous training on waste shipment inspection at European level.

Disclaimer:

This report on the Enforcement Actions 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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Foreword

Good implementation and enforcement of EU environmental legislation is essential to reduce negative environmental impacts, to achieve a high level of resource-efficiency and to further develop related industries and services in Europe. Therefore, proper implementation of EU environmental legislation is a priority of the Commission's environmental policy. In the area of EU waste legislation we are presently focussing on problems with the most serious impacts for citizens' health and environment, namely illegal waste shipments and illegal landfills. Full implementation of the export bans in the EU Waste Shipment Regulation for hazardous waste and waste for disposal to developing countries are of key importance. The currently high rates of illegal waste shipments to those countries must be brought down.

IMPEL's transfrontier shipment cluster and its enforcement projects have been of great help. They have provided a clear insight into how serious and wide-spread the problem of illegal waste shipments really is and successfully launched many joint inspections. They also achieved an extensive exchange of officials between Member States as well as neighbouring countries.

The Commission continues to assist Member States in addressing the problem of illegal waste shipments. The recently proposed recast of the WEEE Directive includes additional rules to avoid illegal shipments of electronic waste, especially when falsely declared as used electrical and electronic equipment. Legislative efforts are complemented by awareness events and structured dialogues with the Member States. The Commission is also setting up a helpdesk and is assessing the feasibility of strengthening the inspection requirements under the Waste Shipment Regulation.

Many of these activities are new and can still be widened or refined but the first results are very encouraging. Business, administrators and policy makers together will continue to make progress towards better implementation – learning by doing.

Timo Makela
Director
Directorate-General for the Environment, European Commission



Summary

Introduction

Precursor projects, such as the IMPEL-TFS Verification project, the Seaport project and the IMPEL-TFS European Waste Enforcement Actions I project have shown the need for cross-border collaboration at an operational level in order to effectively implement and enforce the new Waste Shipment Regulation 1013/2006 and prevent illegal waste transports. During these projects valuable experience has already been gained regarding inspection methods, enforcement structures, planning inspections and exchange of staff and information.

Due to the results of Waste Enforcement Action I, the Terms of Reference (ToR) for a follow up project covering the period 2008 to 2011 was adopted by the IMPEL plenary.

This “IMPEL-TFS Enforcement Action II Project” covers the period of October 2008 to March 2011.

The main objectives of this project are to work towards an adequate level of inspections in all Member States and at all exit points of the EU, to introduce complete measures in order to prevent and detect illegal waste shipments and to deter illegal waste exporters, to verify waste destination and the treatment at destination within or outside Europe, to set up training and exchange programmes for inspectors, and to maintain and improve the network and collaboration of front line inspectors and other competent authorities and enforcement partners by exchange of information and knowledge.

This interim report covers joint inspections and exchange programs that have been planned and performed in three inspection periods from October 2008 through May 2009.

Project description

The Enforcement Actions II project started in October 2008 with a two-day start conference in Utrecht and is scheduled to last overall until March 2011, with actual service contracts providing the basis for this interim report running till July 2009. It is organised, managed and financed by the European Commission, DG Environment, and co-financed by IMPEL-TFS. During the start conference representatives of enforcement authorities gathered to discuss and propose further improvements. Participating countries intended to intensify their joint inspections and exchange information in order to align enforcement activities to protect the environment. At the moment 22 EU member states and 4 other countries participate in the project. The first results of inspections and exchange programs are now available. Inspection activities focus on transport inspections, company inspections and inspection of (custom) documents. Special attention is paid to undeclared waste shipments, waste electronic equipment, end of life vehicles, green listed waste, batteries, household waste, and waste disguised as second hand goods. Another major focus is exports of waste to non-OECD countries and imports of waste into new Member States. Within the participating countries cooperation will include authorities like Environmental Inspectorates, custom services, police and port authorities.

Inspections have been performed by 22 countries in three phases between October 2008 and April 2009, some of them as joint inspections with several countries participating, e.g. at border crossings. As

a further accompanying measure, exchanges of inspectors have been planned and performed, both between different Member States or accessing countries and between officers, inspectors and other experts from customs, police, environmental and local authorities.

Project Results

The results gained up to the present stage can be divided into inspections and co-operation. Aggregated results of individual inspection activities within the three successive inspection periods are shown in Table S-1:

Table S-1: Results of single inspection cases during the three inspection periods

Type of inspections	October - December 2008	January – February 2009	March – June 2009	Total
Total number of transports	3,845	2,584	4,052	10,481
Administrative checks	2,836	2,442	3,096	8,377
Physical inspections	3,098	1,459	3,329	7,886
Number of transfrontier shipments of waste	716	331	888	1,935
Percentage transfrontier shipments of waste of total physical inspections	23%	22%	27%	25%
Number of violations of the WSR	180	58	129	367
Percentage of transfrontier waste shipments in violation of the WSR	25%	17%	14%	19%

- 1) On the one hand some countries reported exemplary or typical cases, on the other hand one transport can be associated with more than one violation, each of which is counted separately here.
- 2) For a detailed listing of violations see Table 3.6.

On the basis of the compiled results one can draw the following conclusions:

- During the overall project phase a total number of 10,481 transports were inspected, this comprises the inspection of containers, trucks, trains and documents.
- Of these overall inspections reported, in 7,886 cases (roughly 75%) also physical inspections of cars, trains, containers or storage locations have taken place.
- Out of these physical inspections, 1,935 transports, i.e. roughly 25%, concerned transfrontier shipments of waste.
- All in all, 367 of the inspected waste shipments, this means 19%, turned out to be in violation of the WSR requirements, of which 46% were administrative violations, 37% were illegal transports and 17% other violations.

It must be noticed that these figures are based on at random and target-oriented inspections and therefore do not reflect the overall compliance level in Europe.

In addition to these results, reported ad hoc inspections increase the total amount of inspections to over 11,500 transport inspections and several hundred company inspections. During these activities over 100 additional illegal shipments have been detected and investigations have been started.

There are two main focuses of violations. One is the area of administrative violation referring to the information request of Art. 18/Annex VII (for green listed waste). The second is illegal export due to a ban or a notification obligation. This is mainly observed in relation to transports from the EU to countries in Africa or Asia.

The four most frequent categories of waste where violations have occurred are (with a roughly equal share) paper and cardboard, plastic, metal and electrical and electronic equipment (WEEE) waste.

Conclusions

Results show that within the Enforcement Action II project major success has been made in terms of active participation of MS, number of inspections, exchange programs, joint activities and participation of customs and police officers. There are indications that enforcement of the EU waste shipment regulation is gaining in importance and priority. The activities of the past months however, also clearly showed that it would be highly beneficial to get on board all MS in order to prevent and eliminate illegal “escape routes” (e.g. by port-hopping) from the Community.

Recommendations

Priority for enforcement of the EU WSR at the high level in the MS should be further increased, efforts to further enhance participation of cooperating enforcement bodies (customs, police) should be continued and further emphasis should be put on continuous training on waste shipment inspection at European level.

1 Introduction

1.1 Background to the Regulation of transfrontier shipment of waste

Increasing international trade within the Single European Market, but also globalization of markets worldwide, also induces an increase of international material flows of products at their end-of-life stage. However, this trans-frontier shipment of waste – defined as transport of waste across national borders – is also a result of the world’s economy of demand and supply of waste in peculiar and available waste treatment facilities. In the European Union approximately 15% of all shipments involve waste. In most cases waste ends up in environmental sound processing facilities. Waste, however, is also being shipped by road, railway, marine or air transport all over the world in order to make profits, to save costs or to transfer environmental and health problems to other areas, as the Probo Koala scandal. Therefore efforts have to be taken on an international basis to prevent such waste shipments and their risks for human health and the environment.



Figure 1-1: E-waste recovery in Ghana endangering health and environment Source: van Houten, J. (2008), MINVROM (Presentation at the Start Conference in Utrecht)

On the EU level, European Council Regulation 259/93 (OJ L30, 1993) on the supervision and control of shipments of waste within, into and out of the European Community came into force in 1994. One of the main purposes of the European waste regulation was to take care of the environmentally sound processing of waste. Another purpose was to prevent shipment of environmentally harmful waste to countries not having any provisions to cope with these types of waste.

Thirteen years later, Regulation 259/93 has been replaced by Regulation 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.07.2006, p. 1-98). This new Waste Shipment Regulation (WSR) came into force on 12 July 2007 and is based on:

- the Basel convention (1989), which regulates the movement of hazardous waste;
- an OECD decision (1992), regulating shipment for recovery into European regulation;
- the Council Directive 2006/12/EC on waste (OJ L 114, 2006), which replaces the EU Waste Framework Directive 75/442/EEC on waste (OJ L 194, 1975).

Article 50 of the new WSR contains the provisions on enforcement:

Article 50

Enforcement in Member States

1. Member States shall lay down the rules on penalties applicable for infringement of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify the Commission of their national legislation relating to prevention and detection of illegal shipments and penalties for such shipments.
2. Member States shall, by way of measures for the enforcement of this Regulation, provide, inter alia, for inspections of establishments and undertakings in accordance with Article 13 of Directive 2006/12/EC, and for spot checks on shipments of waste or on the related recovery or disposal.
3. Checks on shipments may take place in particular:
 - (a) at the point of origin, carried out with the producer, holder or notifier;
 - (b) at the destination, carried out with the consignee or the facility;
 - (c) at the frontiers of the Community; and/or
 - (d) during the shipment within the Community.
4. Checks on shipments shall include the inspection of documents, the confirmation of identity and, where appropriate, physical checking of the waste.
5. Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments.
6. Member States shall identify those members of their permanent staff responsible for the cooperation referred to in paragraph 5 and identify the focal point(s) for the physical checks referred to in paragraph 4. The information shall be sent to the Commission which shall distribute a compiled list to the correspondents referred to in Article 54.
7. At the request of another Member State, a Member State may take enforcement action against persons suspected of being engaged in the illegal shipment of waste who are present in that Member State.

Hence, the new Waste Shipment Regulation contains a number of additional measures and clearer specifications to strengthen the enforcement and prevent illegal shipments of waste. This includes several new obligations for Member States; furthermore they have the duty to report annually to the European Commission on taken measures and state of implementation.

Management of waste shipment and implementation and enforcement of legal requirements involves various authorities. This comprises namely the authorities permitting the transports concerned with preparation of the required documents (notification procedures), as well as all authorities involved in inspection and control of compliance and detection of infringements. This group consists of different customs and police services and environmental inspectorates. Involved authorities commonly pertain to different Ministries such as Ministry of Environment, Ministry of Finance or Ministry of the Interior. Therefore cooperation between the involved national authorities has to be trained – recent projects have shown that an effective control of illegal shipments requires cooperation of all involved authorities at national level as well as comparable standards and cooperation throughout the European Union. Consequently, the new regulation requires bilateral or multilateral cooperation with one another besides the establishment of the necessary administrative infrastructure and cooperation at national level to assure the implementation of the legal provisions.

1.2 Background to IMPEL-TFS and coordinated enforcement activities

As a follow-up of the previously informal “IMPEL Network”, The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) has now the status of an international non-profit association of the environmental authorities of the Member States, acceding and candidate countries of the European Union and EEA¹ Countries.

The various interrelated IMPEL projects and activities are grouped together via so-called clusters. They are an informal forum for initial discussion and development of new ideas into practical proposals. Clusters have also a review function concerning progress and final reports of projects grouped under it. At present there are three active clusters, one of them being Cluster TFS (Trans Frontier Shipment of waste). The IMPEL-TFS network was set up in 1992 in order to harmonise the enforcement of EU Regulation 259/93 (replacing EC Directive 84/631) on Transfrontier Shipments of Waste with regard to the supervision and control of waste shipments into, out of and through the European Union. This network consists of representatives from enforcement authorities of the Member States and some other European countries working on Transfrontier Shipment of Waste.

The main aim of the IMPEL-TFS network is to promote compliance with WSR through enforcement, to carry out joint enforcement projects and to promote exchange of knowledge and experience. In addition, the network aims to develop methods and common minimum standards for monitoring and enforcing compliance to waste shipment regulations throughout the European Union. The network has also established collaboration with other authorities including Interpol and authorities outside the EU. In the Multi Annual Work Programme 2007-2010 the targets are set as follows:

- capacity building;
- improving methodologies;
- development of good practices;
- promotion of IMPEL and dissemination of its products.

¹ European Economic Area

Since 2003 the IMPEL-TFS cluster has carried out several enforcement projects. The overall aim of the projects is to support effective cross-border control of waste shipments. The intention of this enforcement collaboration is to target only those waste shipments suspected of being illegal and not disrupt the business of compliant operators. The collaborative activities involved are the exchange and sharing of information and performance of joint inspections by regulators from several European countries. Some obstacles and challenges still exist. Cooperation between the various involved authorities, such as environmental agencies, Customs and Police, is not yet a routine procedure. However, these authorities will undeniably need to call upon each other's skills and experience. Sharing information between authorities at national and international levels is also a challenge, due to the different systems used and some of the legal restrictions that constrain information sharing in a number of organisations.

The three enforcement projects run under the umbrella of the IMPEL-TFS network are:

- Seaport (1 and 2 completed);
- Verification project (1 and 2 completed).
- Enforcement Actions project (1 completed, 2 ongoing)

The main objective of the **Seaport projects 1 and 2** was to improve the joint enforcement of WSR 259/93 in the participating ports by aligning the enforcement activities and join enforcement of waste shipped through ports. Enforcement structures in the participating ports were drawn up and the cooperation between national and international authorities involved in the enforcement of waste shipments started and intensified. Joint inspections were carried out in participating seaports, according to a uniform inspection method. Furthermore, experience, best practices and knowledge regarding the implementation and enforcement of WSR 259/93 were shared between the participating countries.

Also the IMPEL-TFS **Verification project** included two project phases 1 and 2. During the first project the participating countries checked whether notified waste actually did reach their final destination as stated in the given notification. These checks were based on a three-day prior notification. Seven EU countries participated in this project. The second Verification project focused on all waste streams of WSR 259/93.

Both the Verification and the Seaport project ended in June 2006. Conclusions from both projects were similar: many illegal shipments were detected, and most illegal transports were found to be defined as 'green listed waste' or not defined as waste at all, while the actually transported waste had been defined as 'not listed', 'amber' or 'red listed waste' (lists of waste according WSR 259/93). These projects can be evaluated as a first step towards work on a EU-wide level playing field concerning the enforcement of waste shipments, but a definite need for follow up has been identified. The final Seaport project conference in Liverpool and the Verification Project meeting in Zagreb concluded that both projects had ended too early. However, valuable experience has been gained regarding inspection methods, planning inspections and exchange of staff and information via these projects. It was recommended to combine the methods used in both projects into one strategy to be applied in future TFS activities. Based on these findings, all involved enforcement organisations stressed the need to continue joint inspections and enforcement of waste shipments.

Based on the above reasons, IMPEL-TFS started a new **Enforcement Actions** project which had also the aim to prepare the EU MS for the enforcement of the new Waste Shipment Regulation (1013/2006). The Enforcement Actions project therefore combines the objectives and activities of both previous Seaport and Verification projects.

With the Enforcement Actions project IMPEL-TFS aims at further improvement of implementation and enforcement of environmental legislation by the EU Member States. Within the project EU Member States can continue to develop their expertise in enforcement inspections and the new Member States can acquire the skills necessary to enforce legislation in their own countries. The Enforcement Actions I project phase, comprising four inspection periods during the period from February 2007 to February 2008, has come to an end in June 2008 and has been followed up by Enforcement Actions project, part II, which started in October 2008 and is scheduled to finish in March 2011.

1.3 Target group

The results of this Enforcement Actions II project will be distributed to the various stakeholders namely IMPEL network, European Commission, Member States, IMPEL-TFS National Contact Points, European Parliament, Waste Shipment Correspondents Group, Basel Secretariat and NGOs. The project background and information is available for project members via the VIADESK website and will be published on IMPEL and IMPEL-TFS websites.

2 Project description

2.1 Objectives and priorities

The previously performed Enforcement Actions I project and the current Enforcement Actions II project have been organised by IMPEL-TFS, the network of enforcement agencies of the EU Waste Shipment Regulation (WSR). During the execution of the project phase I, on 12th July 2007, the new WSR (1013/2006) was instated. This new regulation contains, inter alia, provisions regarding enforcement and obligatory cooperation between Member States and sets up a framework for such co-operation via national designations of focal points.

Within the “IMPEL-TFS Enforcement Action II Project” joint inspections and exchange programs are executed under this Regulation EC (No) 1013/2006. Therefore the project especially aims to prepare the EU MS for and aid them with the enforcement of the new requirements.

The objectives of this Waste Enforcement Action II project are in particular:

1. To work towards an adequate level of inspections in all Member States and a consistent level of enforcement at all exit points of the EU.
2. To introduce better completeness of the measures taken to prevent and detect illegal waste shipments, by also promoting source checking at waste facilities and a cradle-to-grave approach in order to achieve maximum environmental outcome.
3. To verify waste destination and the treatment at their destination within or outside Europe.
4. To set up training and exchange programmes for inspectors.
5. To provide for an easily accessible European enforcement project for all Member States.
6. To deter potentially illegal waste exporters.
7. To maintain and improve the network of front line inspectors, inspection methods, exchange of information and exchange of knowledge.
8. To demonstrate that the Member States continue the European enforcement.
9. To collaborate between the different competent authorities and enforcement partners.
10. To acquire the necessary skills to enforce the legislation in their own countries for Member States lagging behind in implementation can acquire

This shall be achieved inter alia by:

1. Agreeing upon and executing an adequate level of inspections – preferably on a joint level – with regard to waste shipments in order to increase the level of compliance with the WSR. These inspections range over harbours, railway and road transport as well as waste producers and waste management companies.
2. Including, if possible, all Member States
3. Developing and/or adjusting inspection methods
4. Applying a chain approach: This means that the competent authorities check the company of destination whether the waste is treated in an environmentally sound manner. If necessary the authorities check the company where the waste was dispatched. Verification can also be carried out within non-OECD countries which have an interrelation with another TFS project on the establishment of an enforcement network in Asia.
5. Communication about this project and the different inspections.
6. Exchange of front-line inspectors during inspections and meetings.
7. Exchange information and views.

2.2 Participating countries

As illustrated in Table 2-1, 22, EU Member States and four further European countries (Norway, Croatia, Serbia and Switzerland) participated in this Enforcement Actions II project.

Table 2-1: Participating countries

1. Austria (AT)	10. France (FR)	19. Poland (PO)
2. Belgium (BE)	11. Germany (DE)	20. Portugal (PT)
3. Bulgaria (BG)	12. Hungary (HU)	21. Romania (RO)
4. Croatia (HR)	13. Ireland (IE)	22. Serbia (RS)
5. Cyprus (CY)	14. Latvia (LV)	23. Slovenia (SI)
6. Czech Republic (CZ)	15. Lithuania (LT)	24. Sweden (SE)
7. Denmark (DK)	16. Malta (MT)	25. Switzerland (CH)
8. Estonia (EE)	17. The Netherlands (NL)	26. United Kingdom (UK)
9. Finland (FI)	18. Norway (NO)	

Countries highlighted in orange did not report inspection results.

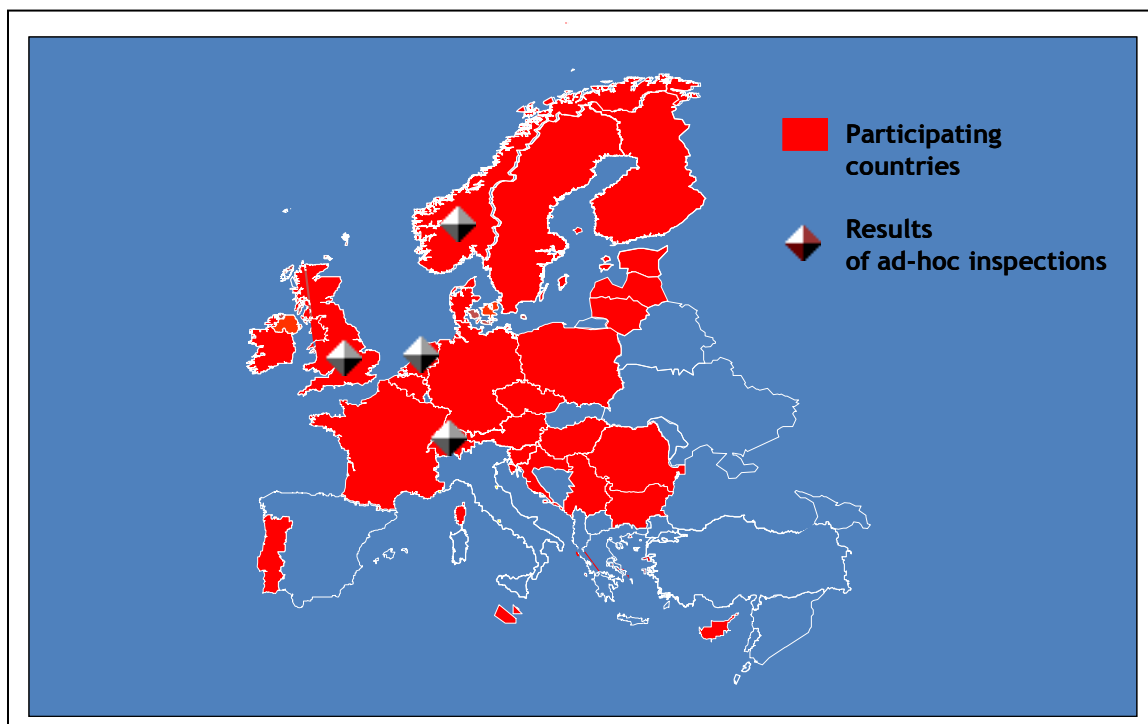


Figure 2-1: Participating EU and further European Countries
Red: Participating countries
Rhombi: Countries sending results of ad-hoc inspections

2.3 Project management

The Netherlands supply the project manager for the entire project running time until March 2011. Funding of a management support for the period Sep. 2008 to July 2009 is provided by the EU Commission. The coordinator of the project is the Dutch Ministry of Housing, Spatial Planning and the Environment (VROM) under the umbrella of the IMPEL-TFS. The project management comprises a principal and a project manager from the Netherlands. The ESWI consortium consisting of BiPRO GmbH, Germany, and the Umweltbundesamt (Environmental Federal Agency), Austria, are contracted as project consultants for the reporting period through July 2009. The members of the project management team can be found in Annex I, part B.

