

European Commission, Brussels



**THE ORGANISATION OF AWARENESS-RAISING EVENTS ON THE APPLICATION OF  
COMMUNITY LEGISLATION ON SHIPMENTS OF WASTE, ON LANDFILLS, ON WASTE  
MANAGEMENT PLANS AND ON WASTE PREVENTION PROGRAMMES**

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# 1 Background and objectives

## 1.1 Background

A high level of resource consumption is a significant characteristic for industrialised countries. Within the European Union the resource consumption is mainly influenced and increasing by economic growth, technological developments and changing consumption and production patterns. In the EU, approximately one third of consumed raw materials and products are turned into waste and emissions. In total, this is an amount of 1.3 billion tonnes per year. Thereof 50 million tonnes of solid wastes are classified as hazardous. Due to visible efforts in waste prevention and management in the EU in recent years, total municipal waste generated only grew by some 7 % between the years 1996 and 2006. Nevertheless, waste production in the EU will continue to increase according to projections for 2020.

As waste and its management is associated with considerable risks for health and the environment, the European Legislation has set high standards regarding recovery and disposal operations and established a clear treatment hierarchy promoting waste prevention, reuse and recovery whenever possible. These strictly regulated waste treatment procedures and organisational requirements mark up recovery and disposal prices within the EU.

In consequence economic stakeholders may be interested in shipping waste for cheaper disposals in other countries with lower or no waste treatment standards, in order to reduce costs. Simultaneously, the global demand of second-hand materials and resources and the associated global trade has increased dramatically constituting another potential risk.

Therefore strict procedures and requirements have been established on international and EU scale to regulate transboundary transport of waste and to prevent transport of potentially hazardous waste into countries with lower environmental treatment standards. In this context Member States are obliged to take appropriate measures to control waste movements and to prevent export of hazardous waste to third countries.

The new Regulation (EC) 1013/2006 on shipments of waste applicable since July 2007 contains a number of measures for the Member States to prevent illegal shipment of waste, including the obligations to:

- Lay down rules for penalties applicable to infringement and to take all measures necessary to ensure that they are implemented
- Provide for inspections of establishments and undertakings in accordance with Article 13 of Directive 2006/12/EC, taking place in particular at the point of origin, at the destination at frontiers or during shipment within the Community and shall include inspection of documents, confirmation of identity and, where appropriate, physical checking of the waste
- Carry out spot checks on shipments of waste or on the related recovery or disposal
- Report annually to the European Commission on measures taken and state of implementation

International studies, implementation reports and previous series of awareness-raising and information exchange events on waste topics show that the objectives of the European Waste

Shipment legislation have not always been sufficiently achieved and that illegal shipments of waste remain a serious problem.

Recent studies (e.g. the “Technical Report 1/2008 on Transboundary shipments of waste in the EU” (EEA), or IMPEL TFS projects (The European Union Network for the Implementation and Enforcement of Environmental Law, Cluster for Transfrontier Shipment of Waste) even conclude that transboundary waste shipments increased significantly during the last decade, that the quality and reliability of data is not satisfactory and that enforcement of the shipment regulation requirements is not institutionalised equally in the European countries and that more political and high management support has to be reached.

Information exchange and awareness-raising events also showed that an important number of MS is still facing deficits in means and instruments to enforce inspections and that co-operation between the different national authorities remains difficult. Some Member States, especially transit countries, are facing challenges and organisational difficulties in stopping illegal transboundary shipments of waste.

Overall, strong needs to strengthen implementation and harmonise application and enforcement in the EU have been identified.

## 1.2 Objectives and tasks

Against this background, the aim of this project is to inform key officials in the national authorities about the importance of correctly applying the EU legislation on the above listed topics. The major objectives of these events were in particular:

- Identify current state of implementation of the concerned waste legislation (Shipment Regulation).
- Explore and discuss current problems and obstacles for implementation
- Exchange experiences and collect examples of good practice concerning enforcement and enhance co-operation
- Discuss possible solution for improved implementation and enforcement including co-operation within as well as between Member States
- Spread information, compiled during the events, to a larger number of relevant officials in the national authorities concerned

In this context the following tasks had to be fulfilled within the project:

- Selection of Member States to be covered
- Selection of participants to cover all relevant national authorities and key officials and if appropriate other stakeholder such as waste producers, landfill operators, accredited laboratories
- Selection of appropriate location, timing and duration of the event
- Coordination of the activities with IMPEL, IMPEL/TFS and the Basel Secretariat
- Execution of all tasks related to the preparation, realisation and post-processing of the events especially liaise with national authorities, organise speakers from national authorities

and other stakeholders, prepare a draft agenda, draft invitations and a draft participants list, organise enrolment, manage the venue and transportation, organise a site visit, ensure translation if appropriate, provide background material and presentations, provide secretarial and technical assistance, chair and guide the event, provide post-processing material

The following aspects were discussed at the shipment events:

- Legal requirements of Regulation (EC) 1013/2006
- Current state of implementation and enforcement of legal requirements, e.g. notification procedure, general information, inspections
- Current deficits in implementation and enforcement and consequences thereof, e.g. illegal shipments
- Current obstacles to implementation and enforcement of legal requirements
- Experiences with the new Regulation
- Examples of best practice for enforcement and co-operation, e.g. effective inspection practice, mutual information, cooperation amongst authorities
- Possible solutions and proposals to further improve enforcement and cooperation including joint inspections and other joint actions
- Role and cooperation of permitting authorities, customs and police
- Joint activities and international Cooperation (e.g. IMPEL TFS, Customs, Europol)

Workshops primarily address administrative bodies, such as experts from ministries of environment or finance, environmental inspectorates, police and customs services, administrative bodies at national, regional and local level. In addition, the list of participants included scientific and educational institutions, harbour authorities, companies working in the field of waste management and import and export or NGOs.

Whenever suitable, visits to check-points for waste shipments, for example at sea ports or borders were part of the event. At least 10 Member States shall be covered by the events (including workshops on landfill of waste and on waste management planning and waste prevention programmes).

## 2 Summary on information exchange and awareness-raising events

This chapter provides an overview on the selection procedure for the information exchange and awareness-raising events as well as on the preparation of the specific events.

### 2.1 Selection of Member States to be covered by events

The criteria for a proper selection of the MS to be covered by events take into consideration aspects of balancing and importance of the issue.

With respect to balancing, selection should assure that:

- At least 3 MS were covered for waste shipments
- A well balanced range of those MS being part of the EU prior to May 2004 (EU-15) as well as those entering the EU in May 2004 and January 2007 was realised
- MS which were covered by previous events (either by the 15 awareness-raising events on shipments of waste held between January and May 2007 as well as between April and August 2008 or by TAIEX meetings on the topic) were not high priority countries

Apart from Estonia, Malta, Poland, the Czech Republic and Hungary as “new” MS, ten EU-15 MS have been addressed by previous awareness raising seminars on shipments of waste (Belgium, Germany, Spain, Greece, the United Kingdom, Portugal, Finland, Italy, France and Sweden). Ireland can be considered as partly covered by the seminar held in London, as representatives from the Republic of Ireland participated in that seminar as well. Furthermore, TAIEX seminars on the topic of landfill have been realised in 2007 in Romania and Bulgaria.

For those Member States remaining which have not been covered by waste shipment seminars in 2007 or 2008, that is: Austria, Cyprus, Denmark, Ireland, Latvia, Lithuania, Luxembourg, The Netherlands, Slovenia and Slovakia, the following parameters for the importance of the issue in a MS have been suggested and used in addition to the balance criteria mentioned above:

- (1) The number of infringement cases in previous years
- (2) Large seaports for container traffic
- (3) The quantity of non-hazardous and hazardous waste generated, exported and imported (high export share)
- (4) Information given by the IMPEL network of the status of implementation of the Shipment Regulation, reporting on inspection or illegal transports (non-participation, non-reporting)

With regard to infringement cases or complaints, latest information from the EU Commission has been used for selection purpose.

Information on the capacity of seaports in Member States not yet covered by events is provided in Table 4-1, which contains statistics on the containers transported in the year 2006 on a European scale, giving an insight into the relative importance within Europe. Only the harbours within the respective countries of concern are included (EU MS which have not yet been covered by seminars on shipment).

MS	Container Traffic (TEU*)	
	Name of port	2006
The Netherlands	Rotterdam	9,690,052
Denmark	Aarhus	627,000
Cyprus	Limassol	600,000
The Netherlands	Amsterdam	305,722
Lithuania	Klaipeda	231,548
Slovenia	Koper	218,970
Cyprus	Larnaca	250,000
Latvia	Ventspils	200,000
Latvia	Riga	176,826
Denmark	Copenhagen-Malmö	175,000

Table 2-1: 2006 capacities of seaports in EU Member States not previously covered by awareness-raising seminars

\* TEU = Container capacity measured in twenty-foot equivalent units. An equivalent unit is a measure of containerised cargo capacity equal to one standard 20 ft (length) × 8 ft (width) × 9 ft (height) container. In metric units this is 6.10 m (length) × 2.44 m (width) × 2.59 m (height), or approximately 38.5 m<sup>3</sup>

Austria, Luxembourg and Slovakia as the remaining Member States not yet covered by events do not have seaports or major riverine ports at their disposal.

As illustrated, major ports can be found in the Netherlands, Denmark and Cyprus. Ports in Lithuania, Slovenia and Latvia are of minor importance regarding capacity.

Additional information on seaports can be derived from the seaport projects. According to the IMPEL Seaport II project (2004–2006) the following information is available for the situation in the relevant Member States not yet covered by events:

- For Riga (Latvia), a lack of experience at the authorities, a lack of a permanent system for regular controls of waste in ports and a lack of human resources, financing and knowledge of the current legislation is reported.
- In the Netherlands, five ports have been participating in the project (Rotterdam, Amsterdam, Vlissingen, Delfzijl, Moerdijk). The cooperation between authorities at the national level has been stated as very advanced.
- For Koper (SI), it is reported that national cooperation is quite good. Again, lack of capacity, practical experience and unclear legislation is considered to be a problem.

The IMPEL-TFS Verification 2 project<sup>1</sup> has a particular focus on the verification of the final destinations of waste shipments. The 14 participating countries were AT, DK, SK, NL (as well as BE, DE, IE, MT, PL, PT, CZ, FI, Croatia and Switzerland). Again, common inspections e.g. on borders and lorries have been carried out, as well as exchange of inspectors and training about European legislation.

The recently concluded IMPEL enforcement actions I project (July 2008) continued joint inspections

<sup>1</sup> IMPEL TFS Verification – 2 Project “Is what you see, what you get?” Project Report, June 2006

in all sectors of the transport chain. Participating Member States were DK, LV, LT, SK and SI (as well as BE, BG, CR, UK, EE, FI, FR, DE, HU, IE, Norway, Northern Ireland, Scotland, Serbia, SE, CH and NL). In this context, a huge number of inspections has been performed in NL; whereas a considerable number of inspections has also been performed in DK and SI; LV investigated 2 transports whereas no inspections have been performed by SK, nor some other Member States already covered by events. CY and LU did not participate in the activity.

Information about the quantities of waste generated, exported and imported, may be considered as a further selection parameter. Currently, the Basel Country Fact Sheets are a major data source for this purpose.

Country	Hazardous waste (kt)	export (kt)	import (kt)	Non-hazardous waste (kt)		export (kt)	Import (kt)	
AT	54,287		962	148	81	53,325	118	12
BE	59,352		4,039	213	323	55,313	117	23
BG	242,489		785			241,704		
CY	1,870		80			1,790		
CZ	24,746		1,307	1	4	23,439	0	0
DK	12,821		372	173	130	12,449	128	1
EE	18,933		6,619	1	10	12,314	not rep.	not rep.
FR	444,753		9,679			435,074		
DE	363,786		21,705	263	2,418	342,081	255	371
HU	22,287		1,300	88	163	20,987	0	0
IT	:		:	996	1,652	:	152	0
LT	7,665		127			7,538		
LU	9,586		234	44	4	9,353	8	not rep.
MT	2,861		51			2,810		
RO	331,863		1,041	1	0	330,822	0	0
ES	160,947		4,028			156,918		
FI	72,205		2,711	83	12	69,495	4	4
GR	51,131		274	4	1	50,857	not rep.	not rep.
IE	30,005		709	p.c.	p.c.	29,296	2	p.c.
LV	1,859		65	6	0	1,793	not rep.	not rep.
NL	97,385		4,436	b.r.	b.r.	92,949	b.r.	b.r.
PL	266,741		2,381	16,506	15,864	264,360	not rep.	not rep.
SK	14,502		533	4	4	13,969	0	0
SI	6,036		116	40	23	5,919	0	0
SE	115,583		2,654	170	153	112,929	40	84
UK	346,144		8,448			337,695		

Table 2-2: Waste shipments from/to MS in 2006 – Source: Basel Convention Country Fact sheets

**r** Revised value  
**p** Provisional value  
**e** Estimated value  
 Netherlands: b.r. Data being revised  
 Ireland: p.cl. Pending clarification  
 not rep.: not reported  
 Portugal, UK, Spain, Malta, Lithuania, France, Bulgaria, Cyprus: data lacking

As illustrated, information is still highly limited, especially with respect to data from new Member States and as concerns shipment of green listed waste.

Future information sources could be the reporting under the Pollutant Release and Transfer Register (PRTR) and the reporting under the waste statistics regulation EC (No) 2150/2002, which currently however, do not contain information.

Additional information on shipments of waste can be derived from the ETC/RWM report on transboundary shipment of waste (1995-2005) recently published on the EEA website; although most recent data are from 2003.

As illustrated in Figure 2-1, reported exports are highest in the NL and high in BE, FR, DE, IT and IE.