2.4 Project approach





This project consists of three main steps of preparation, implementation and reporting/communication. All activities such as the support for the organisation of joint enforcement actions, guidance documents on shipment inspection, communication activities, and meetings and documentation (described as original work packages), can be integrated in these steps.

These general main steps or fields of functions consist of the following operational steps performed up to now or to be implemented during the remaining time of the project:

- **Preparation:** Organisation of a 2-day start conference during which the project outcomes, plans and results of inspections and expert exchanges have been agreed upon, and of a smaller final conference (optional), chiefly serving for review purposes
- **Operation:** Detailed planning, preparing and executing of transport, company, combined and other inspections, verifications and exchanges of inspectors
- **Reporting and communication:** Collection of all data, report and communication of the inspection and exchanges results.
- **Evaluation:** Assessment of inspection results, success of measures and the Enforcement Actions project series, conclusions, obstacles, lessons learnt and approaches for further improvements.

The project phase covered by this interim report comprises the period October 2008 through July 2009. The planning of the main work packages and working steps is shown in Table 2-2.

Table 2-2: Time schedule of project phasing and activities

Task	Month Year	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	June 2009	July 2009
Preparation											
Organisation of conferences		©									©
Implementation											
First, second and third inspection periods		1 ¹⁾	1	1	2	2	3	3	3 ²⁾		
Reporting/Communication											
Project execution: Collecting data, communication, reports											

Legend:  Reports © Start conference and Final review conference

- 1) The first inspection period has officially been scheduled for November and December 2008; however, some inspections in France, the Netherlands and Northern Ireland that have already taken place in October 2008 have been attributed to this inspection period as well (see Table 0-6, 0-10 and 0-11 in Annex II A).
- 2) The third inspection period has officially been scheduled for March and April 2009; however, some inspections in Hungary, Estonia and Finland (joint inspection), Lithuania and Poland (joint inspection) and Denmark have been scheduled or postponed for May 2009. As far as results have been available up to the finalisation of this report, these inspections have been attributed to this inspection period as well.

2.4.1 *Project preparation*

Immediately after the project start an initial conference has been organised by the project team in close cooperation with the Enforcement Action II project leader (Jolanda Roelofs, now replaced with Carl Huijbregts).

The Start conference of IMPEL-TFS Enforcement Action Project was held in Utrecht, The Netherlands, from 16 to 17 October 2008. This conference was organized by the project management from the Dutch Inspectorate of the Ministry of Housing, Spatial Planning and the Environment (VROM) together with the project consultants from ESWI consortium (BiPRO GmbH, Germany and Umweltbundesamt, Austria).

The conference was attended by TFS national coordinators and other representatives of national institutions involved in inspections and/or verifications of waste shipments. Participating countries were Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Malta, Portugal, Romania, Serbia, Slovenia, Sweden, England, Northern Ireland and The Netherlands.



Figure 2-2: Participants of the Start Conference in Utrecht 16 and 17 October 2008

In addition Poland, Switzerland and Norway expressed the will to participate in the project, although no representative could attend the conference. The country coordinators and representatives of other countries expressed their wish to at least follow the project and will be informed about the results from the conference.

The specific objectives of the Utrecht conference included a discussion on the following topics:

- Outcome of the enforcement action I project;
- Experiences from visits to third countries where waste is recovered and disposed of under insufficient conditions
- Requirements and priorities from the EU point of view;
- Possibilities for effective cooperation with customs

- Ideas and concrete proposals for improvement for project activities and instruments (inspection and verification, enforcement tools, communication)

The conference included subgroup and plenary sessions, presentations, interactive games and discussions. The results from the meeting correspond to its objectives. The objectives set before the event, were achieved through the collaboration of all participants, organizers, and sponsor. In the end of the meeting the decisions were made and time schedule agreed.

At this Start conference in addition agreements have been made on Joint inspections and planned programs for the exchange of information, knowledge and inspectors in 2008 and 2009.

In conjunction with the organisation of the Start conference, a common lay-out has been drafted as “corporate identity sign” or logo for the project (shown in Figure 2-3) that re-appears on all project related documents.



Figure 2-3: The corporate identity sign or logo of the IMPEL-TFS Enforcement Actions II Project

Conference results – inspection activities and exchange programmes

As outcome of the Start Conference inspections during the first, second and third inspection period have been announced by the following countries:

Table 2-3: Inspections envisaged during Project Start Conference

	Harbour/seaport	Road	Others: train, airport, etc	companies
1. period	BE, CY, DK, EE, LV, NL, UK-NI, PT	AT, HR, CZ, DE, NL, UK-NI, PT, RS, SI		CY, LV, UK-NI, RS
2. period	CY, DK, EE, FI, IE, LV, NL, UK-NI	HR, CY, CZ, HU, NL, RO, RS, SI	RS	CZ, IE, LV, UK-NI, RS
3. period	BE, BG, CY, DK, FI, IE, LT, LV, NL, UK-NI, PT, SI	AT, BG, HR, CZ, DE, EE, HU, IE, LT, NL, UK-NI, PT, RS, SI	NL, RS	CY, IE, LV, UK-NI, RS

In more than 50% of the cases envisaged inspections should be performed as bilateral or international cooperation.

In addition exchange programmes have been announced for 2009 by the following countries:

Table 2-4: Exchange programmes envisaged during Project Start Conference

	Send to	Welcome from
AT	AT, BE, BG, HR, CY, CZ, DE, DK, EE, FI, IE, LT, LV, MT, UK-NI, PT, RS, SI	BE, HR, CY, CZ, DK, LT, PT, RS

The majority of participating countries expressed preferences for Belgium and the Netherlands as partner country, but also exchanges between neighbouring countries or to countries such as United Kingdom, Ireland, Denmark, Germany, and France have been mentioned.

A welcome to all or a wide range of interested countries was offered by Cyprus, Czech Republic, Denmark, Portugal and Serbia.

For more details on announced activities see Annex II to this report.

Conference results – enforcement tools, inspection quality, communication

The Start conference also comprised a series of parallel workshop sessions where the experts were asked via questionnaires about their opinion and agreement on good practice of proposals and which elements are regarded by them as especially important or effective. In the following some essence of these expert opinions is highlighted.

With regard to **enforcement tools** highest approval was attributed to proposals in the categories “information” and “training”, whereas awareness and additional tools were not seen as major priority. The highest absolute ranking was attributed to:

- summaries of national guidelines (e.g. classification end-of-life vehicle, second hand car) with information on competent officials to be contacted for further information
- databases of suspicious waste codes/customs codes
- databases for green listed waste (classification aspects, limit for other materials contained)
- list of indicators for suspicious transports/vehicles targeted to customs/police
- training material translated into national language for police/customs education
- exchange of information on illegal shipments between MS (kind of waste, country of dispatch and destination; no information on persons/enterprises)

With regard to **inspections and verification** the highest number of proposals as examples of good practice was made in the categories “cooperation” and “quality of inspections”. Lesser proposals could be generated in the categories “exchange programs”, “assistance on national level”, “national enforcement actions” and “priority waste streams”. The highest overall ranking was attributed to:

- joint inspections
- high level agreement on responsibilities, memorandums of understanding and planning
- the inclusion of an expert in the inspection team who is entitled to perform physical inspections and e.g. block trucks

Communication tools were evaluated in the following way: In the category “website” the highest number of proposals was generated. Especially the installation of a protected area was strongly requested. The categories “newsletter” and “communication with customs and police network” were

not seen as such priority areas by participants. Nevertheless in all categories proposals were highly supported. The highest ranking was attributed to:

- Short stories about practical cases (newsletter)
- Entry page in English (Viadesk)
- Transposition table waste/customs codes (IMPEL-TFS or EU homepage)
- Contact details of all involved experts (IMPEL-TFS or EU homepage; to be coordinated by IMPEL-TFS secretariat and provided by Member States)
- Provide customs authorities with names of IMPEL-TFS country coordinators

Other proposals were controversially ranked, i. e. both positive and negative:

- Article from industry (newsletter)
- List of “good companies”
- Data base on convicted prosecutions

What has not been supported was the suggestion of a letter from project management or the EU to customs head offices asking for stronger support and cooperation.

In another workshop session participants were asked to help each other in defining their national goals with respect to enforcement of Regulation EU (No) 1013/2006, the approaches to reach it and concrete possible next steps. The following answers have been prevalent:

- In order to reach the aims, more national and bilateral cooperation, networking and planning are the major activities stated
- Within one year, in accordance with the current state of enforcement, the establishment of infrastructure should be developed but also e.g. the execution of daily port inspections
- As special needs identified, especially training, increased human capacity and improved cooperation namely with neighbouring countries have been highlighted
- In order to reach the goals, answers focused on training, exchange programs, joint inspections and establishment of cooperation agreements, but also the establishment of contacts with important third countries such as China/Hong Kong was mentioned
- Ideas for concrete action plan contained specific elements such as inspections and exchanges, training, communication, networking (seaports, with customs and other MS), port profiling and establishment of infrastructure.

Conference results – conference improvement

The conference itself has been evaluated by a questionnaire. In general the conference preparation, organization, results and venue were evaluated as good to very good by the participants. With the exception of too long presentations, elements in general should be kept.

On the other hand it was proposed to add more practical parts (interactive games, exercises, case studies, inspection examples, pictures and visits to harbours and road instructors), more time for workshops and brainstorming, news about training material, reports from joint inspections and problems of customs and police officers, more instructions for inspectors, and more information on waste definitions as well as concrete ways of cooperation on the field.

2.4.2 Project operation

Like goods also waste follows a certain life-cycle or management chain and goes through several process steps such as production, transport, storing, interim and final treatment. Therefore, ideal supervision and control should be achieved by means of a systematic “chain enforcement”. This means at all potential sites where waste is situated or passes through:

- Freight transport (road, railway, waterway/harbours, air)
- Companies where physical activities with waste take place (waste generation, storage, segregation, conditioning, recycling, destruction, disposal)
- Administrative checks of documents at customs and other governmental authorities and waste brokers and trading companies
- Combination of inspections mentioned above

In general, the established, proved and tested approach performed in previous projects, especially IMPEL-TFS Enforcement Action I, has been followed. This comprises the selection of transport vehicles or vessels for inspection and a pre-selection of waste shipments based on customs documents especially during seaport inspections.

In the following cases a violation of the requirements of the Regulation is identified:

- if a shipment does not have the necessary documents
- if the material transported does not correspond to the information in the documents
- in case of illegal treatment or a ban.

Although in detail the procedure and extent of supervision and control over waste shipments varies in the participating countries due to a different organisation of tasks, responsibilities and authorities, a common standard organisation and operation procedure was introduced and followed in both phases of the IMPEL-TFS Enforcement Actions, as illustrated in Figure 2.4.

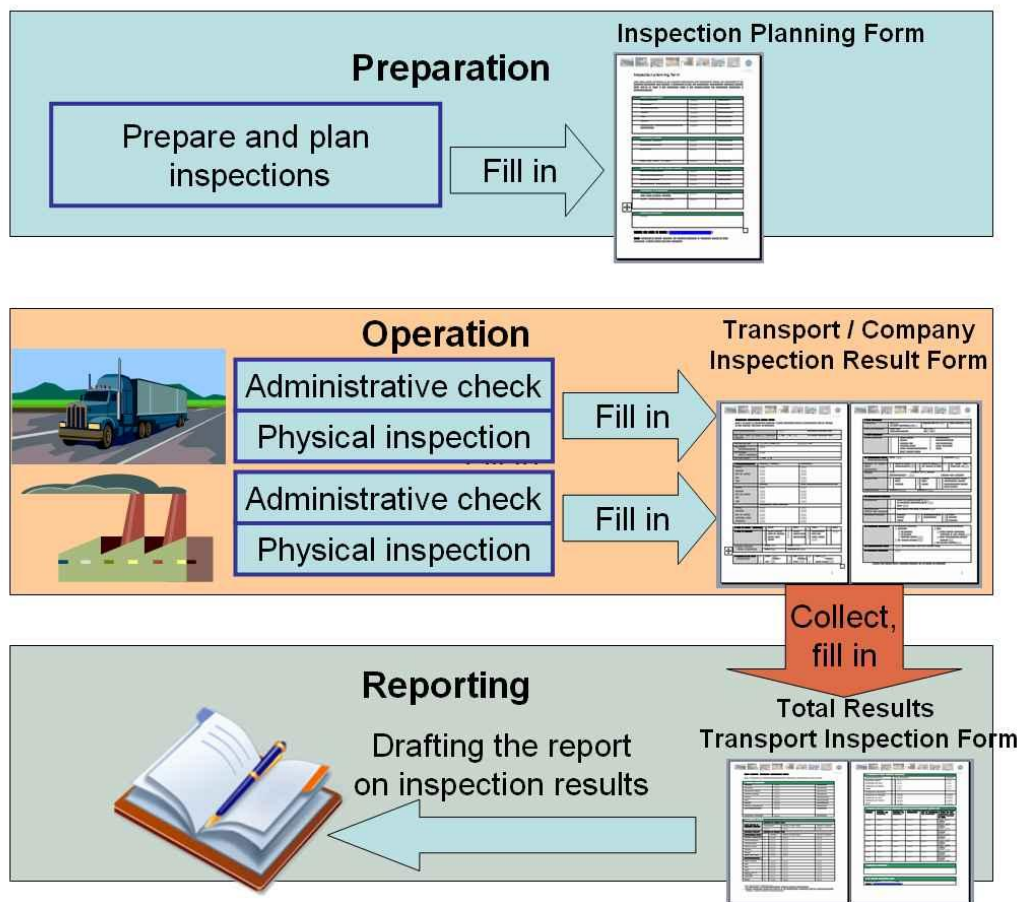


Figure 2-4: Overview over procedure and working methods for inspections

For each participating state, a country coordinator (see Annex I, Part A for the list of country coordinators) was appointed responsible for the implementation and coordination of the project and the agreements on joint inspections and inspector exchanges. Country coordinators collected the inspection results and transmitted this information to the project management.

2.4.3 Project reporting and communication

Reporting: Within each country, after the completion of the inspections the country coordinator receives and collects all single inspection result forms of the respective country; separate adequate forms have been created for transport and company inspection. Out of the single transport inspection data, the country coordinator fills in a total result transport inspection form for each inspection period and sends it to the project management and project consultants. The project consultants gather and analyse all total result forms and also reports of the inspector exchanges over that period. This draft project report is based on the facts and figures gathered up to the present stage.

Internal and external communication: Efficient communication has to occur on various levels: both between the different public decision makers and enforcement authorities within one country (government, executive agencies and offices, police, etc.), within joint activities between the agents of different countries, and between government or other authorities and the public (producers and consumers). For this purpose a press release on the Start Conference, two project specific newsletters

(up 2 date Nr 5 and 6) and two status reports for the IMPEL TFS website have been drafted during the reporting period.

All these components of communication strengthen the successful organisation of joint European enforcement of transfrontier waste shipment and raise awareness on the risks of illegal waste shipments. Communicating on the results and success of these activities is also fruitful for other accompanying public information measures in this field, such as the organisation of awareness-raising events on the application of Community legislation on shipments and landfills of waste, having been performed in EU Member States since 2007 and going on for the third year. The results of the Start conference were communicated via press releases, with assistance of the national country coordinators. Interim project results have been published by means of contributions to the IMPEL TFS newsletters and via two project related newsletters “up 2 date” directly disseminated to project participants, other interested experts and all EU 27 country coordinators via e-mail and published on Viadesk.

2.5 Inspection planning

Annex II, parts A to C presents detail on the planning of inspection for each of the participating countries, according to the planning forms received from the country coordinators. The summarizing overview of all inspection activities is shown below.

	Harbour/seaport	Road	Other transport: train, airport, etc	companies
1. period				
announced	BE, CY , DK , EE , LV , NL, UK-NI, PT	AT, HR, CZ, DE, NL, UK-NI, PT, RS, SI		CY , LV, UK-NI, RS
Form provided	BE, HR , IE , NL, UK-NI, PT	AT, BE , HR, CZ, DE, DK , NL, UK-NI, PT, RS, SI	HR	BE , HR , CZ , FR , LV , UK-NI , PT , RS
2. period				
announced	CY , DK , EE , FI , IE , LV , NL, UK-NI	HR, CY , CZ , HU , NL, RO, RS, SI	RS	CZ , IE , LV , UK-NI , RS
Form provided	BE , DK , EE , FI , IE , NL, UK-NI	CZ , HU , NL, UK-NI, RO, RS	RS	RS
3. period				
announced	BE, BG , CY , DK , FI , IE , LT , LV , NL, UK-NI, PT, SI	AT, BG , HR , CZ , DE , EE , HU , IE , LT , NL , UK-NI , PT , RS , SI	NL, RS	CY , IE , LV , UK-NI , RS
Form provided	BE, HR , DE , DK , EE , IE , NL , UK-NI , SE	BE , HR , CZ , DE , NL , UK-NI , PT , SE , SI	NL, RS	AT , HR , RS

Countries highlighted in red show differences between original and final planning.

Table 2-5: Overview on Inspections as envisaged and reportedly planned from October 2008 to May 2009

As illustrated in the table the transmission of planning documents was often congruent with the indications given during the Start Conference (see also Annex II). In general inspections reported via planning forms have also been realised accordingly and have been documented by means of result

forms.

In addition to the announced inspections, further planning was received. However, it has also to be noted that some countries could not realise their plans and had to cancel, reduce or postpone inspections due to lack in man power or financial constraints. Unfortunately Cyprus and France did not report on any inspections although envisaged, nor did Malta realise any activity. For more details on exact numbers and type of inspection as well as cooperation see Annex III to this report.

It however, has to be noted that the need of a total result form for company inspections is needed and that differentiation of inspections (type of traffic, administrative or physical) in the reporting forms causes some problems and divergences.

In **Inspection Period one** an unexpected planning form has been provided by Ireland and several participating countries (e.g. Belgium and Croatia) announced a substantial amount of additional inspections in addition to the ones announced during the Start Conference. In the case of Netherlands, the amount of inspections officially announced has been reduced; however, the inspections have been supplemented by further not previously announced ad-hoc inspections (explained in Chapter 3.2.4). Cyprus cancelled all actions whereas Estonia shifted the harbour control to period III.

Also for the **second period**, received planning forms show large accordance with the planning expressed at the Start Conference, even if some plans were slightly modified. Serbia planned controls at the Macedonian border instead at the Slovenian one, and Northern Ireland postponed its originally scheduled joint inspections with Ireland to the next period. Austria and Belgium sent planning forms although not originally scheduled for this inspection period. On the other hand Denmark and Croatia cancelled its plans for this period and shifted it to the third period. Slovenia had to cancel the inspections foreseen for the second period due to financial limitations but did inspections in the third period instead.

For **Inspection Period 3** planning forms have been received from 14 countries. As mentioned before, Sweden has not taken part in the start conference but sent planning forms for Inspection period III. The planning of Portugal has been slightly modified and concentrated on road transport and companies only, since other inspections integrated in a project of the World Customs Organization have already been planned at another date.

Some actions of have been finished only in May/June their results have been reported and included in the results tables.

2.5.1 *Inspection planning beyond the three inspection periods*

During the review meeting more inspections periods were planned for 2009 and 2011. Denmark and Norway already announced inspections within this timeframe as well. Norway intends to expand inspections to the whole territory including road controls as well.

3 Project results

3.1 Introduction

This chapter describes the results of the inspections, verifications, collaboration and exchange of inspectors, based on the project objectives as outlined in Chapter 2.1².

During the project running time so far three inspection periods were planned and performed:

- 1st inspection period: October-December 2008 (originally scheduled for November-December 2008 only, but some inspection measures have been included that had already taken place in October 2008)
- 2nd inspection period: January-February 2009
- 3rd inspection period: March-April 2009 (including some inspection actions in the first three weeks of May 2009)

A summarizing overview on the activities of participating countries is provided below. Consistency with announced activities (see Table 2-3) in general was high. Only few countries had to shift or cancel some of their activities due to lack of infrastructure, time or money.

Table 3-1: Overview on inspection activities throughout the three inspection periods

	Harbour/seaport	Road	Other transport: train, airport, etc	companies
1. period (Nov-Dec 08)				
Results as envisaged with planning forms	BE, HR, IE, NL, UK-NI, PT	AT, BE, HR, CZ, DE, DK, NL, UK-NI, PT, RS, SI	HR	BE, CZ, RS
2. period (Jan-Feb 09)				
Results as envisaged with planning forms	BE, DK, FI, IE, NL, UK-NI EE postponed	CZ, HU, NL, UK-NI, RO, RS		RS
3. period (Mar-Apr 09)				
Results as envisaged with planning forms	FI, BE, HR, DE, DK, EE, IE, NL, UK-NI, SE	HU, LT, BE, HR, CZ, DE, NL, UK-NI, PT, SE, SI, RS		LV, SE, AT, HR, RS

Table 3.1 gives an overview on the amounts and types of inspection activities during the three inspection periods. Each type of inspection has been enumerated as one action if announced by a separate planning form or having taken place at a specific site and date. Actions covering more than one calendar day were counted only once if notified as one cohesive event (e. g. in the case of BENEFRALUX and other harbour events reported from Belgium).

² Results received till 1 July 2009 are included

Poland is not included in this table as it did not manage to send planning forms. However inspections have been performed by Polish colleagues in the agreed periods and result forms have been provided as foreseen. Thus Polish results are included in the evaluation of the inspection figures.