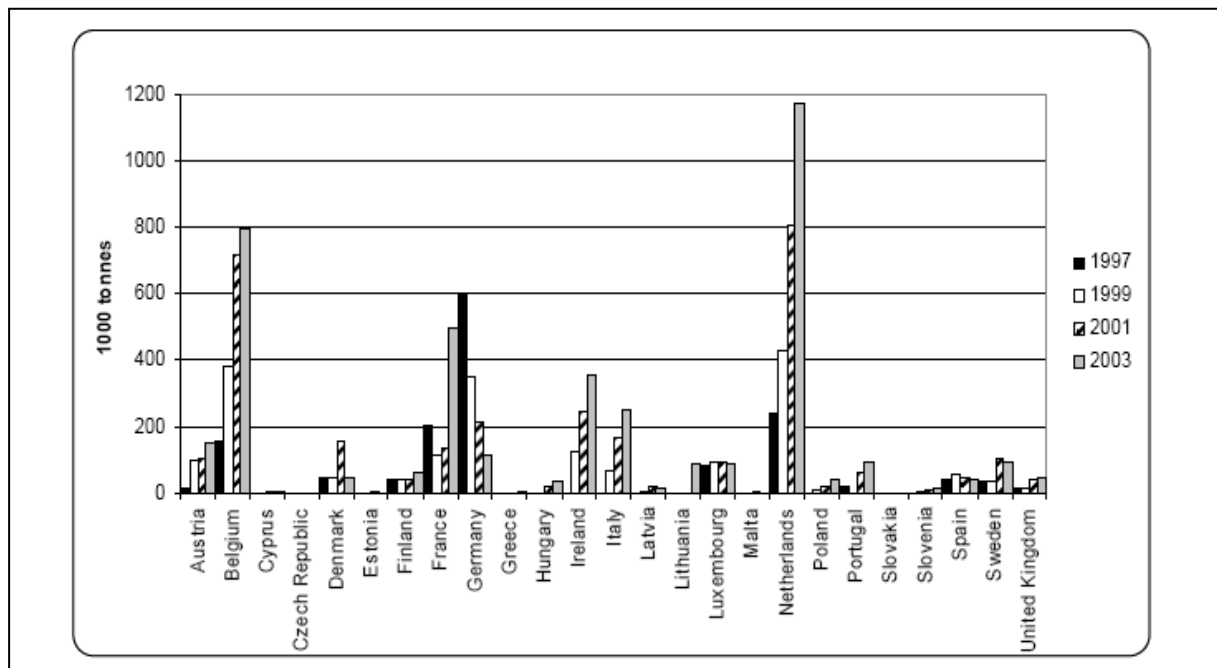


Figure 2-1: Shipments of notified waste out of EU-25 countries (EU-intra and EU-extra) (sources: EU Commission, 2007 and SBC, 2007)

Per capita exports of notified wastes were especially high for Luxembourg and relatively high for Belgium, Ireland and the Netherlands.

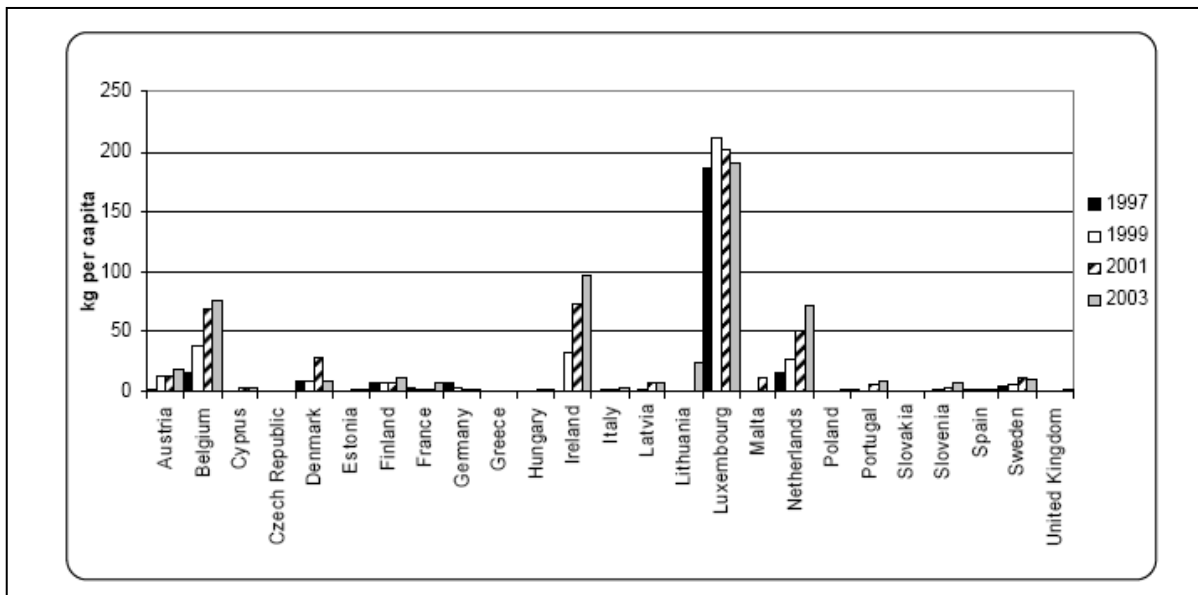


Figure 2-2: Shipments of notified waste out of EU-25 countries in kg per capita (EU-intra and EU-extra). (sources: EU Commission, 2007; SBC, 2007)

As a sole country, Luxembourg has a clear reduction in the amounts shipped per capita, while amounts in the Netherlands are increasing steeply. Increasing amounts can also be seen in Austria, Belgium, Denmark and Ireland. EU-15 average shipments have increased from 7.1 kg per capita in 1997 to 21.7 kg per capita in 2003.

The report can also be used as a source of information on the green listed waste trade. Data are extracted from COMTEXT, the EUROSTAT database for foreign trade. For 2006 however, there are only data for EU-15 MS and also there the reporting is not complete. Thus, data have to be read with care and probably underestimate the situation. According to the information extra-EU trade of waste paper in 2005 is in the same dimension as intra-EU trade and almost 2/3 of it are directed to China. Corresponding information is available for waste plastics, where the extra-EU trade significantly exceeds the intra-EU traffic. This is also the case for waste metals.

For WEEE, the main data source will be reporting according to Directive 2005/369/EC (first reporting in 2008). Information according to EUROSTAT trade statistics concluded that more than 90 % of the equipment is shipped within the EU and only 10 % is exported to third countries. Data however do not seem to be very reliable, as they only present 3 % of the estimated generation figures. Best data on ELV will be available in future from the Waste Statistics Regulation. Current data sources are EUROSTAT trade statistics and industry information from the European Automobile Manufacturers Association (ACEA).

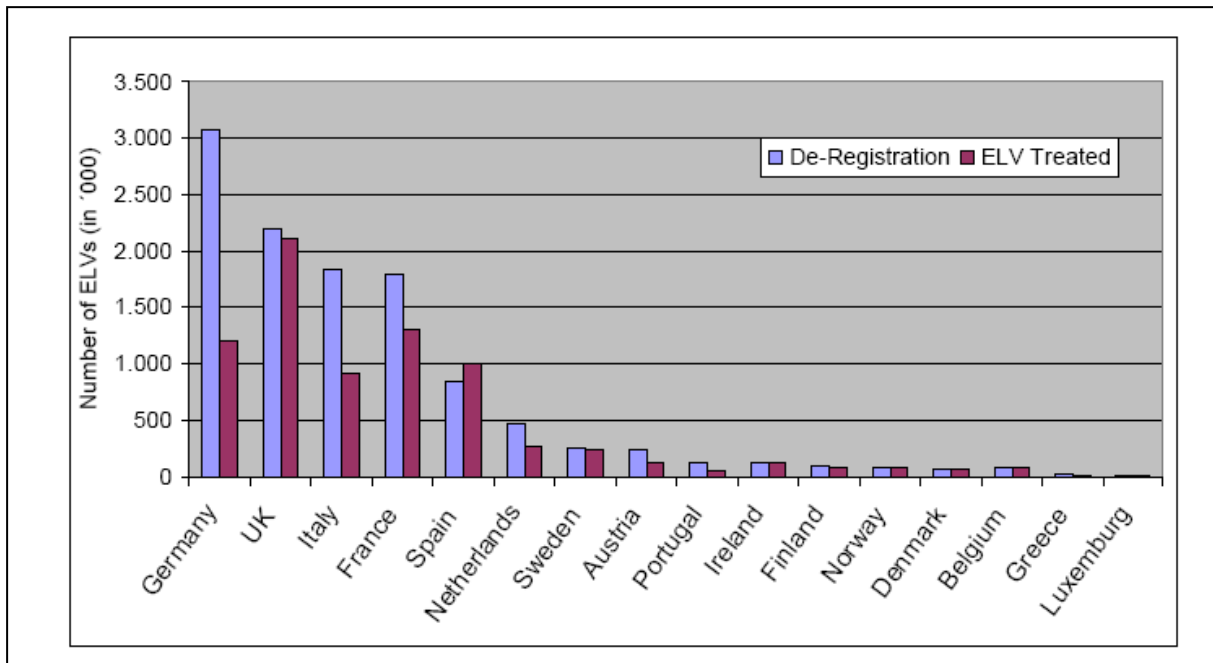


Figure 2-3: Number of End-of-life vehicles deregistered and treated in 2004 (source: ACEA 2005)

Information on detected illegal shipments can serve as the final selection criterion for MS to be selected for events. According to the above-mentioned EEA report 2008, only 120 cases have been reported to the EU Commission for 2005, with Austria, Czech Republic, Denmark, Cyprus, Estonia, France, Germany, Greece, Ireland, Italy, Latvia, Malta, Portugal, Slovenia, Spain and Sweden not having answered the provided questionnaire.