Table 3-2: Total number of inspection actions during the three periods

Type of inspections	October - December 2008	January – February 2009	March – April 2009	Total
Transport inspection	38	17	47	102
Company inspection	11	3	6	20
Other inspection*	4	4	6	14
Combination of inspections	4	2	4	10
Total	57	26	63	146

* = inspection of companies or authorities where waste is only traded, documented or registered administratively and not handled physically

In addition to the planned inspections The Netherlands, Switzerland, Norway, England/Wales and Hesse (Germany) reported results of so called Ad-Hoc inspections that were carried out during the inspection periods. These controls have been undertaken during regular customs and police controls without being originally planned and announced within the EA II project. These figures are not covered in the evaluation tables in this chapter but are compiled separately in an extra chapter.

The results as summarised above lead to the following conclusions:

- from the participating 26 countries finally 22 countries conducted and reported concrete inspection activities. Road transport inspections are the most common type of inspections carried out within this project, followed by seaport inspections. In a few cases also trains were inspected.
- The total amount of company inspections is small. Only from the Czech Republic and Serbia higher numbers of company inspections were reported. A minor amount of specific further company inspections followed in the second and third inspection periods. It has to be noted that in some countries company inspections only take place as follow-up activity (e.g. verification activity) induced by suspicious cases discovered by transport inspections. Therefore the high rate of violations discovered during such company inspections is comprehensible.
- Waste shipment related inspections within the European Union as reported under EA II are highly unevenly distributed and large gaps in control can be clearly seen.

It should be noted that the described inspections do not cover all waste shipments that are executed in Europe. In part of the participating countries (many) other waste shipment inspections are carried out by waste shipment authorities, police and customs. It is not known whether in the non-participating countries waste shipment inspections are carried out or not.

3.2 Inspections, violations and verifications

3.2.1 General results of transport inspections

The results of individual inspection activities within the different inspection periods are shown in Table 3-3.

Table 3-3: Results of single inspection cases during the three inspection periods

Type of inspections	October - December 2008	January – February 2009	March – June 2009	Total
Total number of transports	3,845	2,584	4,052	10,481
Administrative checks	2,836	2,442	3,096	8,377
Physical inspections	3,098	1,459	3,329	7,886
Number of transfrontier shipments of waste	716	331	888	1,935
Percentage transfrontier shipments of waste of total physical inspections	23%	22%	27%	25%
Number of violations of the WSR	180	58	129	367
Percentage of transfrontier waste shipments in violation of the WSR	25%	17%	14%	19%

On the basis of the compiled results one can draw the following conclusions:

- During the overall project phase a total number of 10,409 transports were inspected, this comprises the inspection of containers, trucks, trains and documents.
- Of these overall inspections reported, in 7,814 cases (roughly 75%) also physical inspections of cars, trains, containers or storage locations have taken place.
- Out of these physical inspections, 1,925 transports, i. e. roughly 25%, concerned transfrontier shipments of waste.
- All in all, 367 of the inspected waste shipments, this means 19%, turned out to be in violation of the WSR requirements. This share of violations continuously decreased during the current project running time from 25% in inspection period I to 14% in inspection period III.

It should be noted that, figures might be somewhat biased as not all the inspection results were made up in the same way. Some countries only reported the number of waste related transports and not the total number of transports inspected. In addition it seems that there are remaining difficulties and different interpretation of filling in the reporting forms. This can also be observed when several actions within one country were organised by different authorities and therefore the respective total results transport inspection forms were filled in by different people within a country. Consequently the contact persons were asked for clarification in cases where figures in the result form did not seem fully consistent or comprehensible, and the numbers have been adjusted whenever possible.

Although it was foreseen that total results transport inspection forms should be prepared only once per country and enforcement period by the country coordinator, the actual practice has been different. For

future inspection phases, some additional guidance and further optimisation of the reporting forms might need to be developed.

Inspection priorities and recent experiences from Belgium

In Belgium inspections (road inspections as well as port inspections) are regularly carried out throughout the year. Most critical infractions were detected during port inspection and concerned illegal shipments of e-waste to Ghana, Nigeria, Togo and Ivory Coast as well as illegal shipments of waste plastics to China. Stopping the illegal e-waste stream to West-Africa is one of our priorities during port inspections.

The Enforcement Action project II stimulated the cooperation on the national level between the colleagues of all involved national authorities (regional and federal environmental agencies, police and customs). Good cooperation schemes were made and resulted in an increasing exchange of information (for instance a specific WSR training for custom officers in Antwerp and Brussels) and mutual support.

Even the media got interested and made a documentary on the waste shipments via the seaport of Antwerp.

Belgium authorities strictly follow the revised correspondents' guidelines on shipments of WEEE, which resulted in a high degree of detected illegal shipments. During the first four months of 2009 already 48 containers have been sent back to the exporter. This requires good communication and understanding between the competent authorities. Problems have been seen mainly in a different way of thinking, different priorities as well as in the level of expert knowledge.

Observations on major waste streams from Bremen (Germany)

The state of Bremen has been participating in IMPEL TFS Actions since 2004. Being the second largest port in Germany, thousands of tons of waste and used articles get on their way to countries in Western Africa and Far East via Bremen and Bremerhaven every year. Especially plastic waste, metal and cable scrap, used electric and electronic equipment, second-hand cars and used refrigerators are shipped, mainly from African people that live in Bremen have places with storage containers here, where they collect all kinds of used articles. In addition every year thousands of second hand cars from all over Europe are shipped to West Africa, especially to Cotonou in Benin and Lomé in Togo.

In the course of time in a lot of joint inspections a good cooperation between the competent environmental authority, the police department and the customs has been developed in Bremen, and a considerable number of administrative violations and illegal shipments could be investigated and prosecuted over the years. But also close contacts to inspectors in Hamburg, Rotterdam and Antwerp and to the Scandinavian police and custom authorities have been achieved. The tools developed and provided by IMPEL TFS, e.g. the guideline IMPEL TFS Enforcement Actions-proved to be very helpful for the preparation and operation of the inspections.



3.2.2 Specification of violations observed during transport inspections

In the following, the results from transport inspections, including the number of detected violations are compiled country by country, broken down for the three inspection periods. Not all of the countries did actively participate in all of the three inspection periods.

Table 3-4: Reported number s of inspected transports and violation rate from October 2008 – June 2009

Participant	Total	Admin	Physical	Waste Inspections	%	violations	%
Austria	200	200	50	5	10.0	1	20.0
Belgium	983	892	931	146	15.7	50	34.2
Croatia	25	24	25	24	96.0	2	8.3
Czech Republic	231	231	231	5	2.2	0	0
Denmark	172	80	172	20	11.6	11	55.0
Estonia	53	23	53	2	3.8	1	50.0
Finland	133	133	103	5	4.9	2	40.0
Germany	1501	1464	1501	225	15.0	45	20.0
Hungary	258	258	59	2	3.4	2	100
Ireland	554	201	355	447	80.7	135	30.2
Lithuania	180	180	180	1	0.6	1	100
The Netherlands	923	484	805	256	31.8	44	17.2
Poland	2764	2764	1891	140	7.4	3	2.1
Portugal	1281	295	986	68	6.9	24	35.3
Romania	Joint inspection, see Hungary						
Serbia	290	290	290	290	100	6	2.1
Slovenia	312	312	36	10	27.8	4	40.0
Sweden	34	2	34	4	11.8	2	50.0
UK / Northern Ireland	515	457	112	275	53.4	28	10.2
All countries	10,409	8,302	7,814	1,925	24.6	361	18.8
data from DK for May/June	72	72	72	10		6	
Overall total	10,481	8,377	7,886	1,935	24,5	367	18.9

*) Approximate figures.

If “administrative check” has been marked (e. g. CMR documents) without stating a specific number, it has been assumed that all reported physical transport controls have undergone previous checking in administrative terms. (Details on reported activities per country are presented in Annex IV).

Based on these data it can be concluded that:

- the ratio of waste transports identified during inspections (usually related to physical inspections) varies largely from 2% to 100% and can be even zero in some single actions. This

range results partly from differences in reporting, but is also largely influenced by chance. Further potential impact parameters are the type of inspection activities (higher ratio for container inspections in harbours!) and national labelling obligations (A-sign) facilitating selection. When planning inspection events, it cannot be foreseen how many transport or container cargos of a sample gathered at a specific site contain waste. Hence it is generally reasonable to combine TFS inspections with inspections for other purposes, such as general customs (illegal entries of passengers or goods, etc.), road traffic regulations (ADR), exceedance of driving time, etc. If such multi-purpose inspections are undertaken, the share of waste related inspections will be less than in case of specific controls related to transfrontier shipment of waste only (e.g. harbour).

- the percentage of violations, i. e. the ratio of detection, ranges from 0% to 100%, with an average of 19%. The wide range is primarily due to the small total number of transfrontier waste transports within specific countries. See e.g. the extreme examples of Czech Republic, no violation out of five waste transport inspections, i. e. 0%, and Hungary, two violations out of two waste transport inspections, i. e. 100%. However also other factors like coincidence, the experience in selection procedure (first inspections often not associated with high ratios, focus on specific carriers potentially associated with higher rates), and level of activities in the past (tendency to lower rates in countries with frequent control activities in the past) seem to be of relevance.
- The overall violation rate dropped from 25% in IP 1 to 14% in IP 3. However, the development of the average percentage of violations over the three inspection periods has more of an informative value.

Comparing the results of all the different inspection exercises, it however has to be taken into account that reporting is not homogeneous both as concerns summation of results as well as number of reported activities. Figure thus may only be used as indication of achievable results. They do not necessarily cover all TFS inspections performed in a given country.

One should also be aware that inspections can be done at random, partly selective or very specific. In the Enforcement Actions II project the participants have in principle been free to choose the inspection method. So some inspections are at random and others are selective. Since not all inspections are at random, it is not always very meaningful to calculate the violation percentages of all wastes transports in Europe.

This different performance of at-random versus specific and target-oriented inspections shall be further elucidated in the following: Some authorities have just started and learnt to do inspections, which was one of the valuable goals of this project. Often these countries have minimum data for selective inspections, and mostly they start with at random road inspections. The results can be a very low percentage of violations. However, in similar inspections also a large number of violations can be discovered, because the shippers did not expect waste shipment inspections and therefore completely ignored the regulations.

Authorities that have more experience know well on which routes, times, kind of trucks etc. most violations are committed. Their inspections are very selective, so the percentage of violations can be very high. On the other hand there is also an influence for the percentage of violations in this kind of

inspections being low, because the shippers and transport companies that meet this profile have often been inspected before. They do better now or have changed the transport routes.

Some countries have an agreement with customs and/or the police. During their own transport inspections customs and police also perform a basic inspection on waste shipment regulation. If they expect a violation they hand over the case to the waste shipment authority. Because of this pre-selection the waste shipment authority discovers a high percentage of violation. Examples are added in the rubric “Ad-hoc inspections” from the Netherlands, Switzerland and Norway.

Furthermore routine inspection activities from environmental authorities in England/Wales and results from one control activity having taken place in Hesse in June have been reported in a condensed way and thus been added in the chapter of ad-hoc inspections.

Allocation by country of dispatch and destination

The following Table 3-5 shows the statistics of violations, broken down by countries of dispatch and destination of the waste shipments.

Table 3-5: Violations related to dispatch and destination countries (based on information in Table 3.3)

Country	Dispatch	Destination
EU countries	174	101
Austria	-	4
Belgium	14	11
Czech Republic	9	-
Denmark	5	4
Estonia	-	3
Finland	3	-
France	6	4
Germany	46	22
Hungary	1	1
Ireland	23	-
Lithuania	1	-
Netherlands	31	29
Poland	1	3
Portugal	5	5
Romania	1	-
Slovenia	-	4
Spain	4	4
Sweden	3	-
United Kingdom – Northern Ireland	21	7
Further European countries	17	5
Bosnia and Herzegovina	2	-
Croatia	5	1
Moldova	1	-

Country	Dispatch	Destination
Serbia	3	3
Switzerland	6	1
Non-European countries	1	89
Burkina Faso	-	1
Cape Verde	1	-
China	-	10
Ghana	-	20
Hong Kong	-	17
India	-	18
Indonesia	-	1
Ivory Coast	-	3
Nigeria	-	9
Senegal	-	1
Sierra Leone	-	1
Togo	-	3
Uganda	-	1
United States of America	-	1
West Africa (not specified)	-	3
Unknown	3	-
Sum of all cases reported	195	195

The numbers in the column “dispatch” indicate the number of violation cases identified where the notifier or sender of the waste is located in the respective country listed in the left column, whereas the numbers in the right column “destination” indicate the number of violation cases, where the consignee indicated in the documents is located in the respective country. This allows showing whether certain countries are typically prone to be either the origin or the destination of illegal waste shipments.

However, such a perspective may be biased due to the fact that controls have not been equally distributed over the EU or due to predominant import or export controls (e.g. IE and UK-NI focussing on export control). In addition only the violation cases explicitly quoted could be summed-up in this overview. Therefore the probability to be listed is higher for some countries than for others and this statistics should only be interpreted as descriptive.

It is noteworthy that only one case of violation has been detected for waste imports from non-European countries to the EU, and there has been no case of waste transits from non-European countries via the EU to other non-European countries.

A higher number of violations have been recorded in particular for transports from the Netherlands to Ghana, from the United Kingdom to India or from Czech Republic to Germany. This might give an indication of some typical patterns of illegal waste transport streams, although the caveat should be

emphasized that data have been gathered in a selective manner and are therefore not sufficiently area-wide and representative to allow general statements of such a kind.

Allocation by underlying offence

As in the previous phase IMPEL-TFS Enforcement Actions I, for this report a distinction is made between administrative violations and illegal shipments.

- Administrative violations are violations of the Regulation related to Article 18, where the papers accompanying the shipment (Annex VII) are incomplete, (partly) incorrect or missing. Conception is sometimes heterogeneous whether these administrative violations are part of the term “illegal shipments” or not – this should be used uniformly. In some cases it is obvious that the documents are made up in a wrong way in order to hide a violation. Such cases shall not be regarded as an administrative violation but as an illegal shipment.
- Illegal shipments (in a narrower sense) are violations of the Regulation according to Article 2 (35) when waste is shipped without authorisation, which should have been obtained via a notification, or shipments that are prohibited and which, if notified, never would have been granted authorisation. Cases in which the material transported does not correspond to the description in the documents are also marked as illegal shipments.

Violations of the shipment regulation are due to different reasons.

Table 3-6 gives an overview of the quoted Articles and other explanations. As described in the previous chapter, 367 shipments were in violation. The details of these violations however, were not in all cases reported. The following information is based on 203 discovered violations, where details on type of violation, waste, country of origin and destination etc were reported accurately.

Table 3-6: Reasons for violations given in the total result transport inspection forms for Inspection Periods I, II and III (more than 1 violation per case reported possible)

Violation	Number of cases				Comments / Status
	IP I	IP II	IP III	Sum	
Art. 18 Annex VII missing	12	3	10	25	
Art. 18 without contract	-	-	4	4	
Art. 18 Annex VII not complete	19	7	19	45	
Art. 18 Annex VII not correctly filled in	2	2	6	10	(Art. 16 + 18.1 sub b)
Art. 16 Annex 1B not completed (movement form)	6	-	2	8	Art. 16 a+b+c
No CCIC (China Compulsory Certificate Mark), not complete transport form	1	-	-	1	Destination Hong Kong
Sum of administrative violations	40	12	41	93	
Art. 2.35 Illegal export + Art. 36 export ban	22	14	5	41	Incl. Art. 36 + 37 + 2.35 abef + Art. 36-1-a
Art. 2.35 (a)	1	1	1	3	No notification in place
Art. 2.35 (c)	1	-	-	1	
Art. 2.35 (g) (iii)	12	2	-	14	Poorly sorted, contaminated
Art. 4	3	6	3	12	1 waste import from Non-EU
No adequate permit of treatment facility	1	-	-	1	
Unauthorised change of transport route	-	1	-	1	
Prior information regarding actual start of shipment:	2	1	-	3	
Sum of illegal waste shipments	42	25	9	76	
Violation of national/regional waste legislation Belgium (4), Croatia (2), The Netherlands (2), Northern Ireland (8), Portugal (4), Serbia (6)	14	7	11	32	
Transport of hazardous goods (ADR offence)	1	-	-	1	
Not specified	1	-	-	1	
Sum of other violations	16	7	11	34	
Sum of violations in total	98	44	61	203	

From these results it can be concluded that there are three main focuses of violations:

- Administrative violations (Art. 18/16) 93 cases (37%)
- Illegal shipments due to EU legislation: 76 cases (46%)
- Others (especially violation of national and regional legislation): 34 cases (17%).

Most shipments in the second group were to be classified as illegal export due to a ban or a notification obligation. This is typically detectable with transports from the EU to countries in Africa

or Asia. Another reason is deficits in notification documents (e.g. waste does not correspond to declaration, lacking permits). Problems with the prior information about the actual start of the shipment or an unauthorised change in transport route have been reported as reason for illegality in single cases.

It has to be noted that a considerable number of more than 30 interceptions were due to inconsistency with specific national requirements related to shipment of waste such as prior notification to authorities of green listed waste transports, use of specific national forms etc.

Allocation by waste type

Furthermore an evaluation and assessment can be made as regards waste types involved in violations. Since more than one waste type can be found in one case of violation, the total of cases in Table 3-7 is higher than the sum of cases reported. Table 3-6.

Table 3-7: Overview of types of waste involved in shipments that were in violation of WSR

Waste type	Number of cases				Most frequent violations
	IP I	IP II	IP III	Sum	
Paper and cardboard	21	8	8	37	Art. 18 Annex VII document missing or incomplete; contamination, poorly sorted; Art. 2 (35) (g) (iii)
Plastic waste	10	12	12	34	Art. 18 Annex VII document; national regulations
Metal waste	13	5	15	33	Art. 18 Annex VII document; contamination
Waste electrical and electronic equipment	9	15	5	29	Art. 2.35 Illegal export, Art. 36/37/2.35 abef export ban
Municipal waste	13	-	2	15	Art. 2.35, export ban
End-of-life vehicles / vehicle parts	5	2	3	10	Art. 2.35 Illegal export, contamination, Art. 4 (no notification)
Wood	3	4	1	8	Art. 18 Annex VII document
Textile waste	-	1	2	3	Art. 24 Illegal shipment without notification; no registration on VIHB
Other / Mixtures	24	3	9	36	Art. 18 Annex VII document; various
Not specified	1	-	2	3	
Total	99	50	59	208	

3.2.3 Company inspections

For company inspections, separate company inspection result forms have been used and cases reported individually. The results of all company inspections, itemized to countries, the share of violations discovered, the function of the company sending or receiving waste, and the destination of the waste for disposal or recovery (as far as documentation sheds light on it), are shown in the following Table 3-8.

Table 3-8: Company inspection results – Descriptive statistics

Company inspections	Number of cases
Country	
Austria	3 ¹⁾
Belgium	1
Czech Republic	6
Latvia	2
Serbia	Many (4 violations)
Sweden	2 ²⁾
Irregularities / Violations discovered	
Yes	10
Pending (Case still ongoing)	1
No	6
Company sending or receiving waste	
Sender/Notifier	5
Recipient	6
Both	3
Trader	1
Operation envisaged	
Disposal	0
Recovery	11
Unknown	2

¹⁾ In one case at the point in time of the inspection the company did not exist any longer at this place but has moved its office to Germany. The competent authority was asked to make an inspection at this site. Two other company inspections planned for Inspection Period III have been postponed.

²⁾ In one case the company had gone bankrupt at the point in time of the inspection. Therefore, sanctions due to violations discovered could not be taken.

As illustrated in the table only six participating countries reported company inspections. The figures reveal that in more than 50% of the cases irregularities have been observed. In general investigated companies were involved in recovery processes. Partly investigations could not be completed as companies were bankrupt or had changed place and therefore no informant was available. To an approximately equal share, the companies controlled have the function of the sender of the waste or the recipient that performs further treatment; in some cases the companies fulfil both functions.

The small number of company inspections does not allow making generalisations. However, the few examples of company inspections show that within the branch of commercial waste treatment there is still a necessity for further information and awareness raising with regard to legal compliance.

3.2.4 Ad-hoc inspections

In addition to the coordinated actions during the inspection months, as envisaged also a number of so-called ad-hoc inspections may take place. These results are not based on inspections planned specifically for Enforcement Actions II, but concrete enquiry calls with regard to waste-related cases stemming from the daily controls of customs and police. In such cases of enquiry customs or police have usually assessed an initial suspicion. Several other countries have a similar system with customs and/or police.

Within the reporting phase of IMPEL-TFS Enforcement Actions II, such inspections have been reported from the Netherlands, Switzerland, Norway, England and Hesse (Germany).

Ad hoc inspections in the Netherlands (parallel to inspection period 1 to 3 of EA II)

During all three inspection periods of IMPEL-TFS II further ad-hoc inspections (not previously announced by planning forms) have been performed in the Netherlands. The majority of inspections have been performed in Rotterdam (78 out of 94), but controls have also been performed in other locations in the Netherlands (Almere, Amsterdam, Hoogezand, IJmuiden, Kampen, Leeuwarden, Meppel, Noordhorn and Vlissingen) and in Antwerp (Belgium). The detailed lists of the three inspection periods are shown in Annex V. In total 53 offences have been detected from November 2008 to April 2009 out of 94 control cases. In 34 cases no violation was identified, seven cases were still pending for further investigation.