Based on the available information the following conclusions can be taken with respect to the Member States not yet covered by events:

EU MS	Information
AT	No ports. Participating within IMPEL projects. 118 kt of non-hazardous waste exported in 2006. 148 kt of hazardous waste exported in 2006.
CY	Important container harbours. Not participating within recent IMPEL project. No data available for non-hazardous waste exported. 1 kt of hazardous waste exported in 2006.
DK	Important container port. Participating within recent IMPEL projects. 128 kt of non-hazardous waste exported in 2006. 170 kt of hazardous waste exported in 2006.
LT	Ports with medium priority. Participation within IMPEL enforcement actions I without inspections. No data available for waste exports or imports in 2006.
LU	No ports. Not participating within recent IMPEL projects. 8 kt of non-hazardous waste exported in 2006. 44 kt of hazardous waste exported in 2006.
LV	Ports with medium priority. Participating within IMPEL seaport II project and enforcement actions I. No data available for non-hazardous waste exported in 2004. 6 kt of hazardous waste exported in 2006.
NL	Major container ports in EU. Coordination and participation in all IMPEL TFS projects. High amounts of waste exports.
SI	Medium capacity port. Participating within recent IMPEL projects. 0 kt of non-hazardous waste exported in 2006. 40 kt of hazardous waste exported in 2006.
SK	No ports. Participating within recent IMPEL project. No non-hazardous waste exported in 2006. 40 kt of hazardous waste exported in 2006.

Table 2-3: Background information for decision on countries to be covered by shipment seminars

Based on this information on the situation in the Member States and the selection criteria chosen, the following Member States were selected by the project team as first priority allocation to be covered by shipment seminars:

- **Cyprus, Luxembourg, Slovak Republic and Lithuania**

As alternatives in case an event in one of the first priority countries could not be executed, the following Member States were suggested on the list as back-up:

- Second priority: **Austria, Denmark, Latvia and Slovenia**
- Third priority: **The Netherlands** (due to the fact of intensive participation in inspection activities)

According to the Commission Services' Decision, it was finally decided to cover the following three Member States for seminars on the shipment of waste:

- **Austria, Cyprus, and Latvia**

## 2.2 Preparation and organisation of events

The organisation of the events was performed by BiPRO in close cooperation with the competent national authorities such as Ministries of finance, environment and national resources or the State Environmental Service.

First contacts with MS and invitations for participants were accompanied by an introduction letter, a background document and a draft agenda. In general, there were no major problems in the preparation of the events for shipment of waste. The organisation of information exchange events in all three countries identified as first priority for the subject of shipment could be achieved within the time frame scheduled. Therefore, no alternative events had to be organised.

The following table includes an overview on the realised events, dates, the supporting authority, the location, the number of participants and presentations included into the workshop and the site visit.

Country Location	Date	Workshop details
Austria Vienna	30 - 31 March 2009	<p><b>National Cooperation partner:</b> Ministry of Agriculture, Forestry, Environment and Water Management (BMLFUW)</p> <p><b>Venue:</b> Premises of the Ministry of Environment</p> <p><b>Participants:</b> 45</p> <p><b>Agenda:</b> 11 presentations (including EC , BiPRO, Austrian and German authorities. The event covered also specific conditions for waste shipment inspections in Germany, Lower Bavaria).</p> <p><b>Excursion:</b> Highway inspection facility close to Haag</p>
Latvia Riga	29 - 30 April 2009	<p><b>National Cooperation partner:</b> State Environmental Service (SES), Ministry of Environment</p> <p><b>Venue:</b> Premises of the State Environmental Service (SES), Riga</p> <p><b>Participants:</b> 24</p> <p><b>Agenda:</b> 7 presentations (including EC and BiPRO)</p> <p><b>Excursion:</b> Port of Riga</p>
Cyprus Athalassa	17 and 19 June 2009	<p><b>National Cooperation partner:</b> Ministry of Agriculture, Natural Resources and Environment</p> <p><b>Venue:</b> Agricultural Resource Institute (ARI), Athalassa, Nicosia</p> <p><b>Participants:</b> 21</p> <p><b>Agenda:</b> 7 presentations (including EC and BiPRO)</p> <p><b>Excursion:</b> Excursion to port of Limassol</p>

Table 2-4: Overview on realised awareness-raising events on shipments of waste in 2009

All events comprised excursions. In this context, the organisation of a TFS transport control in Austria by customs with the possibility for workshop participants to participate in practical, on-the-ground enforcement shall be highlighted.

For more information on the state of organisation or on the outcome of the events, see Chapter 3 and the annexes to this report.

### 2.3 Standard presentations prepared for the workshops on shipment of waste

Presentations held by the European Commission and BiPRO were a constant element at all events. Consequently, these presentations are not included within the country specific minutes but are summarised in this chapter. Presentations from BiPRO were slightly adapted and changed due to new experiences and in accordance with specific information needs of the Member States concerned.

*(1) The EU Waste Shipment Regulation – Enforcement and Implementation  
(Commission Service, DG Environment)*

The first version (P. Wessman) focused on the objectives of the EU Waste Shipment Regulation and its key elements. Emphasis was placed on the political and environmental importance of improving enforcement and implementation of the EU waste shipment regulation against the background of a currently very high frequency of illegal waste shipments, the various reports showing this situation and the specific environmental and health consequences involved as well as the constantly growing international trade with green listed wastes. The importance of certain EU legal requirements was described, including export bans, information requirements for green-listed waste (Article 18 and Annex VII) as well as Articles 49-50 on controls and inspections, and the strong need for a correct implementation in Member States. The importance of ensuring an adequate level of enforcement and inspections was clearly described. The objectives were explained with regard to how the awareness events should contribute to that EU legislation and policy are fulfilled by an exchange of information, discussion of best practices, as well as an identification of specific gaps in enforcement. National, regional and local experts were invited to take this opportunity to receive information, exchange experiences and identify possibilities for further improvements within their countries.

The second version (G. Kiayias) highlighted as a main priority of EU environmental policy the prevention of illegal shipments, to be achieved by an EU-wide harmonisation and an increase and improvement of control inspections. After describing the general legal requirements of the Waste Shipment Regulation, specific procedures (especially Titles II-VI) were described by giving details of requirements and procedures, exception and exemplary cases and their legal consequences. Figures on the increase of waste shipments, the influence of economic conditions, such as price drop for material on the increase, and of illegal shipments were presented. Problems for a successful implementation were highlighted, such as non-uniform application, the lack of resources for controls and coordination and the lack of coordination among and within Member States. Solution strategies and supporting programmes were explained, for example a helpdesk for questions on the implementation of waste legislation, coordinated joint IMPEL-TFS inspections and accompanying further studies, joint customs operations with Asia and Africa organised by the World Customs Organisation. It was furthermore emphasised that close bilateral cooperation is regarded as essential.

*(2) Introduction to the EU Project - Information Exchange and Awareness-Raising events on shipment of waste (BiPRO)*

The presentation briefly explains the function and interlinkage of the workshop with other similar events taking place in 2007 and 2008. It emphasises the objectives of the projects and stresses the various possibilities of obtaining and using workshop materials from this and other workshops.