Table 3-9: Waste Shipment Regulation incidents in the Netherlands from Nov 2008 to April 2009

Country	Dispatch	Destination	Violations (dispatch): Yes / pending / no			Violations (destination): Yes / pending / no		
			Yes	pending	no	Yes	pending	no
EU countries	90	11	53	6	31	2	1	8
Austria	3	2	2	-	1	-	-	2
Belgium	2	1	1	-	1	-	-	1
France	3	-	3	-	-	-	-	-
Germany	20	2	14	2	4	2	-	-
Ireland	4	-	3	1	-	-	-	-
Netherlands	39	5	21	2	16	-	-	5
Poland	1	-	-	-	1	-	-	-
Portugal	6	-	3	1	2	-	-	-
Spain	1	-	-	-	1	-	-	-
United Kingdom (incl. Gibraltar)	11	1	6	-	5	-	1	-
EFTA countries	4	-	1	1	2	-	-	-
Iceland	1	-	-	1	-	-	-	-
Switzerland	3	-	1	-	2	-	-	-
Non-European countries	1	85	-	-	1	53	6	26
Afghanistan	-	2	-	-	-	-	-	2
Angola	-	1	-	-	-	1	-	-

Country	Dispatch	Destination	Violations (dispatch):			Violations (destination):		
			Yes	pending	no	Yes	pending	no
Benin	-	4	-	-	-	4	-	-
Brazil	-	1	-	-	-	1	-	-
China	-	23	-	-	-	13	2	8
Egypt	-	3	-	-	-	1	-	2
Gambia	-	2	-	-	-	2	-	-
Ghana	-	3	-	-	-	3	-	-
Guinea	-	2	-	-	-	-	-	2
Hong Kong	-	4	-	-	-	2	-	2
India	-	13	-	-	-	6	1	6
Jordan	-	1	-	-	-	-	1	-
Lebanon	-	3	-	-	-	3	-	-
Malaysia	-	1	-	-	-	-	-	1
Mauritania	-	1	-	-	-	1	-	-
Morocco	-	2	-	-	-	2	-	-
Nigeria	-	4	-	-	-	4	-	-
Pakistan	-	2	-	-	-	-	-	2
Saudi Arabia	-	1	-	-	-	-	1	-
Sierra Leone	-	1	-	-	-	1	-	-
Sri Lanka	-	1	-	-	-	1	-	-
Thailand	-	1	-	-	-	-	-	1
Togo	-	1	-	-	-	1	-	-
Tunisia	1	-	-	-	1	-	-	-
United Arab Emirates	-	1	-	-	-	1	-	-
Uruguay	-	1	-	-	-	1	-	-
Vietnam	-	6	-	-	-	5	1	-
Sum of all cases *)	95	96	54	7	34	55	7	34

*) The difference between total ad-hoc inspection cases, dispatch country cases and destination country cases stems from one incident with two different countries of dispatch listed (Germany and France) and two incidents with two different countries of destination listed (China and Vietnam; Vietnam and India). Therefore these cases have been quoted twice.

Since also cases without violations are listed in these data, this allows that cases can be subdivided according to those with violations, without violations, and yet “pending” cases. Again there has been only one single case where waste originates from non-European countries. In this case the waste was bound for transit through the EU to another non-EU country (cable waste from Tunisia to China), and no violation was identified for this transport. These results also confirm evidence found during the other enforcement actions that waste imports or transits from non-European countries do not play a major role, compared to waste exports from the EU to non-European countries. Also transports within the EU have only in two cases been complained about.

Based on the inspection results most violations were related to exports from EU countries to countries in Asia and in the second instance to countries in Africa. Since Rotterdam is the largest and most important sea harbour of the European Union, the results of these control samples might be rather representative, one however, should also consider that the focus of controls may also be an important factor for observed results.

Like in EA II inspections major offences observed were: a lack of notification, an export ban or a lack of the CCIC.

Major waste types concerned were plastic wastes, WEEE and ELV.

Inspection results from Switzerland

Although Switzerland did not participate in the Start Conference, several transport inspections at road borders have been performed between October 2008 and April 2009, in cooperation with Swiss customs, and reported via total results transport inspection forms. The results of these inspections are described in Table 3-10 and Table 3-11. They all comprised an administrative check of custom documents and invoices as well as physical inspections.

Table 3-10: Results of single ad-hoc inspection cases in Switzerland during the inspection periods of IMPEL-TFS Enforcement Actions II

Type of inspections	October 2008 – January 2009	February 2009 – April 2009	Total
Total number of transports	9	8	17
Number of trans-frontier shipments of waste	9	8	17
Number of violations of the WSR	8	7	15
Percentage of trans-frontier waste shipments in violation of the WSR	89%	88%	88%

The high share of violations and the relatively low amount of total cases in the ad hoc inspections in Switzerland result from the fact that they do only comprise concrete enquiries to environmental authorities stemming from the daily controls of customs services. In such cases of enquiry customs have usually assessed an initial suspicion.

In the following Table 3-11 the respective dispatch and destination countries of the violation cases are listed. All these violation cases referred to outgoing waste transports where the sender was an economic agent in Switzerland. The destination countries have been both Member States of the EU and non-European countries.

Table 3-11: Results and statistics of single ad-hoc inspection cases in Switzerland from October 2008 to April 2009 (8 violations individually listed in the period from October 2008 to January 2009 and 7 in the period from February 2009 to April 2009)

Country	Dispatch	Destination
EU countries	-	8
Austria	-	1
Czech Republic	-	1
France	-	1
Germany	-	2
Italy	-	1
Poland	-	2
Further European countries	15	-
Switzerland	15	-
Non-European countries	-	6
Iraq	-	3
Nigeria	-	1
Turkey	-	1
United Arab Emirates	-	1
Unknown/Not specified	-	1
Sum of all cases	15	15

The violation in all the cases reported by Switzerland was a false declaration of the cargo as a product.

Major waste types covered were waste tyres, car parts and ELV.

Inspection results from Norway

Norway did not participate in the Start Conference but performed waste shipment inspections in the harbour of Oslo in cooperation with Norwegian customs. The inspections comprised an administrative check of custom documents and invoices as well as physical inspections.

Table 3-12: Results of waste shipment inspections in Norway (April 2009))

Type of inspections	Total 01.01.2009 – 01.07.2009
Total number of transports	28
Number of trans-frontier shipments of waste	28
Number of violations of the WSR	8
trans-frontier waste shipments in violation of the WSR	29%

Like in Switzerland, Norwegian results do only comprise concrete customs enquiries to environmental authorities. Selection of transports for enquiries is performed on the basis of priority waste streams and monetary aspects. Based on this input the custom services stop suspicious shipments and inform environmental authorities which decide whether to make inspections or not. In Table 3-13 the respective dispatch and destination countries of the violation cases are listed. All these violation cases referred to outgoing waste transports from Norway; in six of the eight cases the sender was a private person, in two cases a company. The destination countries have been African and Asian countries only.

Table 3-13: Results of ad-hoc inspection cases in Norway from January to June 2009

Country	Dispatch	Destination
EU countries	-	-
Further European countries	8	-
Norway	8	-
Non-European countries	-	8
Ghana	-	4
Malaysia	-	1
Syria	-	1
Togo	-	2
Sum of all cases	8	8

Violations observed in Norway were related to export bans, declaration as good and inappropriate packaging (ADR). The objections concerned engines not emptied from oil, CFC containing refrigerators and unpacked WEEE.

Inspection activities in England/Wales

The information provided from English colleagues gives an overview on the routine inspections of environmental authorities during the project inspection months. These comprise company inspections as well as transport inspections (major harbours). More specific information on type and distribution of offences as well as waste streams concerned was not provided so far.

Table 3-14: Routine TFS inspection activities in England/Wales

WSR (1013/2006/EC) - Operational Report		
Authority	Environment Agency	
Year	2009	
Period	NOV 08 - DEC 08	
Summary		
Inspections completed	Total Announced Checks	12
	Total Unannounced Checks	36
	Total port checks (days)	31
	Total transport checks	111
Notices served	Information	11
	Prohibition	0
	Stop	9
Further actions	Advice	3
	Warning letter	0
	Investigations	32
	Prosecution	0
	Repatriation	0

WSR (1013/2006/EC) - Operational Report		
Authority	Environment Agency	
Year	2009	
Period	JAN 09 - FEB 09	
Summary		
Inspections completed	Total Announced Checks	8
	Total Unannounced Checks	64
	Total port checks (days)	42
	Total transport checks	132
Notices served	Information	23
	Prohibition	0
	Stop	17
Further actions	Advice	5
	Warning letter	1
	Investigations	45
	Prosecution	0
	Repatriation	0

WSR (1013/2006/EC) - Operational Report		
Authority	Environment Agency	
Year	2009	
Period	March 09 - April 09	
Summary		
Inspections completed	Total Announced Checks	10
	Total Unannounced Checks	66
	Total port checks (days)	59
	Total transport checks	373
Notices served	Information	20
	Prohibition	0
	Stop	27
Further actions	Advice	5
	Warning letter	0
	Investigations	61
	Prosecution	0
	Repatriation	0

WSR (1013/2006/EC) - Operational Report		
Authority	Environment Agency	
Year	2009	
Period	NOV 08 - April 09	
Summary		
Inspections completed	Total Announced Checks	30
	Total Unannounced Checks	166
	Total port checks (days)	132
	Total transport checks	616
Notices served	Information	54
	Prohibition	0
	Stop	53
Further actions	Advice	13
	Warning letter	1
	Investigations	138
	Prosecution	0
	Repatriation	0

Recent inspection results from Hesse (Germany)

A routine road inspection performed by a regional department of the BAG in Hesse in June 2009 showed the following results:

Table 3-15: Number of controls and violations detected in a routine BAG road controls in Hesse

Total controls	Thereof national	Thereof TFS	Thereof waste	violation	reason	measures
134	95	39	2	2	Missing annex VII Waste identification in annex VII incorrect and not complete	Warning letter

The two waste shipments identified contained electrical assemblies (WEEE) and scrap metal. No information was reported on the waste origin and destination.

3.2.5 Verifications

The purpose of inspections is to verify whether the waste shipments under inspection are allowed or illegal. Verification can be done after administrative checks (inspecting the transport documents) and/or physical inspection of the load. In those cases in which verification on the actual inspection location is not possible, verification requests can be performed. This should be done formally and in written form to the authorities concerned, for example to verify whether the company of destination is existent and allowed to treat the shipped waste. In the total results transport inspection forms, therefore, for each case of violation reported it was queried in the section “Overview waste shipment inspection results (only for violations)” of the total results transport inspection forms:

- whether a verification request was conducted (**yes** or **no** to be marked with a cross)
- the **reason** for yes or no
- the **status** whether the verification request has already been executed or not.

In the violation cases specified the following answers have been given to this query. Especially the rubric “Reasons given” was mostly left blank, but also “status” was not always specified.

Table 3-16: Answers on verification request in violation cases reported for Inspection periods I to III

Verification request	Number of cases				
Inspection Period	I	II	III	Sum of all	
Yes	25	23	26	74	
No	49	7	22	78	
No answer	19	15	5	39	
In case	Reasons given			Number of cases	
No ¹⁾	Major violation			4	
In case	Status specified			Number of cases	
Yes	Container sent back to sender			3	
	Container blocked until regularization			1	
	Executed			5	
	Released and closed			1	
	Closed			4	
	OK			1	
	Fine			8	
	Fine and an investigation			1	
	Inspection to the facility by national authorities; letter sent to authorities of dispatch country			1	
	No	Regularisation on the spot			8
		Container blocked until regularization			1
		Oral warning – regularization on the spot			1
		Refusal, back to sender			2
		OK			1
		Warning			2
Fine			2		
Executing ordered measures			1		
Export was rejected			1		
Export will be executed after load is secured			1		
Prosecuting on court			1		
Correction of the situation			1		
Truck returned to a national waste management plant			1		
No answer		Oral warning – regularization on the spot			1
		Measures against the transporter taken according to national waste act			2
	Letter issued about breach of domestic legislation			1	
	Transport to producer for further inspection that showed 4% contamination (baled paper). Producer agreed to take back container			10	
	Sender contacted, Annex VII was put with the load and container was released. Letter issued to company to explain requirements of Article 18.			1	
	Independent assessor classed shipment as waste scrap with			1	

	hazardous substances. Export of load was prohibited and load was taken to a licensed domestic site.	
	Company inspection will be done	1
	Need to be requested	1

The evaluation of the reported data shows that a verification request has only been started in about 1/3 of the detected violation cases.

The important number of “no” and non ticked boxes as concerns information on verification requests in the reporting forms however, shows that often verification has not yet been performed to a sufficient degree or that at least the reporting about this shows deficits. In principal verification would be beneficiary in all cases where a regularisation on the spot was not possible.

Experience from these actions has revealed that there is further necessity for information, education and training of the authorities and some more support and guidance on how to perform and why to perform a verification request might be needed. One possibility might be a comprehensive and clearly arranged field manual for inspectors covering the usually occurring cases. An emphasis may be put in future on the proceedings stipulated in the Waste Shipment Regulation. This seems to be an ongoing task of the IMPEL-TFS network.

3.3 Cooperation and exchange of inspectors

3.3.1 Cooperation (Joint Inspections)

Increasing and stimulating cooperation by organising joint inspections was another objective of this project that could be realised to a continuous degree. This pertains both to different enforcement institutions cooperating within one country and to institutions of different countries working together. In general, the environmental inspectorate of one country was the responsible organiser of the inspection. However, the actions were usually assisted on the national, regional and local level by the authorities mentioned in the following. The participation of regional, county or local authority units varies due to the different federal and hierarchical structures of the Member States, but usually the inspection activities were accompanied and supported by different political authorities on different ministry or subordinate executive levels:

- Environmental Protection/Inspection Agencies or Ministries for the Environment, Spatial Planning etc.
- National or regional police authority (transport, criminal, maritime, environmental, etc.) / Ministry of Interior
- Customs / Ministry of Finance
- Further local or regional authorities/municipalities

A cooperation of different authorities at least on the national level has been the case for nearly all transport inspections and also for a minor part of the company inspections. Table 3-17 gives an overview on the number of countries in inspections and the number of inspections with national and international cooperation during the three inspection periods of IMPEL-TFS II.

Table 3-17: Overview of national and international cooperation over the three inspection periods (based on information of total results transport inspection forms and company inspection forms)

Type of action	October - December 2008	January – February 2009	March – April 2009	Total
Countries organizing inspections	12	13	17	20 ¹⁾
Number of inspections	32	19	45	94
Inspections with cooperation between different national enforcement bodies	25	16	42	81
International cooperations	7	8	13	28

¹⁾ Since several countries participated in more than one inspection period, the total number of countries does not add up.

On the basis of the reported data it can be concluded that:

- Between 12 – 17 countries per inspection period organised inspections, with increasing tendency towards the end of the current reporting time;

- Waste shipment inspections in general (almost 90%) were performed on the basis of a cooperation of different authorities at national level;
- In 29% of the activities international cooperation in terms of joint border controls could be achieved.

Joint international activities have been performed at the borders between the following countries:

- Czech Republic and Austria
- The Netherlands and Germany
- Czech Republic and Poland
- Hungary and Romania
- Ireland and UK / Northern Ireland
- Euregio action of Belgium and The Netherlands
- Czech Republic and Germany
- Estonia and Finland
- Hungary and Slovenia
- Lithuania and Poland

In addition, although outside the scope of this project, Germany exchanges information with France and Swiss Authorities in the context of border controls at the Swiss border, and the local Government of Lower Bavaria has an established cooperation and regular joint controls with Austrian authorities.

The planned joint inspections between Serbia, Croatia had to be postponed due to priority obligations for Serbian authorities in the field of waste management (corresponding laws finally adopted on May 12 2009).

3.3.2 Exchange of inspectors

Another important element of the project was a programme aiming at an exchange of inspectors, i. e. of experts in order to share experiences and best practices. This has proved as an efficient accompanying means to improve inspections of transboundary movements of wastes. In general less experienced member states are trained by more experienced member states. Other exchanges are between member states with the same logistic situation (e.g. main seaports) or same enforcement issues (e.g. end of life vehicles and waste electrical and electronic equipment to Africa). Waste shipment authorities of different level of experience as well as police and customs participate in the exchanges.

Hosting country	foreign experts	nr of foreign experts	focus
Belgium	Cyprus	1	port inspections
	Poland	2	
The Netherlands	France	2	road inspections
	Poland	2	
	Germany	1	
The Netherlands	Germany	6	road inspections
Northern Ireland	Netherlands	1	port inspections
Croatia	Austria	2	port inspections
	Belgium	2	road inspections
The Netherlands	Czech Republic	4	road inspections
	Ireland		port inspections
Portugal	Cyprus	1	road inspections
	Belgium	2	
Lithuania	Poland	2	road inspections
The Netherlands	Portugal	2	port inspections

Twelve countries participated in the exchange programme. In total 30 experts visited another country to share best practises and information about waste shipments. As illustrated the Netherlands and Belgium were most strongly involved in the exchange, which is partly due to the fact that a majority of participating countries, expressed preferences for Belgium and the Netherlands as partner country.

Less experienced countries were eager to improve inspections on waste shipments. Experienced countries were willing to use their own capacity to educate these countries.

The participating experts were very enthusiastic and learned a lot from their foreign colleagues. Besides the educational aspect most of them mentioned the importance of international contacts. Several experts of hosting and visiting countries had contacts after the exchange about possible illegal waste shipments between the countries. Without these contacts an illegal shipment was probably not discovered.

Main subjects of the exchange have been as follows:

- methods to organise and execute port and road inspections
- Interpretation of transport documents (e.g. CMR, custom documents)
- collaboration with other authorities (e.g. customs, police)
- differences in legal powers (e.g. stopping vehicles, fines)
- problems and enforcement strategies to specific export of WEEE, plastics and ELV's

In comparison with original planning (see also Table 2-4) it becomes obvious that a number of participating countries did not yet realise envisaged exchange programmes.

Table 3-18: Envisaged exchange request/offers not yet realised

Send to	Welcome from
BG, DK, EE, FI, LT, LV, MT, UK-NI, RS, SI	CY, CZ, DK, RS

It however has to be mentioned that joint activities between neighbouring countries are also associated with a certain exchange function and that not all involved authorities have applied for IMPEL budgets. Nevertheless a further expansion and diversification of exchange programmes seems to be recommendable. A support tool for organisation has been developed in terms of a guidance document (Exchange procedures) accessible on Viadesk.

Depending on the requests of the participating countries and the budget for exchanges more exchanges can be planned in the second half of 2009, in 2010 or 2011.

Inspectors visits to the Netherlands

The VROM Inspectorate co-ordinated exchanges with environmental inspectors and customs officers of various countries. In general different aspects of environmental enforcement from company visits, to port inspections, and waste profiling were touched upon over such three -day visits. This included site visits to recycling facilities for major waste streams prone for illegal transboundary transport, inspections with the Customs Office with practical demonstration of waste identification, shipment profiling, scanning of containers, repatriation procedures etc. and physical inspections of waste shipments. Exchanges may also include site visits to shipping companies who primarily deal with the export of containers to Africa and Europe.

3.4 Products and materials

Based on the recommendations from the Enforcement Actions I project, a stocktaking of existing enforcement tools, the priorities expressed in the project start conference in Utrecht and the experiences made during the first three inspection periods, a number of tools and products have been developed to further support and enhance harmonised joint waste shipment control.

Materials provided to participants and other interested experts comprise:

- English access to Viadesk
- Memo on Customs systems for risk profiling
- Transposition table for customs and Basel Convention codes
- Guideline for exchange procedures (VROM Inspectorate)
- Up-date of information on inspection planning and results, newsletters
- Free electronic version of Waste Watch
- Short start –up Inspection Guideline
- Up-date and review of Inspection Guideline, planning and reporting forms
- Short template and detailed format for national inspection planning

Additional downloads from Viadesk

Viadesk as the VROM Inspectorate intranet contains a specific section for the IMPEL-TFS Enforcement Action projects, where all relevant information and results are published for the project participants. Apart from an up-dated list of country coordinators, conference reports and newsletters from Enforcement Actions I and II the website contains the following information:

- An easier English access to Viadesk was one of the requests expressed during the project start conference. A quick and easy access to Viadesk and the information on IMPEL TFS Enforcement Actions is available now
- The Memo on Custom systems for risk profiling is available for down-load on Viadesk. The document provides interested experts in other Member States with summary information on possibilities for risk profiling on transboundary waste shipment, hence increasing knowledge and understanding of customs working methods and allow checking development of corresponding systems.
- The transposition table for waste/customs codes has been a major request from the project start conference. The lists waste related customs codes with their corresponding Basel Convention and OECD code and highlights areas where Waste codes are not reflected in the customs common tariff nomenclature. The document can be downloaded from the site.

- Planning and result forms from all inspection periods were regularly up-loaded to Viadesk by participating country and inspection period. An additional folder has already been installed for planning beyond the current reporting time.
- In addition a regular project newsletter was elaborated and disseminated via e-mail and Viadesk
- The waste watch copy rights have been acquired by VROM Inspectorate as specific service for information transfer and support to authorities in other countries. The electronic version can be directly used to elaborate the tool in any language. The document on CD together with a user instruction has been made available for dissemination by the project assistance with availability being announced in the project newsletters. So far already a number of participating countries made use of this offer and ordered the document

IMPEL TFS website³

The IMPEL-TFS cluster has also developed an own website www.impeltfs.eu, with information of all running waste shipments projects.

Up-date and short version of inspection Guideline

In order to further contribute to good practice of waste shipment inspections and to even more adapt the available tools to the daily practice of shipment inspectors, an update of the draft revised guideline for inspections was considered, and the elaboration of a condensed version (leaflet) for quick use by inspectors has been discussed with the project lead and the IMPEL TFS secretariat as useful and appropriate.

The new tools shall be usable as example of good practice and toolbox with inspections and verification practices for all MS authorities without specific relation to the enforcement actions project.

The up-dated long version provided detailed information on appropriate methods for different kinds of TFS inspections and calculation of inspection figures. (see screen shot annex 6.12)

The draft short version of the Inspection Guideline (“Quick start guide”) is intended to provide local inspectors in all EU Member States and elsewhere on the world a quick and easy overview on major principles of effective shipment inspections. The short version is envisaged to be produced as short leaflet and has been disseminated for comments to all country coordinators in Europe.

The short version is attached as annex 6.5 to this report.

³ <http://impeltfs.eu/>

Adaptation of planning and reporting forms

During the project running time it became obvious that terms and expressions used in the planning and result forms used for reporting on inspections and verification requests are not always easy to understand and would benefit from some explanations.

In addition terms and expressions can be adapted to the wording of the WSR if necessary. In order to facilitate to complete the forms correctly foot notes were included after consultation with the project participants.

In addition the reporting forms were reviewed to even better adapt them to practical needs and to add necessary explanations. Namely the issue of coding (inspection number), summing up of inspections, potentially redundant or missing information fields was addressed.

Furthermore a total result company inspection form to summarise major findings has been developed.

All forms are attached in annex 6.6 to this report

Draft format for national inspection plans

The project results comprise a proposal for a harmonized format for national inspection plans and national and international cooperation (see annex 6.7), that also can serve interested MS authorities as a toolbox for establishing own inspection schemes.

The two versions of the format are attached as annexes to this report.

4 Conclusions and recommendations

4.1 Conclusions and interim project evaluation

The Enforcement Action II project has been very successful and further contributed to the overall objective of improved enforcement of the EU Shipment Regulation both in number and quality of inspections performed.

Development since Enforcement Actions I:

- the number of countries performing waste shipment inspections has increased from 17 in EA I to 22 in EA II.
- in addition to countries already participating in EA I other Member States (Cyprus Ireland, Poland, France, Czech Republic) participated in exchange programmes
- The rate of physical inspections increased to roughly 75% of administrative inspections performed.
- The achieved average ratio of transfrontier shipments of waste out of the total number of inspections was 25% compared to 16% in EA I.
- The detection rate of violations of the WSR could be raised from 15% to 19%.
- Additional enforcement tools could be developed and/or provided

Major benefits of Enforcement Actions II

The European Waste Regulation can only be successful when enforcement of the Regulation takes place in all Member States on an equal level. A level playing field for all countries involved is often emphasized by companies involved in enforcement actions.

Therefore the most important result of the Enforcement Actions II project is the increased number of countries performing shipment inspections. Another important observation is the fact that additional countries made use of the direct information transfer in exchange programs and joint activities and thus increased their know-how in this way. The third major positive development is an increased participation of customs and police officers both in joint activities and exchange programs and the high rate of cooperation of the different enforcement bodies also in individual country activities, leading to an increased effectiveness and efficiency of controls.

Participation on the Enforcement Actions II project proved to be associated with major benefits for participating authorities. First it triggered and accelerated the development of the cooperation of different authorities at national level. More than 80% of all activities performed were joint activities of the different competent authorities. It was perceived as excellent means to build capacity, to learn from each others practices, to establish personal contacts and to get an objective picture of the import, export and transit of waste and goods between the two countries.

Thus participation in the project also helps to improve mutual understanding, to build confidence and to overcome prejudice and suspicion between MS.

Meanwhile participation in the enforcement action II project proved to be an excellent means to support Member States in fulfilling their obligations (inspection and cooperation) under Article 50 of the EU Waste Shipment Regulation. The many practical questions that arise during concrete planning, organization, execution and reporting of inspection activities could in most cases be clarified in discussions with colleagues from other countries on the spot or with the project coordinator during the reporting phase prior to publication of the results. Furthermore the expert level cooperation (during joint inspections and even more during exchange activities) was regarded as an optimum way to build capacity and to develop best practice using mutual experiences.

By participating in joint inspections and/or exchange programmes or by organizing company inspections related to verification requests a number of Member States had the opportunity to take first steps towards systematic shipment controls and got valuable input to start training and cooperation at the national level.

In general it seems that the inspections have become more selective because countries get more experience, and the chance that an illegal shipment in Europe is caught becomes higher.

By means of company inspections performed in the framework of a verification request or due to a suspicion raised during transport inspections a considerable rate of irregularities (handling transport most in accordance with permit) could be detected and fined.

Major violations observed

19% of the waste shipments were in violation, of which:

- 37% were illegal transports, mostly ELV's and WEEE to Africa and contaminated/poorly sorted paper-cardboard and plastics to Asia
- 46% were classified as administrative violation due to missing/incomplete article 18 information
- 17% were other violations such as missing registration (in national register) as waste transporter/broker, lack of pre-notification of competent authorities or use of a wrong format.

Interpretation of results

The first three inspection periods again showed clearly that efficiency and detection rates between concrete activities can vary considerable and that harbour inspections (container) in general show a higher rate of waste shipments and violations than road controls. This is largely due to the possibility of a targeted pre-selection of transports that can be performed for container controls by experienced personnel, which is not possible for road blocks. Nevertheless road block are regarded as an important educative and preventive tool by participating inspectors.

Interpretation of reported figures (number of inspections and “detection rates”) has to be done with care. Especially with respect to the average percentage figures for transport controls, one has to be aware that these percentages are the result of a combination of at-random and selective inspection measures. In addition it has to be taken into account that numbers of inspections reported to the Enforcement Action project include different activities and reporting is differently handled between MS. Hence in many cases they do not reflect the total number of waste shipment activities performed in the given period.

Inland waterways, airports and trains were not in the focus of this project. Neither does the project put a focus on random controls of companies. Company inspections performed in general were part of a verification activity in case of suspicious or illegal transports.

The observed decrease of violations from inspection period I to III can be interpreted in several different ways:

- Pure coincidence
- The information and education policy of the European Union and the Member States on waste shipment legislation has proved successful. Companies are more aware of the details and legal requirements of the Waste Shipment Regulation as they have been in the years before.
- The economic crisis having started during the last year has dramatically reduced the global demand for raw material and hence reduced general traffic, including waste transports – as e. g. this was significantly observable along the French-Belgian border. In this case the decrease of waste transports would be an externally induced temporary development with an implicit intermediate danger of increased transports of poorly sorted recyclables as market prices do not allow for an economic thorough separation.
- With inspections concentrating on certain countries/regions and main traffic junctions, such as the international harbours of Rotterdam, Antwerp and Bremen, Czech Republic, Poland, economic subjects purposely performing and intending illegal waste transports have switched to other less frequented and less controlled traffic routes that have not or to a lesser extent been covered by the inspections performed hitherto.

Remaining deficits and discrepancies

Besides these positive experiences and various major benefits of the coordinated activities as regards improvement of implementation and enforcement, there however, remain a number of deficits that have to be clearly stated and need to be overcome.

It can be stated that some Member States still face severe problems to organize regular targeted inspections on waste shipment or even still have to build up the necessary infrastructure (responsibilities and cooperation) before starting the first controls.

Another observation is the fact that a number of Member States during road controls focus more on import than on the export side. Only few countries did explicit export controls on the road.

A deficit in some “larger” Member States can be regarded the fact that only few regions are contributing with information on inspections planned and performed.

A major deficits is the lack of participation of important Member States with large seaports such as (Spain, Italy, Greece). Beneficiary in addition would be the inclusion of data of Luxemburg and Slovakia.

The important number of “no” and non ticked boxes as concerns information on verification requests in the reporting forms shows that verification or at least the reporting about it remains a problematic issue. In principal verification would be beneficiary in all cases where a regularisation on the spot was not possible.

Exchange programmes are well accepted and regarded as highly beneficiary. However, the number of participating countries offering such exchange programmes is still low. A wider range of active authorities would be urgently needed.

Besides the EAll project also other, global orientated, enforcement projects related to waste shipments are set up, like WCO project Demeter and INECE Worlds Seaport Project. Some countries combine the activities for the different project, others separate the activities.

Generally it has to be stated that (even if taking into account the uncertainties in terms of figures provided to IMPEL EA II) a level playing field of enforcement of the EU Waste Shipment Regulation in terms of waste shipment controls does not seem to be achieved yet in the European Union.

Up to now participation and organization of inspections remains still too much a matter of personal commitment and personal arrangements at local/regional level.

4.2 Recommendations for future joint enforcement actions

Based on the current results the following needs and recommendations can be identified:

1. More actions in the Member States not yet performing inspections and more consistent participation and contribution to the IMPEL TFS enforcement activities in order to establish a level playing field, would be the most important need and recommendation for future activities.
2. For this purpose the priority for enforcement of the EU WSR at the high level in the MS has to be further increased by appropriate measures (such as high level inspectors meeting in Brussels 2009).
3. Direct expert contacts with neighbouring regions should be intensified. Information might not only be distributed to “national contact point and country coordinators, but also to other




competent authorities both at central and regional level. Information on activities needs to be well beforehand.





4. Support from Commission Services (in terms of a recommendation letter) might be an additional means to increase the willingness to cooperate.
5. Even if positive results have already been achieved efforts to further enhance participation of other enforcement bodies (customs, police) in enforcement (inspections and exchange programmes) should be continued.
6. In order to promote and facilitate verification of waste shipments, further information, education and training of the authorities and some more support and guidance on how to perform and why to perform verification request might be needed.
7. To promote the uniform application of the inspectors' guideline and the filling in of planning and result forms more guidance as well as short guidance in national languages might be an important tool to be elaborated in the forefront of any further activity.
8. In order to increase "detection rates" further discussion and guidance on best practice of inspections (location and type, and how to control) should be intensified in order to optimise scarce human resources.
9. In this context it might be beneficiary to conduct a European wide risk analysis of waste movement. It should be systematically estimated and forecasted, using expertise of transport modelling, how illegal waste moves through or out of Europe.
10. Further emphasis should be on continuous training on waste shipment inspection at European level to ensure a uniform level of enforcement.
11. Continue and eventually expand exchange programmes (longer periods).
12. Put capacity building on a broader basis with a stronger focus on regional cooperation.
13. To improve participation of regional authorities a prompt transmission of relevant information and a central coordination may be a supportive tool.
14. The task of the "national country coordinator" as a specialized exclusively coordinating and translating activity freed from daily inspection tasks in other fields may be re-defined. (Relevant especially for federally organized Member States, where coordination and summarizing results is a huge effort).
15. Bring further EA II activities in alignment with other worldwide enforcement projects on waste shipments





Annexes




Annex I: List of Country Coordinators and Project Management

A: Country coordinators

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B: Project management team

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Annex II: Inspection and exchange planning according to Start Conference

Table 0-1: Announced inspections for inspection period I (October – December 2008)

	Harbour/seaport	Road	Others: train, airport, etc	installation
AT		1 together with Czech Republic		
BE	1 together with Germany and Poland			
HR		2 together with Slovenia and Serbia		
CY	5			4
CZ		1 together with Austria		
DE		2 (1 at Swiss border)		
DK	2			
EE	1			
FR			7 (companies)	
LV	1			1
NL	5	9	1	
Northern Ireland	1 together with The Netherlands	1 together with The Netherlands		2 together with The Netherlands
PT	~2	~6		
RS		1 together with Croatia		many
SI		2 together with Hungary and Croatia		

Table 0-2: Joint inspections in inspection period II (January – February 2009)

	Harbour/seaport	Road	Others: train, airport, etc	Installation
HR		2 together with Slovenia and Serbia		
CY	3	2		
CZ		1 together with Poland		1
DK	2			
EE	1			
FI	1			
HU		1 together with Romania		

	Harbour/seaport	Road	Others: train, airport, etc	Installation
IE	1 together with Northern Ireland			1 together with Northern Ireland
LV	1			1
NL	~5	~8	~1	
Northern Ireland	1 together with Ireland			1 together with Ireland
RO		1 together with Hungary		
RS		1 together with Romania	1 together with Romania	many
SI		2 (1 together with Croatia)		

Table 0-3: Joint inspections planned for inspection period III (March – April 2009)

	Harbour/seaport	Road	Others: train, airport, etc	installation
AT		1 together with Slovenia		
BE	1 together with The Netherlands			
BG	1 together with Greece, Romania and Germany	1 together with Greece and Austria		
HR		2 together with Slovenia and Serbia		
CY	2			1
CZ		1 together with Germany		
DE		1 together with Czech Republic		
DK	4			
EE		1		
FI	1			
HU		1 together with Austria		
IE	1 together with UK Northern Ireland	1 together with UK Northern Ireland		1 together with UK Northern Ireland
LT	1	1		
LV	1			1
NL	~5	~8	~2	
Northern Ireland	1 together with UK Ireland	1 together with UK Ireland		1 together with UK Ireland
PT	~2	~6		
RS		2 together with Croatia, France and Macedonia	1 train together with Macedonia	many
SI	1	2 together with Austria		

	Harbour/seaport	Road	Others: train, airport, etc	installation
		and Croatia		

Table 0-4: Plans for the exchange of information, inspectors and authorities with regard to shipments of waste in 2009

	Send to	Welcome from	Period (month or exact date)	Comments (e.g. number and profession of experts, special wishes)
AT	HR		March-April 2009	Environmental inspectors
BE-FL	HR, FR, UK	HR, FR	2009	1 police officer, 2 environmental experts
BG	RO, AT, GR, RS		March-April 2009	1 police authority, 2 environmental experts, 1 customs officer
HR	FI, DK	AT, NL, BE, FI	March-April 2009	2 environmental experts, customs authorities?
CY	NL, DE, FR	All	2009	
CZ	NL	All		1 customs officer, 1 police officer, 1 inspector for road control
DE	AT, BE			AT: 1 environmental officer, 1 road inspector BE: 1 police officer, 1 customs officer
DK	NL, DE	All	2009	NL: 4 customs DE: police, customs, local authorities, CA
EE	NL, FI, LT		2009	2 environmental inspectors, 2 customs officers
FI	NL, UK, EE		2009	To be confirmed
IE	UK, BE, MT, NL, UK/NI		2009	2 enforcement officers
LT	PL, LV	PL, LV	2009	2 environment inspectors
LV	LT, DE, PL		2009	2 environment inspectors
MT	IE, UK/NI		March-April 2009	2 environment inspectors, 2 customs (focus ports and installations)
Northern Ireland	MT, IE			
PT	BE, NL, NI, DE	All EU with seaports	March-April 2009	2-4 environment inspectors (focus road and harbour)
RS	DK, NL, BE	all	2009	Environmental inspectors, customs officers
SI	BE, NL, DE			1 customs officer, 2 environmental inspectors

Annex III: Overview on inspection planning according to Planning forms

Table 0-5: Inspections in inspection period I (October – December 2008) according to the planning forms

	Harbour/seaport	Road	Others: train, airport, etc	Companies	Exchange program
AT		2 together with Czech Republic (two border			

	Harbour/seaport	Road	Others: train, airport, etc	Companies	Exchange program
		sites on one day)			
BE	3 at international seaports	4 transport, including 1 joint BENEFRALUX action		1	Exchange with PL and CY
HR	Several sea border crossings	Several road border crossings (18 sea and road in total)		As follow-up based on findings of transport inspection	Exchange with SI and RS (if possible)
CZ		2 together with Austria (two border sites on one day)		6	
DE		2 transport (1 along the Swiss border, 1 on Autobahn A 1)			
DK		2 transport			
FR				7 (6 in Lorraine, 1 in Aquitaine)	
IE	Ports of Ireland – area and details to be confirmed				
LV				1	
NL	1 (container terminal at port)	2 (on motorway border with Germany)			Exchange with DE, FR and PL
Northern Ireland	1	1		2	All inspections: exchange with NL (VROM)
PT	2 ports	4 – 7 terrestrial borders		As follow-up	Exchange with ES (SEPRONA)
RS		1 together with Croatia at road border		Many	BE, AT, DK, FR (not arranged yet)
SI		1 together with Croatia at road border			

Table 0-6: Inspections in inspection period II (January – February 2009) according to the planning forms

	Harbour/seaport	Road	Others: train, airport, etc	Companies	Exchange program
AT				2 (based on transport inspection findings)	
BE	3 seaport (of which one during 5 days and 1 in combination with waterway control)		Waterway (canal) control, in combination with seaport		
CZ		1 together with			

	Harbour/seaport	Road	Others: train, airport, etc	Companies	Exchange program
		Poland (border crossing)			
DK	1				
EE	3 seaports				
FI	1 seaport				
HU		1 together with Romania			
IE	Ports of Ireland – area and details to be confirmed				
NL	1	3 (one on border to Germany)			
Northern Ireland	1	2 (together with Ireland)		1	
RO		1 together with Hungary			Exchange with Country Coordinator of HU
RS		1 together with Macedonia	1 together with Macedonia	Many	BE, AT, DK, FR (not arranged yet)

Table 0-7: Inspections in inspection period III (March – April 2009) according to the planning forms

	Harbour/seaport	Road	Others: train, airport, etc	Companies	Exchange program
AT				3, based on suspicions	
BE	2 at international seaport	3 transport, including 1 joint BENEFRALUX action ¹⁾			Exchange with police of NL and DE
HR	Many (at border crossings)	Many (at border crossings)		In case of suspicion or irregularities found at transport inspections	Exchange with SI, AT, BE
CZ		2 together with Germany on the border			
DE	1 (combined with road inspection)	3 (2 together with Czech Republic on the border; 1 on the brink of Bremen harbour)			
DK	2				
EE	3 seaports				
IE	Ports of Ireland – area and details to be confirmed				

	Harbour/seaport	Road	Others: train, airport, etc	Companies	Exchange program
NL	4	12 (one on border to Germany)	4 (3 container-terminals, 1 railcenter)		1 exchange with IE; 1 exchange with Czech Environmental Inspectorate and German police/customs
Northern Ireland	1	2	Port Terminal Records (together with port inspection)		Exchange with IE
PT		Several, together with Spain at the borders; industrial areas			Exchange with NL
RS			Storage inspections	Several, before and when starting with transboundary movement	AT (not arranged yet)
SE	2	1		1	
SI		1 together with Croatia, 1 together with Hungary on the borders			Exchange with HR and HU

¹⁾ The joint BENEFRALUX action on the whole territory of the Benelux and France had originally been planned for the first inspection period but postponed to March 2009.

Annex IV: Control activities reported to Enforcement Action II project by participating country

A: Inspection Period I (October 2008 – December 2008)

Table 0-8: Inspections planned and performed in Austria for Inspection Period 1

Date	Type and working method	Location	Comments
10.12.2008	Transport (Border)	Drasenhofen/Mikulov E461, border to Czech Republic	At the same time CAs of Czech Republic also perform a transport inspection at the border
10.12.2008	Transport (Border)	Klein Haugsdorf/Haté E59, border to Czech Republic	At the same time CAs of Czech Republic also perform a transport inspection at the border

Table 0-9: Inspections planned and performed in Belgium for Inspection Period 1

Date	Type and working method	Location	Comments
04.11.2008	Transport	Province Antwerp, region Turnhout	Actions on three different spots
13.11.2008	Transport / Seaport	Zeebrugge International Seaport	Port control, transport documents control serving as a basis for physical control of containers
20.11.2008	Transport / Seaport	Antwerp International Seaport	Exchange of cooperators with Cyprus and Poland
25./26.11.2008	Transport	In almost all Belgian provinces	BENEFRALUX-Action on the whole territory of Benelux and France within a period of 24 hours
20.11.2008	Company	Beerse	Exchange of cooperators with Cyprus and Poland
04.12.2008	Seaport	Antwerp International Seaport	Port control, transport documents control serving as a basis for physical control of containers
18.12.2008	Transport	Province Antwerp, region Turnhout	Road control
11.12.2008	Transport	Puurs	

Table 0-10: Inspections planned and performed in Croatia for Inspection Period 1

Date	Type and working method	Location	Comments
November 2008	Transport / Combination of inspections (Border)	Road and sea border crossings	Follow-up company inspections dependent on transport inspection findings

Table 0-11: Inspections planned and performed in Czech Republic for Inspection Period 1

Date	Type and working method	Location	Comments
03.11.2008	Company	Praha-západ	Inspections organised by CEI; selected companies are either notifiers who intend to carry out a shipment of waste or are in another way involved into shipment of waste
05.11.2008	Company	Hradec Králové	
10.11.2008	Company	Praha 8	
18.11.2008	Company	Praha 10	
20.11.2008	Company	Praha 1	
25.11.2008	Company	Praha 10	
10.12.2008	Transport (Border)	Border crossing CZ/AT: Hate / Kleinhaugsdorf	Organized together with AT and taking place at the same time
10.12.2008	Transport (Border)	Border crossing CZ/AT: Mikulov / Drasenhofen	

Table 0-12: Inspections planned and performed in Denmark for Inspection Period 1

Date	Type and working method	Location	Comments
05.11.2008	Transport	Aarhus	
25.11.2008	Transport	Helsingør	

Table 0-13: Inspection planning from France for Inspection Period 1

Date	Type and working method	Location	Comments
21.11.2008	Company	Aquitaine	Emphasis on control of waste movements especially between FR and ES and between French Guiana and FR
02.10.2008	Company	Lorraine	4x Including exchange of inspectors
November 2008	Company	Lorraine	2x Including exchange of inspectors Illicit container transfers?