*(3) European waste shipment legislation: Introduction, background, problems and solutions (BiPRO)*

This presentation provides an introduction to the EU waste policy and to the provisions and requirements of the Shipment Regulation. Starting with introducing the relevant legislative documents and basic definitions, the presentation briefly describes the notification or general information procedure, information requested, authorities involved, documentation and deadlines. It points out the export, import and transit requirements including the specific provisions for “green listed” waste and stresses the role of customs in this respect. The presentation then highlights the issue of illegal waste shipment including promoting factors and parameters hampering effective control, such as classification difficulties, knowledge and enforcement deficits. Finally, the presentation highlights the enforcement requirements set in the Regulation such as inspection and international cooperation, and gives examples for good practice and solutions in place.

*(4) Experiences from previous project events (BiPRO)*

One aim of the project is the information exchange between Member States. Consequently, these presentations provide summary information about the experiences made in all previous events in 2007 and 2008, constantly updating the information with results from the events which have been completed in 2009. The presentations contain information on major problems and deficits, status of implementation, cooperation and controls and lists examples of good practice in implementation and enforcement. Finally, the presentation recommends steps on how to make controls more effective.

All presentations, including the standard presentations from the EC and BiPRO have been made available for download at: <http://www.bipro.de/waste-events/ship/shipment.htm>

## 2.4 Project web page

The project web page established by BiPRO to announce and support the events and to present the results is available at: <http://www.bipro.de/waste-events/>

The website was constantly updated with recent information on the status of the events. A third section integrating the topic of waste management planning and waste prevention was included into the previously available project homepage on landfill and shipment of waste.



Figure 2-4: Entrance page and design of project web page

The three sections are further divided in a uniform structure into the following sub-sections (see Figure 2-5):

1. Events 2007 / 2008 / 2009 (overview for each of the annual phases and specific homepage for each country covered by the project)
2. Background / Objectives (containing the scope of the project)
3. EU legislation / Legal cases (downloads and short explanations of relevant European legislation)
4. Data / Download (containing e.g. information on current IMPEL project)
5. Links (linking to relevant European and International institutions)

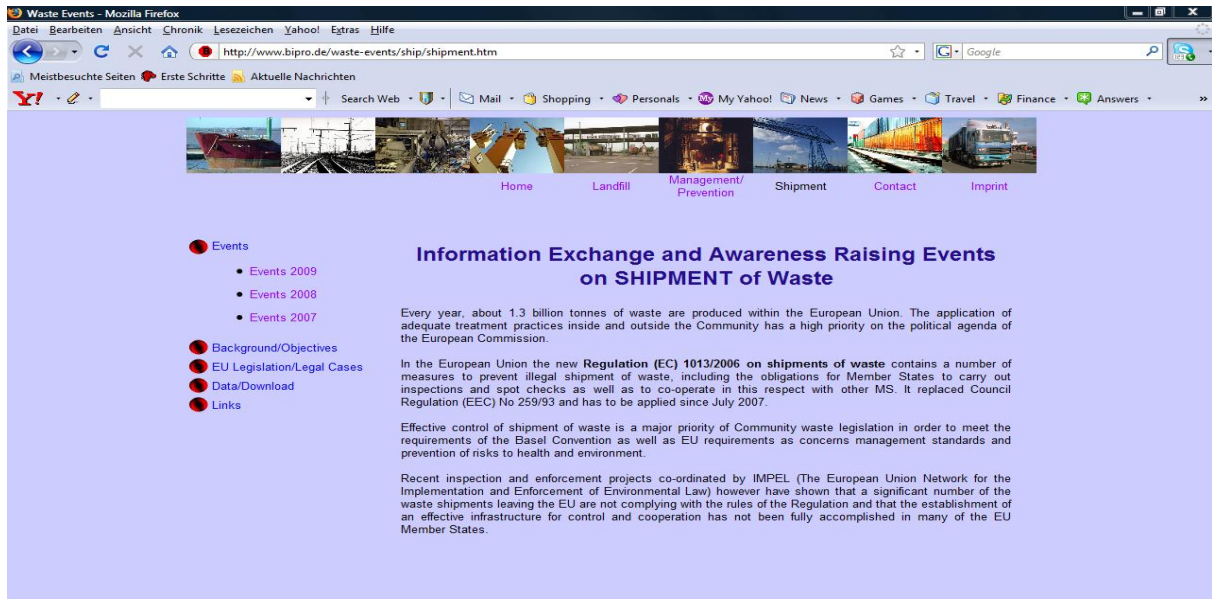


Figure 2-5: Overview page of the section on shipment of waste

During the preparation phase, invitations, registration forms, schedules, list of participants, relevant links to national institutions, information about location and transportation, were uploaded for interested experts to use.

All workshop material has been made available on the web page, including the presentations and additional material provided by the participants or other experts. The minutes of the events corrected and approved by the key authorities including the final agenda and participation list are also included.

Additional material and links are also available at the country specific websites.

The website up to now includes the presentation, minutes and material of altogether about 40 workshops held within the last three years and therefore provides a very good insight into and concise overview on the situation within the EU Member States as regards the topics of shipment of waste, landfill of waste and waste management planning and waste prevention, thus ensuring that participants have available the event outcomes and information material of the awareness-raising events from the other MS supporting synergy effects and learning by each other's experiences, and that competent authorities of the MS not covered by the events have access to the material.

## **3 Overview of State and Development of Waste Shipment Enforcement**

### **3.1 Overview of waste shipment enforcement and the situations in Austria and Germany (Bavaria)**

The Austrian waste shipment enforcement is based on the Waste Management Act 2002 (AWG 2002), which was amended four times and includes since the last amendment (2006) an adaptation to the new Waste Shipment Regulation. The supervision and implementation of the AWG is incumbent upon the BMLFUW, while shipment inspections are carried out by the customs and the state police under the assistance of the BMLFUW and the EPA (Umweltbundesamt). Due to a lack of full competence of police services in the waste sector and the fact that Austria is a transit country, competences and responsibilities in case of illegal waste shipments constitute a major problem for Austrian authorities. Austria has comparatively good practice in national cooperation with small deficits on regional level and an excellent practice in international cooperation and communication since it is member of IMPEL since 1995 and has a leading role in important and innovative projects, like the "Pfändertunnel" project or EUDIN project. There is a permanent exchange and constant communication between Austria and its neighbours, to improve the shipment regulation. A result of these connections is the Border Area Agreement between Austria and Germany.

Table 3-1 includes an overview on the Austrian waste shipment enforcement and on issues on implementation of EU waste legislation. The detailed minutes of the shipment workshop in Austria are presented in the annex to this document. Guidelines and further documents of Austrian waste policy can be downloaded at: <http://www.bipro.de/waste-events/ship/events09/at.html>

The event covered also specific conditions for waste shipment inspections in Germany, Lower Bavaria. German authorities (Bavaria) specifically raised the issue regarding competent authorities of transit and the fact that their situation in relation to the EU waste shipment regulation could require some clarifications, e.g. whether these authorities should or not check waste shipments; can they or not intervene basing their actions on how EU law should be interpreted. In addition, the electronic system for notifications used e.g. in Austria and Germany was presented and discussed (the "EUDIN system").