No reported results

Table 0-14: Inspections planned and performed in Germany for Inspection Period 1

Date	Type and working method	Location	Comments
13.11.2008	Transport	Highway No. 1 in Bremen	Road Transport Inspection / Mobile selection
28.11.2008	Transport, in single cases company	Custom offices along the German-Swiss border	

Table 0-15: Inspections planned and performed in Ireland for Inspection Period 1

Date	Type and working method	Location	Comments
8-12.12. 2008	Transport / Company / Combination of inspections	Various Ports of Ireland	

Table 0-16: Inspection planning from Latvia for Inspection Period 1

Date	Type and working method	Location	Comments
08.12.2008	Company	Riga	

Postponed

Table 0-17: Inspections planned and performed in Netherlands for Inspection Period 1

Date	Type and working method	Location	Comments
20.10.2008	Transport	Border with Germany, motorway A12 / A3	Exchange with Gendarmerie France, Inspectorate Poland, Customs Poland and Inspectorate Germany
20.11.2008	Transport	Border with Germany, motorway A1 / A30	Exchange with Bezirksregierung Münster and BAG Münster and Hannover, Germany
16.10.2008	Transport / ECS, SBB customs system controls	ECT Delta Container Terminal, Rotterdam port	

Table 0-18: Inspections planned and performed in United Kingdom/Northern Ireland for Inspection Period 1

Date	Type and working method	Location	Comments
28.10.2008	Company	Licensed waste facility, Belfast	Exchange with VROM Inspectorate, Netherlands
28.10.2008	Company	Licensed waste facility, Newry	Exchange with VROM Inspectorate, Netherlands
29.10.2008	Transport	Licensed waste facility, Newry	Exchange with VROM Inspectorate, Netherlands
29.10.2008	Combination of inspections	Port inspection, Belfast Harbour	Inspection of containers at port awaiting export and containers being delivered to port by waste carriers

Table 0-19: Inspections planned and performed in Portugal for Inspection Period 1

Date	Type and working method	Location	Comments
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Date	Type and working method	Location	Comments
10.11. - 13.11.2008	Combination of transport, company (in the follow-up) and port inspections	4 – 7 terrestrial borders and 2 ports (Lisbon and Leixões/Porto)	Joint inspections with Spanish police for the environment (SEPRONA) planned

Table 0-20: Inspections planned and performed in Serbia for Inspection Period 1

Date	Type and working method	Location	Comments
Nov – Dec 2008	Company / Combination of inspections only companies realised	Road border with Croatia (Batrovci – Bajakovo)	Planned cooperation with Croatia did not take place

Table 0-21: Inspections planned and performed in Slovenia for Inspection Period 1

Date/Time	Type and working method	Location	Comments
13.11.2008	Transport	Border with Croatia (Obrežje)	Cooperation with Croatia

B: Inspection Period II (January 2009 – February 2009)

Table 0-22: Inspections planned and performed in Austria for Inspection Period 2

Date	Type and working method	Location	Comments
13.01.2009	Company	Company near Salzburg	Waste collecting/treating company was involved in shipping wastes illegally
14.01.2009	Company	Company near Salzburg	Company is suspected of shipping fat separator contents illegally

Table 0-23: Inspections planned and performed in Belgium for Inspection Period 2

Date	Type and working method	Location	Comments
26.01.2009 – 30.01.2009	Other (Containers)	Antwerp International Seaport	5 authorities (FEI, EID, customs, federal maritime police, ministry of justice)
10.02.2009	Other (Containers)	Antwerp International Seaport	2 authorities, exchange with Germany (Ökopol GmbH)
19.02.2009 – 20.02.2009	Other (vessels and containers) / combination of inspections	Canal Schelde-Rhine + Antwerp Seaport	Combination of waterway control and port control; 4 authorities (FEI, Seaport Police, Customs, Ministry of Justice)

Table 0-24: Inspections planned and performed in Czech Republic for Inspection Period 2

Date	Type and working method	Location	Comments
12.02.2009	Transport (Border)	Border crossing CZ/PL: Chotěbuz / Cieszyn	Carried out with PL jointly and at the same time; controls focused on entering transport

Table 0-25: Inspections planned and performed in Denmark for Inspection Period 2

Date	Type and working method	Location	Comments
23./24.02.2009	Transport (Port)	Padborg	

Table 0-26: Inspection planning from Estonia for Inspection Period 2

Date	Type and working method	Location	Comments
Jan-Feb 09	Transport (Ports)	Ports of Muuga, Paldiski and Sillamäe	

Postponed

Table 0-27: Inspections planned and performed in Finland for Inspection Period 2

Date	Type and working method	Location	Comments
08.02.2009	Seaport	Vuosaari, Helsinki	

Table 0-28: Inspections planned and performed in Hungary for Inspection Period 2

Date	Type and working method	Location	Comments
26.02.2009	Transport (Border)	Nagylak, Hungarian-Romanian border crossing point	Romanian-Hungarian bilateral meeting and joint inspection

Table 0-29: Inspections planned and performed in Ireland for Inspection Period 2

Date	Type and working method	Location	Comments
18-20 02. 2009	Transport / Company / Combination of inspections	Ports of Ireland (harbours and road checkpoints)	In cooperation with UK/NI

Table 0-30: Inspection planning from the Netherlands for Inspection Period 2

Date	Type and working method	Location	Comments
23.01.2009	Transport	Rotterdam Highway A15, De Punt	
03.02.2009	Transport	Highway A2 Elsloo	
12.02.2009	Transport + Combination of Inspections	Highway A1 at the border NL-DE	Cooperation with Germany
19.02.2009	Transport	Rotterdam Harbour	

Table 0-31: Inspections planned and performed in United Kingdom / Northern Ireland for Inspection Period 2

Date	Type and working method	Location	Comments
17.02.2009	Transport	Co. Armagh area	
18.02.2009	Company	Licensed waste facility, Antrim	
19.02.2009	Transport	Armagh city	
20.02.2009	Transport (Port)	Port of Belfast	

Table 0-32: Inspections planned and performed in Romania for Inspection Period 2

Date	Type and working method	Location	Comments
26.02.2009	Transport (Border)	Nagylak, Hungarian-Romanian border crossing point	Romanian-Hungarian bilateral meeting and joint inspection

Table 0-33: Inspections planned and performed in Serbia for Inspection Period 2

Date	Type and working method	Location	Comments
Jan – Feb 2009	Transport / Company / Combination of inspections	Road border and railway border with Macedonia exchange could not be realised	Main activities on company inspections, before and when they start with transboundary movement

C: Inspection Period III (March – April 2009)

Table 0-34: Inspections planned and performed in Austria for Inspection Period 3

Date	Type and working method	Location	Comments
03.03.2009	Company	Company in Styria	Company is suspected of shipping railway sleepers illegally
March 2009	Company	Company in Tyrol	Company is suspected of shipping mixed plastic wastes illegally
April 2009	Company	Freight forwarding business in Lower Austria	Company is suspected of shipping wastes illegally

Table 0-35: Inspections planned and performed in Belgium for Inspection Period 3

Date/Time	Type and working method	Location	Comments
04.03.2009 – 05.03.2009	Transport	Almost all Belgian provinces, and whole territory of Benelux and France	BENEFRALUX action in collaboration with customs, mobility inspection, employment, federal police, federal environmental inspection
09.03.2009 – 11.03.2009	Other (Containers) / combination of inspections	Antwerp Seaport – Left bank	Collaboration of federal and regional environmental inspectorates, federal police (port and navigation police) and customs.
12.03.2009	Transport	Province Antwerp – region Turnhout	Euregio International action, cooperation with Dutch Police
27.03.2009	Transport	Province West-Vlaanderen, several locations	International “Gros” action of road control, cooperation with Dutch police
28.04.2009 – 30.04.2009	Other (Containers)	International seaport of Antwerp	Port control; exchange with German police (Bremen)

Table 0-36: Inspections planned and performed in Croatia for Inspection Period 3

Date/Time	Type and working method	Location	Comments
April 2009	Transport / Company / Other / Combination of inspections (Border)	Road and sea border crossings, at customs offices	Exchange of inspectors with Slovenia, Austria and Belgium; Follow-up company inspections dependent on transport inspection findings

Table 0-37: Inspections planned and performed in Czech Republic for Inspection Period 3

Date	Type and working method	Location	Comments
26.03.2009	Transport (Border)	Border crossing CZ/DE: Rumburk/Neugersdorf	Carried out with DE (county Sachsen) jointly and at the same time; controls focused on entering transport
26.03.2009	Transport (Border)	Border crossing CZ/DE: Krásný Les/Breitenau	Carried out with DE (county Sachsen) jointly and at the same time; controls focused on entering transport

Table 0-38: Inspections planned and performed in Denmark for Inspection Period 3

Date	Type and working method	Location	Comments
09.03.2009	Transport	Hirtshals	Original plan for Inspection Period III, later postponed to May 2009
14.-17.04. 2009	Transport	Copenhagen	Original plan for Inspection Period III, later changed and postponed to June 2009
26.05.2009	Transport (Harbour)	Hirtshals Harbour	New plan
17.06.2009	Transport (Harbour)	Rødby Harbour	New plan

Table 0-39: Inspections planned and performed in Estonia for Inspection Period 3

Date/Time	Type and working method	Location	Comments
05.03.2009	Transport (Harbour)	Sillamäe harbour	In cooperation with Finnish colleagues (joint control in Finish and Estonian harbours)
06.03.2009	Transport (Harbour)	Paldiski and Muuga harbour	

Table 0-40: Inspections planned and performed in Finland for Inspection Period 3

Date/Time	Type and working method	Location	Comments
07.05.2009	Transport (Harbour)	Länsisatama harbour, Helsinki	Joint Inspection with Estonia,. First inspection day in Tallinn

Table 0-41: Inspections planned and performed in Germany for Inspection Period 3

Date	Type and working method	Location	Comments
26.03.2009	Transport (Border)	Border crossing DE/CZ: Breitenau/ Krásný Les	Carried out with CZ jointly and at the same time; controls focused on entering transport
26.03.2009	Transport (Border)	Border crossing CZ/DE: Rumburk/Neugersdorf	Carried out with CZ jointly and at the same time; controls focused on entering transport
21.04. – 22.04.2009	Transport (Road and port)	Road at the brink of Bremen harbour and port of Bremerhaven	

Table 0-42: Inspections planned and performed in Hungary for Inspection Period 3

Date/Time	Type and working method	Location	Comments
07.05.2009	Transport (Border)	Rédics – Dolga vas, Hungarian-Slovenian border crossing point	Slovenian-Hungarian bilateral meeting and joint inspection

Table 0-43: Inspection planning from Ireland for Inspection Period 3

Date/Time	Type and working method	Location	Comments
To be confirmed	Transport / Company / Combination of inspections	Ports of Ireland	Dates need to be clarified with relevant enforcement bodies, to be submitted

Table 0-44: Inspections planned and performed in Lithuania for Inspection Period 3

Date/Time	Type and working method	Location	Comments
20.05.2009	Transport (Border)	Marijampole/Kalvarija border post (LT/PL)	Exchange of inspectors with Poland
21.05.2009	Transport (Border)	Kybartai border post (LT/Russia)	Exchange of inspectors with Poland

Table 0-45: Inspections planned and performed in the Netherlands for Inspection Period 3

Date	Type and working method	Location	Comments
04.03.2009	Transport	Emmeloord	NL-NW-01
12.03.2009	Transport	Zaanstad	NL-NW-02
26.03.2009	Transport (Harbour)	Amsterdam Harbour	NL-NW-03
21.04.2009	Transport	Dronten	NL-NW-04
01.04.2009	Transport	Gelderland Midden	NL-O-02
28.04.2009	Transport (Border)	Motorway A1 – Netherlands/German border	NL-O-03; Exchange with Czech Environmental Inspectorate, German police and customs
11.03.2009	Transport	Province of Zeeland	NL-ZW-03
12.03.2009	Transport	Province of Zuid Holland	NL-ZW-04
03.03.2009	Transport	Rijnmond	NL-ZW-05
15.04.2009	Transport	Zuid Holland	NL-ZW-06
22.04.2009	Transport	Rijnmond	NL-ZW-07
April 2009	Transport (Harbour)	Rotterdam Harbour	NL-ZW-08; Joint Inspection and exchange with Waste Management Services, Ireland; date to be fixed
10.03.2009	Transport	Limburg Noord	NL-Z-02
21.04.2009	Transport	Limburg Noord	NL-Z-03
30.03.2009	Transport (Rail)	Railcenter Leeuwarden	NL-N-01
30.03.2009	Transport	Containerterminal Harlingen	NL-N-02
31.03.2009	Transport	Containerterminal Westerbreek	NL-N-03

Date	Type and working method	Location	Comments
31.03.2009	Transport	Containerterminal Veendam	NL-N-04
01.04.2009	Transport (Harbour)	Harbour Delfzijl	NL-N-05
01.04.2009	Transport (Harbour)	Harbour Eemshaven	NL-N-06

Table 0-46: Inspections planned and performed in Portugal for Inspection Period 3

Date/Time	Type and working method	Location	Comments
30.03.2009 – 02.04.2009	Combination of transport and company inspections	Portugal/Spain road borders; companies in industrial areas	Joint inspections with Spanish police for the environment (SEPRONA) and other authorities of Spain

Table 0-47: Inspections planned and performed in Slovenia for Inspection Period 3

Date	Type and working method	Location	Comments
1 day in March 2009	Transport (Border)	Border crossings SI/HR – area to be confirmed	Exchange of cooperators with the Ministry of Environmental Protection, Croatia
1 day in April 2009	Transport (Border)	Border crossing SI/HU: Dolga vas	Exchange of cooperators with Hungary (see planning of Hungary)

Table 0-48: Inspections planned and performed in Serbia for Inspection Period 3

Date	Type and working method	Location	Comments
March – April 2009	Ca. 90 – 100 company and storage inspections / Combination of inspections	Several, not yet specified	Main activities on company inspections, before and when they start with transboundary movement

Table 0-49: Inspections planned and performed in Sweden for Inspection Period 3

Date	Type and working method	Location	Comments
1 day in March 2009	Transport / Seaport	Gothenburg Harbour	
1 day in April 2009	Transport / Seaport	Gothenburg Harbour	
04.03.2009	Company	Upplands Bro	
22.04.2009	Transport	Årsta Combi	

Table 0-50: Inspections planned and performed in United Kingdom/Northern Ireland for Inspection Period 3

Date/Time	Type and working method	Location	Comments
28.04.2009	Transport	Warrenpoint	
29.04.2009	Transport (Port) / Other (Port Terminal Records)	Port of Belfast	Exchange with Dublin City Council, Republic of Ireland
01.05.2009	Transport	Toome	

Annex V: Results of ad-hoc inspections in the Netherlands

Table 0-51: Incidents of ad-hoc Inspections in the Netherlands within Inspection Period 1 (November and December 2008)

	Country of dispatch	Country of destination	Inspection location	Waste	No Ctr	Violation	Enforcement action	Date of discovery
1	Belgium	China	Rotterdam	plastic waste	1	yes, no ccic	return Belgium	01-nov-08
2	Germany	India	Rotterdam	mixer paper and plastics	4	yes, no notification	return Germany	01-nov-08
3	Germany and France	Benin	Rotterdam	end of life vehicles	2	yes, prohibited	return	01-nov-08
4	Ireland	Germany	Rotterdam	pharmaceutical waste	1	yes, other waste	return Ireland	01-nov-08
5	Netherlands	China	Rotterdam	plastic waste	1	yes, ccic	return	03-nov-08
6	UK	Vietnam	Rotterdam	used monitors	1	yes, prohibited	return UK	04-nov-08
7	Switzerland	Netherlands	Rotterdam	soil		no	release	04-nov-08
8	Ireland	Germany	Rotterdam	hospital waste	1	yes, transport not safe	blocked	10-nov-08
9	Netherlands	Ghana	Almere	e waste		yes, prohibited	Transport stopped	10-nov-08
10	Germany	Brazil	Rotterdam	metal scrap	5	yes, no notification	return Germany	11-nov-08
11	Germany	China and Vietnam	Rotterdam	plastic waste	1	yes	blocked	12-nov-08
12	Germany	China	Rotterdam	plastic waste	1	yes, no ccic, no sepa license	return Germany	16-nov-08
13	Netherlands	China	Rotterdam	plastic waste	2	verification in China	release	18-nov-08
14	Germany	Jordan	Rotterdam	textile waste	1	Germ: no, Neth: yes	release	18-nov-08
15	Netherlands	Lebanon	Rotterdam	defected heaters	1	yes, no notification	return	18-nov-08
16	Netherlands	India	Rotterdam	paper waste	2	no	release	28-nov-08
17	Germany	Hong Kong	Rotterdam	plastic waste	1	no	release	28-nov-08
18	Netherlands	Sri Lanka	Rotterdam	copper waste	1	yes, no notification	return	28-nov-08
19	Netherlands	Pakistan	Rotterdam	cable waste	1	no	release	02-dec-08
20	Germany	India	Rotterdam	off grade Ethylene glycol	1	Germ: no, Neth: yes	release	03-dec-08
21	UK	India	Rotterdam	steelscrap	7	no	release	03-dec-08
22	Switzerland	Netherlands	Rotterdam	soil		no	release	03-dec-08
23	Netherlands	Egypt	Rotterdam	second hand paper roll	1	no	release	05-dec-08
24	Portugal	Saudi Arabia	Rotterdam	foam scrap	1	Port: no, Neth: yes	release	05-dec-08
25	Belgium	Netherlands	Rotterdam	basic solutions	1 trailer	no	release	08-dec-08

	Country of dispatch	Country of destination	Inspection location	Waste	No Ctr	Violation	Enforcement action	Date of discovery
26	Austria	Pakistan	Rotterdam	compressors refrigerators	1	no	release	15-dec-08
27	Germany	Hong Kong	Rotterdam	plastic waste	1	no	release	16-dec-08
28	Germany	Mauritania	Rotterdam	used monitors	1	yes, prohibited	return Germany	16-dec-08
29	Netherlands	Malaysia	Rotterdam	paper waste	26	no	release	17-dec-08
30	Netherlands	Guinea	Rotterdam	textile waste	1	no	release	23-dec-08
31	Ireland	China	Rotterdam	plastic waste	1	Neth: yes. Ire: ?	blocked	23-dec-08
32	Iceland	UK	Rotterdam	aluminium slacks	4	investigation	storage	29-dec-08

Table 0-52: Incidents of ad-hoc Inspections in the Netherlands within Inspection Period 2 (January and February 2009)

	Country of dispatch	Country of destination	Inspection location	Waste	No Ctr	Violation	Enforcement action	Date of discovery
1	Austria	Gambia	Rotterdam	cfk refrigerators	2	yes, prohibited	return Austria	16-jan-09
2	Germany	Benin	Vlissingen	car wrecks with oil	2 wrecks	yes, prohibited	return Germany	14-jan-09
3	Gibraltar	Netherlands	Rotterdam	oil slobs	tanker	no	release	16-jan-09
4	Great Britain	China	Rotterdam	plastic waste powder	1	no	release	20-jan-09
5	Netherlands	Austria	Kampen	used cooking fat	-	no	release	22-jan-09
6	Portugal	China	Rotterdam	polyethylene waste	4	no	release	28-jan-09
7	Netherlands	Vietnam - India	IJmuiden	incinerator slags	36 / 8	yes, no contract	release	29-jan-09
8	Germany	Morocco	Rotterdam	car wrecks	1	yes, no notification	return Germany	31-jan-09
9	Germany	India	Rotterdam	transformer scrap	2	no	release	05-feb-09
10	Poland	China	Rotterdam	pmma scrap	1	no	release	05-feb-09
11	Switzerland	Benin	Vlissingen	car wrecks	1 wreck	yes, no notification	return Switzerland	07-feb-09
12	Portugal	Vietnam	Rotterdam	rubber waste	9	yes, prohibited	return Portugal	14-feb-09
13	Austria	Gambia	Rotterdam	cfk refrigerators	2	yes, prohibited	return Austria	16-jan-09
14	Germany	Benin	Vlissingen	car wrecks with oil	2 wrecks	yes, prohibited	return Germany	14-jan-09
15	Gibraltar	Netherlands	Rotterdam	oil slobs	tanker	no	release	16-jan-09

	Country of dispatch	Country of destination	Inspection location	Waste	No Ctr	Violation	Enforcement action	Date of discovery
16	Great Britain	China	Rotterdam	plastic waste powder	1	no	release	20-jan-09
17	Netherlands	Austria	Kampen	used cooking fat	-	no	release	22-jan-09
18	Portugal	China	Rotterdam	polyethylene waste	4	no	release	28-jan-09
19	Germany	United Arab Emirates	Rotterdam	metal scrap	1	yes, no notification	return Germany	18-feb-09
20	Netherlands	Afghanistan	Rotterdam	car parts, no waste	1	no	release	23-feb-09
21	Germany	Lebanon	Rotterdam	electronic waste	1	yes, no notification	return Germany	25-feb-09

Table 0-53: Incidents of ad-hoc Inspections in the Netherlands within Inspection Period 3 (March and April 2009)

	Country of dispatch	Country of destination	Inspection location	Waste	No Ctr	Violation	Enforcement action	Date of discovery
1	Germany	China	Rotterdam	plastic waste	1	yes, No CCIC procedure	return Germany	01-mrt-09
2	Netherlands	China	Rotterdam	cable waste	2	yes, No CCIC procedure	return Netherlands	02-mrt-09
3	Netherlands	China	Hoogezand	mixture - engines / electronic waste	1	yes, No CCIC procedure	return Netherlands	02-mrt-09
4	Netherlands	Lebanon	Rotterdam	electronic waste	1	yes, no notification	return Netherlands	05-mrt-09
5	Netherlands	Morocco	Rotterdam	electronic waste	1	Yes, no notification	return Netherlands	02-mrt-09
6	Tunisia	China	Rotterdam	Cable waste	2	no	release	09-mrt-09
7	Netherlands	Togo	Noordhorn	cars - waste batteries	9 cars - 69 batteries	prohibited	no export	04-mrt-09
8	Netherlands	Afghanistan	Rotterdam	used auto parts	1	no	release	10-mrt-09
9	Great Britain	India	Rotterdam	rubber waste	1	yes, no notification	return UK	16-mrt-09
10	Netherlands	Guinea	Rotterdam	oil, no waste	1	no	release	17-mrt-09
11	Netherlands	Nigeria	Amsterdam	used car parts	1 truck	prohibited	no export	03-mrt-09
12	Portugal	India	Rotterdam	zinc skimmings	14	yes, no notification	return Portugal	19-mrt-09
13	Netherlands	Ghana	Rotterdam	CFk refrigerators, TVs	1	yes, no notification	release after sorting	19-mrt-09
14	France	Hong Kong	Rotterdam	plastic waste	4	yes, no notification	release	22-mrt-09
15	Netherlands	Egypt	Rotterdam	used car parts	1	no	release	23-mrt-09
16	Netherlands	China	Rotterdam	electronic	1	no	release	23-mrt-09

	Country of dispatch	Country of destination	Inspection location	Waste	No Ctr	Violation	Enforcement action	Date of discovery
				goods				
17	Netherlands	Egypt	Rotterdam	Cfk demolition waste	1	yes	release	23-mrt-09
18	Netherlands	China	Rotterdam	metal scrap	1	yes, no notification	return Netherlands	30-mrt-09
19	Spain	India	Rotterdam	lead scrap	2	no	release	29-mrt-09
20	Netherlands	India	Leeuwarden	waste paper	6	yes, no annex VII	release	30-mrt-09
21	Portugal	India	Rotterdam	zinc skimmings	8	yes, no notification	return Portugal	28-mrt-09
22	Germany	China	Vlissingen	plastic waste	2	yes, No CCIC procedure	return Germany	06-apr-09
23	Germany	Nigeria	Rotterdam	car wrecks	1	prohibited	return Germany	01-apr-09
24	Netherlands	Vietnam	Meppel	plastic waste	16	investigation going on	release	31-mrt-09
25	Netherlands	Ghana	Rotterdam	CFk refrigerators, TVs	1	prohibited	return Netherlands	02-apr-09
26	Germany	Thailand	Rotterdam	Aluminium scrap	2	no	release	03-apr-09
27	Netherlands	Uruguay	Rotterdam	plastic waste	1	yes, no notification	return Netherlands	06-apr-09
28	France	Vietnam	Rotterdam	used monitors	1	prohibited	return France	03-apr-09
29	United Kingdom	China	Rotterdam	plastic waste	1	yes, No CCIC procedure	release	04-apr-09
30	Netherlands	China	Rotterdam	trafo scrap	1	no	release	04-apr-09
31	Netherlands	India	Rotterdam	glass cullets, no waste	1	no	release	04-apr-09
32	United Kingdom	China	Rotterdam	plastic waste	1	yes, No CCIC procedure	release	06-apr-09
33	United Kingdom	China	Rotterdam	plastic waste	1	yes, No CCIC procedure	release	06-apr-09
34	Netherlands	India	Rotterdam	used clothing	1	no	release	07-apr-09
35	Netherlands	Belgium	Antwerp	Aluminium scrap	1400 ton	no (destination broke)	return Netherlands	09-apr-09
36	Netherlands	Sierra Leone	Rotterdam	waste clothing	1	yes, no notification	return Netherlands	17-apr-09
37	Netherlands	Angola	Rotterdam	cfk refrigerator motor	1	yes	return Netherlands	17-apr-09
38	Netherlands	Hong Kong	Antwerp	plastic waste	2	yes, no notification	return Netherlands	01-mrt-09
39	Netherlands	Nigeria	Amsterdam	electronic waste	1	yes, no notification	return Netherlands	24-mrt-09
40	Ireland	Nigeria	Rotterdam	used motors	1	yes, no notification	return Ireland	28-apr-09
41	United Kingdom	China	Rotterdam	plastic waste	1	yes, No CCIC procedure	release	06-apr-09

Annex VI: Quick start Guide for TFS Inspections

GUIDELINE IMPEL-TFS ENFORCEMENT ACTIONS

QUICK START GUIDE

The aims of this guideline are to:

- stimulate uniform working methods in conducting joint TFS enforcement actions;
- build up confidence in working with transport and company inspections as an instrument for enforcement of WSR;
- propose a structure to exchange information by using standard reporting forms.