Issue	Summarised details of Austrian shipment enforcement
Development of waste policy	<ul style="list-style-type: none"> <li>Based on the Waste Management Act 2002 and its four amendments (latest from 2006)</li> <li>The BMLFUW is obliged to draft a Federal Waste Management Plan at least every fifth year</li> <li>Part of IMPEL since 1995</li> </ul>
Main issues of current policy /future activities	<ul style="list-style-type: none"> <li>Clarification of responsibility in cases of illegal shipment</li> <li>Harmonised level of cooperation and controls in all provinces</li> <li>Complete coverage of all major transit routes by means of fixed control points</li> </ul>
Waste shipment development	<ul style="list-style-type: none"> <li>Number of notifications constantly growing (1873 notifications in 2008)</li> <li>Large share of transit notifications</li> <li>Annual export: 3 million tons in 2008, with almost half of the quantity covered by a notification resulting of a tunnel construction</li> <li>Annual imports: 400.000 tons</li> <li>Major partner countries are Germany, Czech Republic Hungary and Switzerland</li> </ul>
Major waste streams	<ul style="list-style-type: none"> <li>Export: Germany (2,4 million tons in 2008), Slovakia and Switzerland (in order of interest)</li> <li>Import: Germany (208.000 tons in 2008), Italy and Slovenia (in order of interest)</li> </ul>
Control activities	<ul style="list-style-type: none"> <li>Transport: two extensive(four to five days) control actions per year with simultaneous border controls at federal state borders and five to ten normal (one to two days) controls on border crossings</li> <li>Companies: Approximately 20 to 30 company inspections per year and the possibility of special inspections pursuant to §75 of the Waste Management Act 2002 if necessary</li> </ul>
Innovative Enforcement tools	<ul style="list-style-type: none"> <li>Waste data base</li> <li>Pfändertunnel project</li> <li>EUDIN</li> <li>Border Area agreement with Germany</li> <li>Official cooperation agreements between Customs and Environmental authorities</li> <li>Guidance document on TFS control for customs services</li> <li>Manual for waste classification</li> </ul>

Table 3-1: Overview of waste shipment management and enforcement of WSR requirements in Austria

### 3.2 Overview of waste shipment enforcement in Latvia

The three pillars of Latvian waste shipment enforcement are the Basel Convention, which is, pursuant to the Latvian constitution, directly applicable, the Waste Management Law of 2001 and the Cabinet of Ministers Regulation No.365 from 2004. Until 31 December 2010 exists a temporary derogation rule resulting from the accession to the European Union in 2004 (see Article 63(1) of Waste Shipment Regulation). The executive authorities are the State Environmental Service (SES), concerning the legislation and issues of notification, and the customs, concerning the controls of violations of EC customs legislation at national frontiers. It was stated that waste shipment of waste overall is not a major problem in Latvia.

The problem of waste shipment is relatively new to Latvia, so that cooperation with other countries is not well established. However, recently a trilateral cooperation with the other Baltic States has been established to improve control. Latvian representatives are participating in IMPEL TFS activities.

Table 3-2 includes an overview on the Latvian waste shipment enforcement and on issues on implementation of EU waste legislation. The detailed minutes of the workshop in Latvia are provided in the annex document. Guidelines and further documents of Latvian waste policy can be downloaded at: <http://www.bipro.de/waste-events/ship/events09/lv.html>

Issue	Summarised details of Latvian shipment enforcement
Development of waste policy	<ul style="list-style-type: none"> <li>Based on the Basel Convention, the waste Management Law of 201 and the Cabinet of Ministers Regulation 365 from 2004</li> <li>Temporary derogation rule until 31 December 2010</li> <li>Member of IMPEL</li> </ul>
Current policy measures	<ul style="list-style-type: none"> <li>Trilateral cooperation with other Baltic States</li> <li>Establishment of enforcement infrastructure</li> </ul>
Waste shipment development	<ul style="list-style-type: none"> <li>Low number of notifications (in 2008: 28 for export, 98 for import and 15 for transit)</li> <li>Annual export: no information</li> <li>Annual imports: no information</li> <li>Major partner countries are Lithuania, Estonia and Germany</li> </ul>
Major waste streams	<ul style="list-style-type: none"> <li>Export: Batteries (EE, LT, DE), wastes from surface treatment of metals (DK)</li> <li>Import: Hazardous Waste (EE, LT), metal scrap(LT)</li> </ul>
Control activities	<ul style="list-style-type: none"> <li>Transport: No targeted controls on roads due to lack of information exchange between SES and Customs, low frequency of border controls and low frequency of inspections on the origin or the destination ( ten controls in 2008)</li> <li>Companies: Approximately 20 to 30 company inspections per year and the possibility of special inspections pursuant to §75 of the Waste Management Act 2002 if necessary</li> </ul>

Table 3-2: Overview of waste shipment management and enforcement of WSR requirements in Latvia

### 3.3 Overview of enforcement of waste shipment in Cyprus

Cyprus due to its strategic geographical location is forced to export waste for further treatment and in addition represents an important transshipment centre linking Europe with the Middle East, Central Asia and Far East, resulting in a considerable volume of waste shipment notifications.

Basis for control and regulation of was shipments is the Solid and Hazardous Waste Law 215(I)/ 2002 and regulations derived from this law.

Major actors in the field of waste shipment supervision in Cyprus are the Environmental Services of the Ministry of Agriculture, Natural Resources and Environment and customs services from the Cyprus Customs and Excise Department.

The bilateral cooperation between Ministries and customs has recently been established and systematic TFS controls start to be performed. In addition Cyprus is participation in Impel TFS projects as a good measure of capacity building and exchange of expertise. The most problematic issues for proper waste shipment enforcement is the very specific political situation in Cyprus, in terms of the political separation and the existence of British Military Bases on the Cypriot territory.

Table 3-3 includes an overview on the Cypriote waste shipment enforcement and on issues on implementation of EU waste legislation. The Annex includes the minutes of the workshop in Cyprus with further information and details. Guidelines and further documents of Cypriote waste policy can be downloaded at: <http://www.bipro.de/waste-events/ship/events09/cy.html>

Issue	Summarised details of Cypriote shipment enforcement
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Issue	Summarised details of Cypriote shipment enforcement
Development of waste policy	<ul style="list-style-type: none"> <li>• Based on the Solid and Hazardous Waste Law 215(I)/ 2002 and regulations derived from this law</li> <li>• Active member of IMPEL</li> <li>• Participation in the IMPEL-TFS Enforcement Actions II</li> </ul>
Main issues of current policy /future activities	<ul style="list-style-type: none"> <li>• Installation of electronic notification system</li> <li>• Training of custom services</li> <li>• Intensification of cooperation between the involved authorities customs and environmental inspectors</li> <li>• Establishment of regular control scheme</li> </ul>
Waste shipment development	<ul style="list-style-type: none"> <li>• Annual export: hazardous waste 2,100 tons</li> <li>• Annual imports: no official waste imports</li> <li>• Major partner countries: Netherlands, Germany, Israel</li> </ul>
Major waste streams	<ul style="list-style-type: none"> <li>• Export: lead acid batteries, ELV, metal, plastic, paper and glass packaging, scrap metal, medical and toxic waste</li> <li>• Import: no official waste imports; unauthorised flows of ELV, transformers etc into the Greek Cypriot territory; abandoned cargo in harbours</li> </ul>
Control activities	<ul style="list-style-type: none"> <li>• Transport: cooperation and constant information exchange between the Environmental Services of the Ministry of Agriculture, Natural resources and customs services; police services are so far not involved in control activities</li> <li>• Companies: administrative power for company controls in place</li> </ul>
Innovative Enforcement tools	<ul style="list-style-type: none"> <li>• Agreement with customs services to exchange Annex VII documents</li> <li>• Installation of scanner for container screening</li> </ul>

Table 3-3: Overview of waste shipment management and enforcement of WSR requirements in Cyprus

## 4 Implementation of EU Waste Shipment requirements in Member States

This chapter provides a summary of the main problems and deficits relating to implementation and enforcement of Regulation EU No 1013/2006, examples of good enforcement practice, priorities identified by workshop participants and suggestions for support or clarification addressed during the events towards the EU Commission in order to support the process. All information was derived either from the workshop presentation material or from the discussion minutes. More details on the situation in the individual Member States is presented in the annex to this report.