This guideline is meant to give inspectors instructions how to prepare, operate and report waste (shipment) inspections. However, following the instructions in this guideline is not obliged.

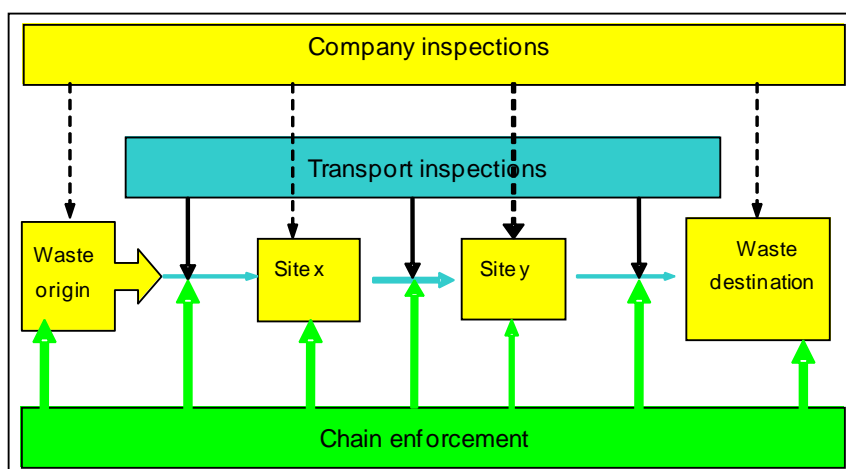
Content of the QUICK START GUIDE

- PREPARATION of transport and company inspections
 - General preparation steps for all kinds of inspections
 - Specifics of preparation of different inspections
 - List of equipment for executing transport inspections
- EXECUTION of Inspections
 - Typical steps
 - Specific points during inspections of ports
 - Specific points during inspections of container vessels
 - Points of attention carrying out physical inspections
- REPORTING within enforcement action projects
- OVERVIEW on the guideline

Waste shipment inspections by chain enforcement

In order to prevent and deter potentially illegal waste activities supervision and control over waste chains should ideally be achieved by means of chain enforcement. Working in accordance with this guideline will align the enforcement activities in the participating countries.

PREPARATION of TRANSPORT INSPECTIONS



GENERAL PREPARATION STEPS

- Identify the object of inspection (e.g. WEEE to non OECD countries)
- Identify relevant tasks and competencies (and skills)
- Organise a team with relevant tasks and competencies (and skills)
- Prepare the communication (internal and external communication)
- Select a location at a strategic point (e.g. borders for road transport, ports, etc.)
- Prepare the inspection in detail (sampling and analyses toolkit, telephone numbers, communication equipment like telephone, fax, etc)

In several details the preparation of inspections of transports and of companies differs.

SPECIFIC PREPARATIONS for TRANSPORT INSPECTIONS by road, water, air and rail

- Intercepting a truck (road block, mobile selection), ship, train or airplane for inspection
- Carrying out inspections on trucks, ships, trains or airplanes
- Security measures to be taken
- Braking seals (if needed)
- Sampling of waste
- Organization of an appropriate location for seizure of waste
- Detaining shipments for further investigation
- Follow-up actions such as legal proceedings (written reports, administrative and legal penalties)

For details see chapter 4.2 of the guideline

Templates of Checklists for these inspections can be found in the Guideline Annex 2

PARTICULARITIES and RECOMMENDATIONS in preparing ROAD INSPECTIONS

Road block or mobile selection for stopping a truck?

	Advantage	Disadvantage
Road block	<ul style="list-style-type: none"> • Publicity • A large stream of all kinds of goods (and wastes?) • All facilities and expertises available • Big benefit for knowledge sharing 	<ul style="list-style-type: none"> • A lot of flee options • Less selection • A lot of preparation • It can cause a traffic jam
Mobile selection	<ul style="list-style-type: none"> • Legal experts/team should be "in your car" • Selection of interesting transports 'on the road' and no problems for causing traffic jam • Flexibility in performance/less preparation 	<ul style="list-style-type: none"> • Small publicity/less deterrence • Less inspections

PARTICULARITIES and RECOMMENDATIONS in preparing TRAIN INSPECTIONS

Train inspections must be planned in advance:

- logistic process, namely the formation of train transport
- rail transport consignment note
- actors involved in the rail chain and their roles and tasks
- main partners for performing train inspection
- possible check points

Generally, the following types of inspections should be prepared:

- Controlling the papers and load of freight wagons in station, shunting yard, railway terminal, border station, etc.;
- Inspecting waste facilities that are sending or receiving wastes by train (waste producer, recycling facility, etc.).
- Inspection of the papers and the load of freight wagons at waste facilities with an own connection to the railway network.

For further details see 4.2.2 and Annex 9 of the guideline

PARTICULARITIES and RECOMMENDATIONS in preparing PORT INSPECTIONS (Sea, inland water and air)

- Make an inventory of the shipping/airlines that are sailing or flying to prior destinations
- Select the shipping/airline that is going to be inspected
- Obtain a sailing/fly schedule of the selected shipping/airline
- Select a ship or airplane that will be inspected
- Make an appointment with customs or the shipping/airport agent where all the documents / declarations are collected.

Sources of information: internet, (Sea and air) port authorities and customs.

Inspection of storage locations and warehouses on port sites

On a port site many batches of goods (or waste) are stored to await shipment. For example car wrecks. It can be very effective to inspect these storage facilities. These kinds of inspections are relatively simple and can be done in fairly little time.

PREPARATION of COMPANY and “OTHER INSPECTIONS”

Company inspections can be done in the framework of the routine inspection of companies related to permits and monitoring or be related to a verification request or in the case of suspicion that arose during a transport control (on request).

Particularities of company inspections

- The inspections will be done at the company ('on site').
- Investigation on specified priority waste streams (within this project, see §3.1) will not exclude other investigations on other waste streams.
- The inspections contain investigation of the documents and physical examination of the waste (intended for shipping or received from abroad).
- In some cases the three day prior notification (of notified waste) can be used as a starting point of inspections.

In case of a company inspection on request add the following preparation steps:

Step 1: Prepare a general overview and first selection from transport inspection results

Step 2: Send dossiers to country coordinator where company inspection will take place

Step 3: Selection of dossiers by country coordinator

Step 4: Information of waste processing company and site, like:

- Owner and operator of the company;
- Investigation of eventual legal proceedings;
- Eventual withdrawal of granted permissions.

In preparation of the inspection get further details on following information and take into account following aspects:

- Valid permits and licences for treatment of the waste;
- Permit/licence registration violations;
- Results of earlier inspections;
- Facilities (telephone, fax, dry working place);
- Telephone numbers/ diary with contacts;
- Copying information;
- Handling of information;
- Handling of the press;
- Evaluation and reporting needs
- Handling with unforeseen circumstances

PARTICULARITIES for “other” inspections

“Other inspections” comprise companies or (supervising) authorities where waste is only being traded, documented or registered administratively, and not handled physically.

The preparation follows the steps described for transport and company inspections. In addition the following specific preparations should be taken into account for “other inspections”:

- Investigate the Internet or other data for registered waste traders/brokers
- If the waste is shipped by a foreign waste trader/broker, contact the country coordinator for more information
- Gather and analyse company information from the Chamber of Commerce and/or annual reports (if available)
- Analyse the legal and organisational situation of the company (who to address to).

List of equipment for executing transport inspections

- | | |
|--|--|
| <ul style="list-style-type: none">• Safety vest – with name• Safety helmet• Safety gloves• Safety shoes or boots• Safety clothes (overall or boiler suit)• A folding ladder• Flashlight (light special for the head then the hands can be free - useful in the twilight or in a dark container)• Stamp with name of the authority firm• Binoculars or field glasses (special for mobile inspections) | <ul style="list-style-type: none">• Camera (digital)• Address lists• Mobile phone• Checklists• Information folders• Briefcase or handbag with the EU WSR and relevant documents e.g. different interpretations of classification of waste in paper version – alternatively in a laptop• Sampling equipment (in case of special sampling, ask for experts). |
|--|--|

Safety equipment and information and documentation tools are to a large extent relevant for company inspections as well.

EXECUTION of INSPECTIONS

TYPICAL STEPS for the EXECUTION of TRANSPORT INSPECTIONS

Most of these steps are also relevant for the inspection of companies or “other inspections”.

- A. Organise a briefing for the inspection team: just before the inspection
- B. Selection of transports (mobile selection or road block (see below))
- C. Determine the status (national or international transport?) by checking the transport documents: if national transport (origin and destination in the same country) the inspection is facultative.
- D. Check of documents (e.g. the copies of the notification document containing the consent of the competent authorities, the movement document, information according to Annex VII, custom documents, CMR documents, contracts, invoices, etc) and physical inspection of the waste (composition of the waste with the information given on the documents; visual control, smell). Take (digital) pictures of the waste, the truck number and the door if the name of the owner is written there and the number of the trailer or container and/or take samples.
- E. Check if the shipment fits with its requirements (notification in case of Annex IV waste, Annex VII information, etc.)
- F. Optional: further investigation on the site in the case of irregularities – sampling or claiming information from different companies (origin, destination)
- G. Optional: send a verification request to another authority (country) to verify to cross check the information
- H. Debriefing/evaluation of the inspection day
- I. Sanctioning if a waste transport does not meet the requirements of relevant legislation/permits.

For details see 4.2 of the guideline.

A **flow scheme of waste shipments** according to WSR is depicted in Chapter 3; a **list (not exhaustive) of possible Violations** of EU WSG is given in Annex 7.

Recommendation: put a stamp, sign and date on the checked documents (for example on the movement document) and in such a way to prevent using the same movement document several times (for example for notified waste). Take always a copy of the documents (or a digital photo of the document).

SPECIFIC POINTS DURING THE ROAD INSPECTION

Some indicators can help to select interesting trucks. Intelligence information can be used if cooperation with customs and police is established

- Type of containers (closed, or open top containers)
- Appearance of container/truck
- Known companies
- Origins (licence plate)
- Trucks with an “A” (from “Abfall”, legally needed e.g. in Germany and Czech Republic);

In addition include random controls of unremarkable trucks or other vehicles. Offenders are inventive in finding solutions to dissimulate.

SPECIFIC POINTS for PORT INSPECTIONS (partly also valid for train and road transports)

- Screen all the available documents for possible transfrontier waste shipments or use the digital custom system and profiles.
- Further investigation is necessary if there are doubts about the information on the custom documents or the information indicates non-compliances of WSR. It is recommended to gather more information about the load and the shipment from the sender or agent responsible for the shipment (e.g. invoices, contracts).
- If necessary an X-ray and or a physical inspection of the shipment can be performed. The container should be blocked from further transport. In most cases this is done by customs.
- In case of bulk transport of waste, it is difficult to get a good idea of the composition. An option is to inform the receiving port or country about the shipment, so they can verify the waste when it is being unloaded.

For details see 4.2.1 of the guideline

SPECIFIC POINTS for CONTAINER VESSEL INSPECTIONS

- List all the participating shipping lines that are transporting containers on this selected vessel. This is needed to collect all the loading lists of the selected vessel or to make use of the involved booking systems. Note that it is possible that these shipping lines can have contracts with other companies that might have the loading lists or use other booking systems.
- Shipping lines have access to the loading lists or booking system of their part of the shipment that will be transported on the selected vessel. Containers for a vessel can be delivered shortly before departure. Ask for the latest loading list or consult the booking systems as briefly as possible before the closing date for container delivery.
- Select containers from the loading list or booking system, which indicate a transfrontier waste shipment. Search terms: waste, scrap, old, used, residue etc. (see Annex 11 for terms)
- Check if the containers and/or documents of the selected shipments have arrived at the terminal. Check the (customs) documents followed (if necessary) by a physical inspection.
- To be sure no changes are made to the loading lists or in the booking system, it is recommended that the latest version of the list or the system after closing date is consulted. It is possible that formerly registered bookings are cancelled or new ones have been added.
- If needed make a further selection of containers for inspection.
- Additional customs documents check and physical inspection may be necessary.

SPECIFIC POINTS for COMPANY INSPECTIONS

- Make appointments with local responsible authority
- Inform company in advance (if relevant; if not necessary better to avoid)
- Check if the shipment actually left, passed or reached the company site. If not, the country coordinator and the project manager will confer over how to pursue the company inspection;
- Does the waste handling/processing procedure go in accordance with the Annex VII information or the notification;
- Does the company have a permit for handling/trading/processing the waste;
- Check if the waste stream is coherent to the registered capacity;
- Check if the waste is separated, handled, traded or treated according the legal and/or environmental requirements.

POINTS OF ATTENTION CARRYING OUT PHYSICAL INSPECTIONS

- Ask the responsible persons (truck driver or company) for opening loading areas or containers
- Watch out for unstable loads, which can fall out of an opened container;
- Containers can be under pressure, take note of the physical state of a container. Always open a drum or container slowly, so that the pressure can adjust to atmospheric pressure;
- Take the possibility of radioactive scrap into account;
- Do not enter any closed spaces, containers are sometimes fumigated with insecticides (unless you have sufficient expertise, adequate measuring equipment and compressed air);
- Physical inspection of tank containers (with liquid waste, e.g. waste oil, waste solvents) requires specific knowledge
- Work up-wind as much as possible;
- If relevant: make sure the container or drum is sealed.

When a physical inspection is performed: SAFETY GOES FIRST!

BREAKING SEALS

Inspectors are allowed to break undertaking seals but in most countries only customs are allowed to break custom seals. Therefore customs have to attend the inspection if custom seals need to be broken. Removing the custom seal has to be in accordance with the national procedure. After the check or sampling, a new seal has to be applied and the relevant documents updated. In case of doubts, wastes can be sampled. Be aware of the expertise needed!

STANDARD REPORTING TEMPLATES

&

REPORTING SCHEMES WITHIN JOINT ENFORCEMENT ACTION PROJECTS

Reporting during the project is as follows:

- “Inspection planning form” (Form Annex 3): during the preparation phase; Send the planning form at least 2 weeks before inspection takes place to enforcementactions@impeltfs.eu
- “Transport inspection result form” (Form Annex 4): to be filled in by the location coordinator and sent to the country coordinator
- “Total results transport inspection form” and “Total results company inspection form” (Form Annex 6): The country coordinator collates “Transport inspection result form” into the “Total results transport inspection form” and forwards the “Total results transport inspection form” to enforcementactions@impeltfs.eu
- “Company inspection result form” (Form Annex 5) to country coordinator; the country coordinator forwards the form within 3 weeks after the inspections have been performed to enforcementactions@impeltfs.eu

Please download all forms from the Viadesk website and do not take them from this Guideline.

For details see chapter 5 of the guideline

PREPARATION of INSPECTIONS

General questions to be answered

- Will there be a special focus on a waste stream or a country?
- Which tasks are to be done and what competences are needed?
- Which persons should be involved?
- How are we going to communicate about the action?
- Where will we do the action?
- Roadblock or mobile selection
- What facilities and tools do we need at the place of action?
- Special security measures needed?

Reporting

- What is specific in preparing transport inspection?**
- What is specific in preparing company inspection?**
- What is specific in preparing other type of inspection (waste brokers)?**

checklist: Annex 2

- Section 3.1 A; Annex 3A
- Section 3.1 B
- Section 3.1 C
- Section 3.1 D: Communication plan on Viadesk
- Section 3.1 E
- Section 3.2.1
- Section 3.1 F; Annex 10
- Section 5.2, **Annex 3***
- Section 3.2**
- Section 3.3**
- Section 3.4**

EXECUTION of INSPECTIONS

Actions in transport inspection

- Organise a briefing
- Select transports to be controlled
- Determine the status: international transport of waste?
- Check the documents
- If needed: carry out a physical inspection
- If needed: take samples or check information
- Fill the 'transportation inspection result form' and hand them over to the country coordinator**
- Organise a debriefing or evaluation
- Follow up in case of sanctions

Specific actions in sea & airport inspections

- Specific actions in railway inspection**
- Specific actions in company inspection**
- Specific actions in other type (waste brokers) inspection**

Section 4.2

- Section 4.2 A
- Section 4.2 B
- Section 4.2 C, Annexes 8,11,12
- Section 4.2 D and section 4.1
- Section 4.2 D and E
- Section 4.2 F
- Annex 4***
- Section 4.2 G
- Section 4.2 H, Annex 7, manual "Return of illegal waste shipment" (on Viadesk)
- Section 4.2.1**
- Section 4.2.2 Annex 9**
- Section 4.3; Annex 5**
- Section 4.4**

REPORTING of INSPECTIONS

Country coordinator collates "Transport inspection result form" into "**Total results transport inspection form**" and sends it together with the company inspection result forms to the project consultant: enforcement_actions_II@bipro.de

Annex 6*

Annex VII Updated Planning and Reporting forms

Inspection planning form

This form gives an insight in the planned inspections. To be filled in for any kind of TFS inspection activities, by the country coordinator. The Form should be filled in digitally. Mail this document to: enforcementactions@impelfts.eu

General information		
Member State:		<<name>>
Authority compiling results:		<<name>>
Contact person:		<<name>>
Email:		<<address>>
Fax:		<<number>>
Phone:		<<number>>
Participating authorities if known :		<<number>>

Inspection details		
Inspection reference number(s):		<<country code/region code/month/day>>
Date (s) of inspection if known* : <i>(up to three days per inspection period)</i>		<<dd/mm/jj>>
Location(s) if known:		<<location>>

Inspection type and working method if known		
Transport inspection:		<<yes/no>>
Company inspection:		<<yes/no>>
Other inspection:		<<yes/no>>
Combination of inspections:		<<yes/no>>

Exchange of inspectors		
Will there be an exchange of co-operators from other Member States?		<<yes/no>>
Names / organization / country:		<<fill in>>

General comments		

Total Results transport inspection form

Only to be filled in for TFS transports, by the country coordinator. Form should be filled in digitally. Mail this document to: enforcementactions@impeltfs.eu

1 General information

Country: <<name>>

Region:

Authority: <<name>>

Inspection period/date: <<name>>

Inspection date

Reference number <<country code /region codes/month/number>>

Contact person: <<name>>

E-mail: <<address>>

Fax: <<number>>

Phone: <<number>>

Country coordinator: <<name>>

Location specialist: <<name>>

Inspection specialist: <<name>>

2 Inspection details

Working methods

Number of checks made

	Number	Number of waste related	Number of violations
Administrative check	<input type="checkbox"/>		
Company administration ⁴	<input type="checkbox"/>		
Custom documents	<input type="checkbox"/>		
CMR documents	<input type="checkbox"/>		
Container vessel	<input type="checkbox"/>		
Contracts	<input type="checkbox"/>		
Invoices	<input type="checkbox"/>		
Others (to be listed)	<input type="checkbox"/>		

Physical inspection

	Number	Number of waste related	Number of violations
Road	<input type="checkbox"/>		
Train	<input type="checkbox"/>		
Water	<input type="checkbox"/>		
Storage locations/ warehouse	<input type="checkbox"/>		
Containers	<input type="checkbox"/>		
Others	<input type="checkbox"/>		

⁴ Waste monitoring administration and/or financial administration of a waste collector, waste facility, exporter, trader or receiving company

3 Cooperation during transport inspection

<i>National cooperation</i>	Name organization	Number of experts
Competent Authority	<input type="checkbox"/>	
cooperation with police	<input type="checkbox"/>	
cooperation with customs	<input type="checkbox"/>	
others	<input type="checkbox"/>	
<i>International cooperation</i>	Country (name organisation)	
cooperation with inspectors	<input type="checkbox"/>	
cooperation with police	<input type="checkbox"/>	
cooperation with customs	<input type="checkbox"/>	
others	<input type="checkbox"/>	

4 Overview waste shipment inspection results (only for TFS violations⁵, growing list)

Reference number ⁶	Sender (country and company ⁷)	Destination (country and company)	EWC code and description:	Violation (short explanation ⁸ and article that is violated)	Verification request if yes or no, give reason and status ⁹
					Yes <input type="checkbox"/> No <input type="checkbox"/> Reason Status:
					Yes <input type="checkbox"/> No <input type="checkbox"/> Reason Status:
					Yes <input type="checkbox"/> No <input type="checkbox"/> Reason Status:
					Yes <input type="checkbox"/> No <input type="checkbox"/> Reason Status:

5 Additional comments

⁵ please list **all TFS** violations observed; other violations can be given as summary figures

⁶ you can summarise number of trucks/containers if sender, destination, waste and violation are the same

⁷ If problematic due to confidentiality reasons to list company just state country

⁸ E.g. Annex VII missing/incomplete, Export ban, notification missing, movement document incomplete, waste not as stated in notification documents, incorrect transport date, other routing, national regulation, etc); please shortly explain offences of national regulation in additional comments

⁹ Regulated, pending, or more detailed information: send back to sender, penalty, etc

Total results company inspection form

Only to be filled in for TFS company inspections, by the country coordinator. Form should be filled in digitally.
Mail this document to: enforcementactions@impeltfs.eu

1 General information

Country /Region: <<name>>
 Authority: <<name>>
 Inspection period/date: <<name>>
 Reference number
 Contact person: <<name>>
 E-mail: <<address>>
 Fax: <<number>>
 Phone: <<number>>
 Country coordinator: <<name>>
 Location specialist: <<name>>
 Inspection specialist: <<name>>

2 Inspection details

Total Number of company controls ¹⁰	Number of checks made			
	Total number	Companies of dispatch	Companies of destination	Other (trader, transporter, etc) (number by type)
Specify treatment (R/D) according to permit				
Reason for inspection (on request, other)				

Working methods	Number of checks made		
	Number	Number of waste related ?	Number of violations
Administrative check	<input type="checkbox"/>		
Company administration ¹¹	<input type="checkbox"/>		
Shipping documents	<input type="checkbox"/>		
Contracts	<input type="checkbox"/>		
Invoices	<input type="checkbox"/>		
Others (to be listed)	<input type="checkbox"/>		
Physical inspection	Number	Number of waste related	Number of violations
Production	<input type="checkbox"/>		
Storage	<input type="checkbox"/>		

¹⁰ The total numbers of companies that are checked, regardless the chosen working method.