### 4.1 Characterisation of the situation in Member States and comparison with previous events

The situation with respect to the implementation and enforcement of the requirements of the EU regulation (No)1013/2006 on shipment of waste in the three MS visited in 2009 is similar in certain aspects, while on the other hand, level of enforcement shows considerable differences and certain challenges are highly specific.

As regards level of implementation and enforcement of EU waste shipment requirements the major parameter can be identified as:

- (1) Sufficiently frequent and adequate controls, inspections and spot-checks, combined with the adoption of strategies and risk-assessments on these matters;
- (2) High level of cooperation and established communication / information exchange structures between authorities at various levels, as well as a clear allocation of tasks and responsibilities to carry out inspections and spot-checks on waste shipments;
- (3) Good understanding of the tasks involved and knowledge of the legal requirements, for example through targeted and specific guidance and training.

In this context the situation in the visited MS can be characterised as follows:

Since the entry into force of the new regulation, the competent Member State authorities have made considerable efforts to adapt to the new requirements and to establish a control infrastructure.

Apart from limited difficulties with capacity, interpretations and varying requirements, notification procedures are well established and running relatively smooth.

All MS covered have established some type of structure to perform or start control measures although to a varying extent.

Considerable differences between MS and remaining deficits however, can be observed as concerns shipment inspections and transport spot-checks.

Cooperation between environmental inspectors and other involved authorities partly remains problematic and would need to be intensified.

The situation is similar in many aspects to the situation in the Member States covered by the series

of events held in 2007. However, it can be clearly noted that the topic has raised on the political agenda in the last years and that appropriate infrastructure starts to be established and become effective. For Austria it can be even stated that cooperation and control mechanisms are already well established and that national authorities are actively involved in promoting the issue on European scale and providing practical capacity building to neighbouring countries.

#### 4.2 Summary of common challenges and deficits with the implementation of the EU shipment regulation

This section highlights the main common problems MS experience with respect to implementation of the Shipment Regulation and with transboundary shipments of waste itself. In order to stress specific problems of single MS as well, a short overview of challenges by country is presented.

As a transit country, **Austria** has problems particularly with the division of competences and responsibilities, the inspection of shipments and the organisation of the processes encountered when detecting an illegal shipment. Communication, cooperation and data exchange are especially important for a transit country and deficits are reported from Austria in this field. Furthermore, the country is mainly dependent on road inspection and it has reported problems with this type of controls. At the same event, **Germany** (Bavaria) raised the issue of the status of transit countries under the EU waste shipment regulation.

**Latvia** is a country with a comparably low rate of waste imports and problems are especially reported on the lack of knowledge of staff, lack of cooperation amongst the authorities and the general low priority of waste imports and exports on the political agenda. In addition, a varying interpretation of the Waste Shipment Regulation amongst Member States is causing problems.

**Cyprus** as an island state of small size and is highly depended on waste exports, since its own treatment options, particularly for specific waste streams, are limited. Apart from problems with the interpretation of the requirements with particular regard to the financial guarantee and the correct classification, the very special situation with the northern part of Cyprus and the existence of foreign military bases is causing problems.

Challenges and deficits in general have been discussed and reported in the following fields:

- (1) Uncertain competences and responsibilities  
(between member states, amongst authorities within one country, for specific MS conditions)
- (2) Deficits for inspections and controls activities  
(Low number of controls, problems with road controls, lack of risking base inspections)
- (3) Deficits of communication, cooperation, awareness and knowledge  
(Cooperation within MS, cooperation between MS, training)
- (4) Difficulties with interpretation of legislation

In addition, most of the topics discussed during the events held in 2007 and 2008, as illustrated below are experienced accordingly, although to a varying extent and are not particularly put forward into the focus of discussion.

- (1) Major waste streams & destinations (including green listed waste to third countries, the problem of brokers and dealers, waste transports to new MS)
- (2) Cooperation within MS (including official agreements, guidance and training, and data exchange)
- (3) Cooperation between MS (including language problems, data exchange, cooperation in cases of illegal shipments)
- (4) Notification procedure (comprising deadlines, electronic tools, requested information, guarantees, parallel existence of varying forms, waste transports within EU, Annex VII documents)
- (5) General information requirements (Annex VII document)
- (6) Cooperation with third countries (including green listed waste to third countries, the problem of brokers and dealers)
- (7) Control and inspection activities (man power; classification problems, deficits in man-power. tools and priority)

In comparison to previous years, major efforts can be observed within these three countries to enhance cooperation amongst the authorities, for example, by participating in the IMPEL projects on shipments of waste. However, deficits in communication, cooperation and data exchange were reported to remain especially in LV. The lack of common understanding and interpretation of the Waste Shipment Regulation (e.g. when it comes to the classification of waste, calculation of the financial guarantee, information requirements or language used) are further difficulties still persisting.

In the following challenges identified in AT, LV and CY are further elaborated.

*(1) Uncertain competences and responsibilities*

As various authorities are involved in the control of waste shipments (customs, police, harbour authorities, inspectorates, ministries) from the countries of dispatch, transit and destination, the division of responsibilities, competences and paths of communication are a complex issue, hampering the detection of illegal waste shipments and the post processing in cases of detection.

○ *Competences and responsibilities between Member States in cases of illegal shipments*

The question of responsibility in cases of illegal shipments was regarded as a priority topic and challenge in AT. Practice shows that the handling of illegal shipments concerning Article 24 of the Waste Shipment Regulation is difficult (e.g. duration of finalisation of actions referring to the illegal shipment, tendering procedures, preservation of evidence of documents at the consignee, at the transport company and/or at the site of the person who should have acted as notifier etc.).

○ *Competences and responsibilities amongst authorities within one country*

Many different authorities are involved in cases of shipment of waste (customs, police, harbour authorities, inspectorates, ministries) and the division of responsibilities, competences and paths of communication between the authorities are not always well defined (see cooperation). The lack of waste related competences for police bodies is regarded as an important enforcement

obstacle. Different solutions for these problems are on the way, for example the implementation of databases including information on the ongoing notifications with access for the authorities involved or the involvement of a communication plan (which authority/experts have to be informed in what cases?). The extension of the competences of certain authorities should also be discussed.

- *The problem with specific MS conditions*

The lack of competences and a high burden of control for transit authorities is another topic that has been stressed by AT. CY raised the problem of competences and responsibility as well as cooperation in transports from/to British military bases and waste flow from Northern Cyprus.

(2) Deficits in inspections and control activities

- *Low number of controls*

For the major control bodies, mainly the police and customs, the control of waste transport is an additional burden and traditionally not a priority as they are concentrating on other tasks such as weapons, drugs and tax. In addition, customs traditionally focuses on the import and not on the export side. In addition, the available manpower both in notification and control bodies is limited in the MS. It seems that the understanding of the necessity of actual controls of waste shipments is increasing amongst the authorities and in recent years. MS such as Austria took great efforts to increase the number of actual controls. Cyprus and Latvia on the other hand are just starting physical transport controls and still have to tackle other major obstacles.

- *Problems with road controls*

The low detection rate of road controls related to an important logistical and administrative effort has been raised as a major problem in times of scarce resources. (For proposed solutions see examples of good practice). According to reported information, routine transport controls for TFS so far are only performed in AT.

- *Problems with company controls*

Systematic waste related company controls could in theory constitute a valuable tool for TFS enforcement. In practice however, a systematic approach is not taken in three countries due to procedural constraints and limited capacity. In AT, company inspections are restricted to verification situations. CY highlighted the fact that unannounced inspections in practice cannot be realised, and that the forced delay provides enough possibilities for offenders to clean up/dissimulate the situation.