¹¹ Waste monitoring administration and/or financial administration of a waste collector, waste facility, exporter, trader or receiving company

Working methods	Number of checks made		
	Number	Number of waste related ?	Number of violations
Reception	<input type="checkbox"/>		
Treatment area	<input type="checkbox"/>		
Others	<input type="checkbox"/>		

3 Cooperation during company inspections

<i>National cooperation</i>	Name organization	Number
Competent Authority	<input type="checkbox"/>	
cooperation with police	<input type="checkbox"/>	
cooperation with customs	<input type="checkbox"/>	
others	<input type="checkbox"/>	
<i>International cooperation</i>		
cooperation with inspectors	<input type="checkbox"/>	
cooperation with police	<input type="checkbox"/>	
cooperation with customs	<input type="checkbox"/>	
others	<input type="checkbox"/>	

4 Overview company inspection results (only for violations, growing list)

Reference Number and reason for inspection	Sender (country and company ¹²)	Destination (country and company)	EWC code and description:	Violation (short explanation ¹³ and article that is violated)	Further verification request give reason and status
					Yes <input type="checkbox"/> No <input type="checkbox"/> Reason Status:
					Yes <input type="checkbox"/> No <input type="checkbox"/> Reason Status:
					Yes <input type="checkbox"/> No <input type="checkbox"/> Reason Status:
					Yes <input type="checkbox"/> No <input type="checkbox"/> Reason Status:

5 Additional comments

¹² If problematic due to confidentiality reasons to list company just state country

¹³ E.g. Activity not in accordance with permit, no permit, shipping documents missing, shipment did not leave, pass or reach the company site; waste handling/processing procedure not in accordance with the Annex VII information or notification; waste stream not coherent to the registered capacity; waste not separated, handled, traded or treated according to the legal and/or environmental requirements

Annex VIII TFS Inspection Plan

A: Short guidance on major contents

Introduction to standardized form for National TFS Inspection Plans

Limited resources on the one hand and a multitude and variety of statutory tasks on the other, make it necessary to set clear priorities. Priorities are set using the outcome of the risk assessment, which could be a list or an overview of all the identified/selected installations and activities and their respective risks.

The inspection approach will as a consequence also determine the claim on the available resources, and is therefore equally relevant for the inspection plan and in the inspection schedule.

If site visits are carried out by more than one inspectorate, co-ordination between the authorities should be assured by mutual knowledge of each other's plan for site inspections. The findings of site visits should be exchanged between the relevant authorities.

The following template is intended to serve as guidance document for development of national inspection plans and could serve as draft reporting form on waste shipment inspections.

It is mainly based on the Report "DOING THE RIGHT THINGS II" Step-by step guidance book for planning of environmental inspection Final Nov. 2008 issued by IMPEL. http://ec.europa.eu/environment/impel/pdf/step_by_step_guidance%20book.pdf

Good practices can be found on the IMPEL website:

- http://ec.europa.eu/environment/impel/impel_guidance_doc.htm#dtrt2

This template allows quickly establishing an overview of and reporting on waste shipment inspections at national scale, concentrating on key issues.

For establishing a sophisticated enforcement system including training and international cooperation the extended form in section B of this annex can be used.

1. Context of the Inspection

1.	statutory tasks of the inspection authority
2.	relevant legislation and regulations
3.	legal obligations to inspect
4.	environmental and other governmental policies
5.	environmental and other assessments
6.	etc.

2. Time period and area covered

Period:
Area:

3. Overview of the priorities that have been assigned (based on risk assessment) and explanations why and how these priorities were set (ranking and classification, resources available)

Priorities	Justification
3.1.	
3.2.	
....	

4. General information on inspection targets, strategies, procedures and the planned inspection activities themselves

Topic	General information
Targets	
Strategies	
Procedures	
Inspections	

5. Inspection schedule (this part of the Inspection plan can be public or not public)

5.1 Routine inspections

What ?	Where?	When?	By whom?
road			
train			
port (air/sea),			
company			
other inspection			

5.2. Non-routine inspections:

(e.g. inspection in reaction to accidents, complaints, noncompliance situations and permitting processes)

Responsibilities:
Procedures:
Resources (person days)

B: National inspection planning (draft guidance document - model form)

This template is foreseen to be used as a guidance document for EU Member States to organise their waste shipment related enforcement activities at national scale in order to fulfil article 50 requirements.

Limited resources on the one hand and a multitude and variety of statutory tasks on the other, make it necessary to set clear priorities. Priorities are set using the outcome of the risk assessment, which could be a list or an overview of all the identified/selected installations and activities and their respective risks. The inspection approach will as a consequence also determine the claim on the available resources, and is therefore equally relevant for the inspection plan and in the inspection schedule.

Member States shall enforce the waste shipment regulation EC 1013/2006 (art 50, EC 1013/2006). The best achievable method to fulfil this task depends from country to country, because of geographical position, types of industry etc.

With this template it is possible to get insight into the inspection infrastructure and the reasons therefore, and will enable to get a comprehensive overview on allocated man power and budgets, as well as a targeted use of resources in different regions.

The chapter and sub-chapters of this template shall give an indication of general aspects and procedural details to take into account during development of an enforcement strategy for the waste shipment regulation and concrete inspection planning.

As far as possible inspection planning should be performed in a coordinated approach to cover all regions and to be able to use resources of all involved authorities in the most efficient way.

A threat assessment, in terms of an identification of “critical” or “key” waste streams and the corresponding industrial and waste management infrastructure on national and/or regional level should form a major parameter for the envisaged control density.

A optimised use of synergies and existing administrative power (e.g. ADR traffic controls, routine permit related company inspections) should be another aspects to take into consideration in the planning or inspections and cooperation possibilities. If site visits and transport inspections are carried out by more than one authority, it is essential that co-ordination is assured by mutual knowledge of each other's planning and inspection results.

The specific location within the EU and the traffic infrastructure of a country should be taken into account by a tailor made control programme. Focus and frequency of inspections can be adapted accordingly. (Trade and traffic statistics and other information sources up to police intelligence can provide helpful information for this purpose)

Company inspections on request can be a first step for a complete control infrastructure, planning however, should aim at a complete coverage of the waste chain including systematic controls of waste producers and waste management facilities. To save resources inspections should preferably be based on a waste related risk assessment combining different parameter such as export statistics for green waste, notifications, violations, other complaints, etc.

This template allows establishing a sophisticated enforcement system including training and international cooperation.

To start with the establishment of an adequate enforcement infrastructure less detail is sufficient and only key parameter can be selected. The listed aspects and issues however, should whenever possible be kept in mind.

1. General information

1.1 Contact data, coverage		
Member State:		<<name>>
Inspection/reporting year		
Planning Authority:		<<name>>
Contact person:		<<name>>
Email:		<<address>>
Fax:		<<number>>
Phone:		<<number>>
Enforcement bodies/activities integrated in this plan :		<<environmental authorities (national/regional; police services, customs)>>

1.2 Background, objectives, priorities		
Background:		<<summary explanation (political, status analysis) for planning need>>
Objectives/Targets (related to chapters 2-4)		<<general and more specific objectives and targets>>
Priorities/Sub-projects (see chapters 2-4)		<<list priority sectors and specific projects therein>>

1.3. General explanations/comments	
	<<explanation why and how priorities have been set (ranking, classification, resources available)>>
	<<outlook to planning period ahead>>

2. Waste shipment inspections

2.1 targets, strategies, procedures, priorities, products, coordination		
Inspection targets		<<give short explanation>>
Inspection strategies		<< give short explanation >>
Inspection procedures		<< give short explanation >
Priorities for environmental authorities (EA)		<<list all specific priority tasks>>
Products/deliverables of environmental authorities		<<list specific products (e.g. reports, annual evaluation, inspection profiles, priority waste streams, information material for customs, police, industry, etc)>>
National meetings/coordination		<<give numbers and involved authorities>>

2.2 Type, number, distribution		
Transport inspections (EA)		<<list annual number and regional distribution as well as potential cooperation>>
Company inspections (EA)		<<list annual number and/or frequency, regional distribution>>
Management of customs, police requests		<<give estimation for number per region>>
Transport inspections (customs)		<<list annual number and regional distribution as well as potential cooperation>>
harbour		<< number, regional distribution>>
airport		<< number, regional distribution>>
Transport inspections (police services)		<< type, annual number, regional distribution, used synergies (e.g. ADR), potential cooperation, >>
road		<< number, regional distribution>>
train		<< number, regional distribution>>
Non-routine inspections		<< explain, how you will deal with inspections in reaction to accidents, complaints, non-compliance situation (verification request) and permitting processes)>>

2.3. Selection methodology, cooperation procedures		
Inspection profiles (Priority waste streams and destinations, appropriate dates and locations)		<<list results and shortly describe selection procedures to use (if possible shortly explain if/how you do hazard assessment)>>
Determination of method and strategic locations for transport controls		<< list results and shortly describe selection procedures to use >>
Determination of frequency, sites and methodology for company inspections		<< list results and shortly describe selection procedures and data sources to use >>
Management of cooperation and coordination regional authorities, customs, police		<<list supportive activities (e.g. establishment of integrated transport control programme, national cooperation platform, determination of #merchandise flows, high risk companies, etc) and communication recommendations for EA>>
Reporting, compilation, evaluation		<<list infrastructure and mechanisms to use>>

2.4 Responsibilities, deadlines, results, budgets for TFS inspections				
Activity	Responsible expert(s)	Product/deliverable	deadline	result
<<specific task/project/initiative >>	<<names, authorities >>	<<e.g. tool, report, etc>>	<<month, year >>	<<envisaged target/objective >>

growing list

2.5 Quality assurance, reporting/communication, risks, evaluation for TFS inspections				
Activity	QA/QC procedure	Reporting/communication procedures	Associated risks/impacts	Evaluation procedures
<<specific task/project/initiative >>	<<names, authorities >>	<<e.g. tool, report, etc>>	<<month, year >>	<<envisaged target/objective >>

2.6 Additional aspects/comments

3. National training and support infrastructure to improve TFS inspections

3.1. Infrastructure and tools		
Central coordination body for data management and information/consultation services		<<please list any existing body>>
Other means for data management and information exchange at national scale		<< please list any existing means >>
Management of TFS requests from customs/police		<< please list infrastructure and procedures >>
Information transfer/dissemination of latest good practice, guidance, interpretations		<< please list tools and responsible body >>
Register of notifications		<< please list tool and responsible body >>
Register of enforcement activities		<< please list tool and responsible body >>
Periodic reports, newsletters, dynamic handbooks, development/evaluation/harmonisation of enforcement tools		<< please list measures/tools and responsible body >>
Training (regional authorities, police, customs)		<< please list number, scheme, distribution and responsible body>>
Participation in EU guidance activities		<< please list activities >>

3.2 required supportive tools, selection methodology, cooperation procedures		
IT tools (software, websites, etc)		<<list single tools>>
Critical factors		<< list single factors to take into account >>
Determination of priorities		<<list priorities based on hazard assessment >>
Etc.		

3.3 Responsibilities, deadlines, results, budgets for national TFS training and support infrastructure				
Activity	Responsible expert(s)	Product/deliverable	deadline	result
<<specific task/project/initiative >>	<<names, authorities >>	<<e.g. tool, report, etc>>	<<month, year >>	<<envisaged target/objective >>

growing list

3.4 Quality assurance, reporting/communication, risks, evaluation for TFS inspections				
Activity	QA/QC procedure	Reporting/communication procedures	Associated risks/impacts	Evaluation procedures
<<specific task/project/initiative >>	<<names, authorities >>	<<e.g. tool, report, etc>>	<<month, year >>	<<envisaged target/objective >>

3.5 Additional aspects/comments

4. International cooperation to improve TFS enforcement/inspections

4.1 Participation in international enforcement and cooperation		
Enforcement on international level (conferences, meetings, working groups)		<<list single activities, projects>>
Enforcement at EU scale (specific joint projects, EU meetings)		<< list single activities, projects >>
Bilateral cooperation (networking, coordinated joint activities, information exchange, exchange programmes)		<<list priority countries and intended action>>
Overseas activities		<<list projects and priority countries>>

4.2. Responsibilities, deadlines, results, budgets for international TFS cooperation				
Activity	Responsible expert(s)	Product/deliverable	deadline	result
<<specific task/project/initiative >>	<<names, authorities >>	<<e.g. tool, report, etc>>	<<month, year >>	<<envisaged target/objective >>

growing list

4.3 Quality assurance, reporting/communication, risks, evaluation for TFS inspections				
Activity	QA/QC procedure	Reporting/communication procedures	Associated risks/impacts	Evaluation procedures
<<specific task/project/initiative >>	<<names, authorities >>	<<e.g. tool, report, etc>>	<<month, year >>	<<envisaged target/objective >>

4.4 Additional aspects/comments

Annex IX Press Releases

A: Press release start conference

--- Press release ---

21. October 2008

European countries continue to improve enforcement of waste shipment rules

More than 24 European countries were together in the Netherlands to achieve agreements about the enforcement of the waste shipment regulation. Recent projects have shown many illegal waste shipments and the need for increased cooperation between the member states. Therefore the EC has decided to further support joint enforcement projects both politically and financially.

During the start conference in Utrecht (The Netherlands) representatives of enforcement authorities of 24 European countries gathered to discuss and propose further improvements. 19 countries reached agreements on joint and coordinated enforcement actions on WSR. Participating countries will intensify their joint inspections and exchange information in order to align enforcement activities to protect the environment. Three other countries have expressed their intention to participate in the project. The activities will run under the umbrella of the Project Enforcement Actions II.

Representatives of enforcement authorities from 24 Member States gathered to discuss and propose steps for improved enforcement. 19 countries agreed to intensify joint inspections in 2008 and 2009. Further countries like France, Poland and Sweden expressed their will to join in. 18 countries want to exchange environmental inspectors, customs officers and police. Other country representatives could not attend the conference but want to be informed on the outcome and might join the project to a later stage.

The first results of inspections and exchange programs will be presented in spring 2009. Inspection activities will be focusing on transport inspections, company inspections and inspection of (custom) documents. Special attention will be paid to undeclared waste shipments, waste electronic equipment, end of life vehicles, green listed waste, batteries, household waste, waste disguised as second hand goods. A major focus will be exports of waste to non-OECD countries and imports of waste into new Member States. Within the participating countries cooperation will include authorities like Environmental Inspectorates, custom services, police and port authorities.

The 'IMPEL-TFS Enforcement actions project', was initiated by The Netherlands in 2006. After a first series of joint inspections in the period 2006-2008, it was decided that coordinated activities will be continued in the Enforcement Actions II project for the period 2008-2010. The project is being carried out under the umbrella of the IMPEL Network (European Union Network for the implementation and enforcement of Environmental Law), an informal network of enforcement authorities of EU and Accessing Member States.

Background information

Recent IMPEL TFS projects Seaport, Verification and Enforcement Actions I have shown many illegal waste shipments and the need for increased cooperation between the member states.

Transfrontier shipments of waste are regulated by a number of international agreements, like the Basel Convention and EU Regulation 1013/2006 which replaced the previous Regulation since July 2007. One of the main aims of these regulations is to prevent illegal shipments of harmful waste to countries that do not have the technology to cope with these wastes. This comprises for example illegal export of toxic wastes but also waste electrical and electronic equipment, end of life vehicles or contaminated or mixed residues of separate waste collection in EU Member States.

More information about IMPEL - TFS and the project Enforcement actions I can be found at http://europa.eu.int/comm/environment/impel/impel_tfs.htm. More information on waste shipment regulations can also be found via this link.

B: Draft press release EA II Interim Report 2009

Draft Press release - - -
December 2009

Enforcement Actions II project successful to improve enforcement of waste shipment rules

IMPEL TFS projects, other reports and recent scandals have highlighted the problem of illegal waste shipments and the need harmonised enforcement standards within the European Union and throughout Europe. To work towards this objective the IMPEL-TFS Enforcement Actions II project aims at capacity building and joint activities of involved authorities in 26 European Countries. Between October 2008 and May 2009 more than ten thousand shipments were checked.

Transfrontier shipments of waste are regulated by a number of international agreements, like the Basel Convention, OECD Decision C(2001)107/Final and EU Regulation 1013/2006 in order to prevent illegal shipments of harmful waste to countries that do not have the technology to cope with them and to assure an appropriate environmentally sound recovery of waste that can be used a valuable raw material. In this context EU Member States are asked to perform inspections and control and to cooperate with each other. But practical enforcement is not easy, needing important expert knowledge and expertise.

(see also http://europa.eu.int/comm/environment/impel/impel_tfs.htm. or <http://impeltfs.eu>)

The Enforcement Actions II project promotes coordinated activities for the period 2008-2010.

In total 26 countries¹⁴ participate in the project to develop their expertise in inspections through learning-by-doing and intense cooperation and information exchange.

Through October 2008 to June 2009 10,481 transport inspections were reported as joint activity inspection from 22 countries. The inspections were executed as at random as well as target-oriented inspections on roads and seaports. In about 75% a physical inspection of the load has taken place. The share of waste transports of this physical inspected transports was roughly 25%.

Violations were detected at 19% of the inspected waste shipments. In 37% of these cases the shipments were illegal due to export bans or missing notifications for mainly electronic waste and end of life vehicles to Africa and (contaminated) plastics and paper waste to Asia. In 46% of the cases administrative violations were detected like deficits in transport documents. In 17% of the cases other violations related to waste shipments were discovered, like transports by non-authorized waste transporters.

Besides these planned transport inspections several countries reported also the results of concrete enquiries of customs and police, with over 100 additional detected illegal shipments.

During company inspections for verification purposes irregularities have been detected in more than 50% of the cases. More than 80% of all activities performed where joint actions of the different competent authorities.

¹⁴ EU countries: AT, BE, BG, CY, CZ, DE, DK, EE, FI, FR, HU, IE, LT, LV, NL, MT, PL, PT, RO, SE, SI, UK
non EU countries CH, HR, NO, RS

These activities show that success has been made in terms of active participation of MS, number of inspections, exchange programs, joint activities and participation of customs and police officers. There are indications that enforcement of the EU waste shipment regulation is gaining in importance and priority.

Participation on the Enforcement Actions II project proved to be associated with major benefits, such as accelerated development of national cooperation of different enforcement authorities, better international cooperation, capacity building, networking and building of confidence and mutual understanding, thus helping MS to fulfil their obligations under Article 50 of the EU Waste Shipment Regulation on the basis of a harmonized well structured and justified calculation method.

The activities of the past months however, also clearly showed that it would be highly beneficial to get on board all MS in order to prevent and eliminate illegal “escape routes” from the Community by e.g. port-hopping.

Priority for enforcement of the EU WSR at the high level in the MS should be further increased, efforts to further enhance participation of cooperating enforcement bodies (customs, police) should be continued and further emphasis should be put on continuous training on waste shipment inspection at European level.

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