- *Lack of risk based inspections*

Risk profiling and risk assessment is a potential means of increasing detection rates of illegal waste shipments and to save scarce resources. According to information provided, a systematic hazard assessment related to TFS and corresponding targeted waste chain inspections have not been performed in any of the three countries, although basic approaches and initiatives in this field based on transport/notification statistics are in place at least in AT and CY.

(3) Deficits of communication, cooperation, awareness and knowledge

- *Cooperation within a Member State*

Good cooperation schemes have been established at the national level in Austria. Apart from this however, there remain deficits in cooperation and data exchange between the authorities involved. Namely, in LV but also in CY, cooperation with customs and in particular with the police is still at an early stage, even if good success rates have been achieved recently in this issue in CY. AT reported on significant differences in the level of cooperation in the various Federal Provinces.

- *Cooperation between Member States*

Efforts have been made to enhance the cooperation between MS within recent years and the three countries covered by the events are all taking part in exchange programmes of IMPEL.

However, authorities stated that information exchange and sharing of data between various MS would benefit from further intensification. As in last year's events, language problems have been reported as an ongoing obstacle both for the notification procedures as well as for actual control.

- *Awareness and knowledge*

Since complex technical and legal details are involved in the issue of waste shipments, awareness and training for enforcement authorities is crucial. Lack of environmental expertise and knowledge of waste issues have been reported especially in authorities usually not concerned with such issues (e.g. customs). The same has been reported for regional/local authorities and industrial stakeholders even if information campaigns and information material are already partly established.

(4) Difficulties with interpretation of legislation

Requirements within the Waste Shipment Regulation are comprehensive and complex and the interpretation of the law or its on-the-ground adoption is not always easy. In some cases, there is a different understanding of the EU provisions amongst the Member States, for example concerning waste classification, the financial guarantee, the transitional rules or the language which should be used in notification documents (see also cooperation).

National court decisions are reported to partly counteract the efforts of control authorities to prevent illegal shipments or to prosecute potential offenders.

(5) Interference with competing legislation

A new aspect that has been introduced into the discussion and which was controversially discussed during the event in AT, was the interference of Waste Shipment Guidance and objectives with competing legal principles such as the right of free movements of goods.

A condensed overview of reported problems and deficits by country, indicating individual characteristics and the needs of a country, is presented in Table 4-1. More information and details are included in the country specific minutes in the annex to this document.

Issue	Problem and deficits described	Member State
Responsibilities / Competences	No common understanding of responsibilities in cases of illegal shipments	AT
	Insufficient competences for transit authorities in cases of illegal shipments	AT
	Illegal shipments mostly being detected by other countries and not within country of dispatch	AT
	Lack of full competence of police services in the waste sector	AT
	Customs rather focus on incoming merchandise and on classic suspicious goods such as drugs and weapons	LV
	Low political priority and at times not enough human capacity to meet deadlines of WSR	LV
	Lack of knowledge and control on waste movements to/from British military bases; wastes sold as second-hand goods on Cypriot territory	CY
	Use of non-existent destination addresses for imports; cargoes not cleared (40 to 50 days) have to be stored at the customs premises	CY
Inspections / Controls	Systematic (risk based) planning of shipment inspections not realised	AT
	Company inspections only performed in cases of suspicion	AT
	Low detection rate during road inspections	AT
	No mandatory waste labelling on trucks	AT
	Comparable overall number of controls, particularly in cases of transit constellations within internal market	LV
Awareness / Training / Knowledge	Deficits in awareness and lack of knowledge at regional and local level	AT
	Specific environmental expertise not in place at enforcement authorities; specialised units not in place and not planned	LV
Cooperation / Communication	Cooperation networks not fully established in a number of Federal Provinces (Bundesländer)	AT
	Involvement of traders and dealers	AT
	Comparability poor communication between authorities involved; low interlinkage of information (no common databases)	LV
	Reasonable in-place legislation (cooperation of authorities, on sanctions for legal persons) in many cases not applied	LV
Legislation / Interpretation	Partial antagonism of waste shipment requirements with free movement of goods	AT
	Different understanding and interpretations within Member States of transitional rules (e.g. for financial guarantee)	LV
	Existence of different understanding and interpretations within Member States of language in which notification has to be submitted (see Article 8(1) and 27 of Waste Shipment Regulation)	LV
	National authorities and courts would not respect European legislation and European court of Justice	LV
	Problems with correct classification of hazardous wastes (countries of destination partly request a different coding)	CY
	Problems with calculation of financial guarantees	CY
	Imports from the Northern part of Cyprus not officially regarded as imports from a third country, often assumed to stem from other countries (mainly Turkey)	CY

Table 4-1: Overview on major challenges and deficits related to shipment of waste identified in MS

### 4.3 Summary of examples of good practice with the implementation of the EU shipment regulation

The three Member States addressed by the shipment workshops make efforts to implement the Waste Shipment Regulation on a different scale and to a different extent.

In Austria especially, a wide range of examples for good practice could be collected in the fields of new and effective paths of communication, establishment of internal, bilateral and international cooperation and execution of physical controls. In addition, some valuable examples for good cooperation and information exchange could be collected from Cyprus and Latvia.

Examples for good practice provided during the events can be allocated to the following categories:

- (1) Elaboration of information exchange strategies and data exchange tools
- (2) Cooperation at national and international level
- (3) Control and inspection activities
- (4) Elaboration of guidance, training and further instruments to support implementation

The examples of good practices collected are in line with the good examples identified in the 2007 and 2008 series of events. Furthermore, the commencement of physical transport controls (routine activities so far only in AT), an increased use of modern and efficient ways of communication, data elaboration and data exchange between different involved authorities can be observed.

#### *(1) Elaboration of information exchange strategies and data exchange tools*

Major examples of good practice in communication are regular information transfer on notifications (website or mail) and mutual access to databases. Establishment of registers of waste producers and treatment facilities are other means of information.

Austria has been managing an electronic database on waste shipment since 2003. Customs and police have access to waste related data and notification information via the database in order to receive rapid information about ongoing shipments. Access for regional authorities is planned for the near future. In addition, Austria is taking a leading role in the European electronic data transfer system (E-TSF pilot A action). Another innovative project is the automated data transfer between AT and DE in the context of a large construction project (The Pfänder Tunnel).

Finally, Austria elaborated a compilation of illegal shipment cases with a proposed allocation of responsibilities in order to provide a list of typical cases as a discussion basis for decisions and guidance in this field.

In Cyprus, environmental authorities can access customs documents for further information and investigation and provide customs access to shipment notifications. Information about suspicious cases as well as Annex VII documents is exchanged between customs and environmental inspectorates.

#### *(2) Cooperation at national and international level*

AT has already established good structures for cooperation between involved authorities (namely, customs and EPA) on a national scale and regular meetings are conducted at both levels to exchange information on new developments and cases and to harmonise procedures.

In addition, Austria is highly active in international TFS activities and supports neighbouring countries in building up capacity on TFS control. Latvia and Cyprus are also taking part in the IMPEL TSF enforcement actions II project.

One example, which shall be highlighted in particular, is the elaboration of an official bilateral border area agreement (ordinance) between Germany and Austria at the beginning of this year. This agreement clearly defines and regulates facilitated notification and information procedures in accordance with WSR requirements.

Cyprus has started good cooperation work with custom services including mutual information transfer (see above).

In the case of Latvia, a trilateral cooperation on environmental issues has been set up recently with Estonia and Lithuania.

### *(3) Control and inspection activities*

In principal, the legal and administrative power to perform controls of waste shipments is in place in the Member States and could be used to perform physical spot-checks even if some changes in the legal framework might be helpful to further facilitate the work. Austria has been performing regular controls for several years. In this context, the installation of fixed control stations, simultaneous controls on all major transit routes and a routine combination with ADR controls can be regarded as examples of good practice. Cyprus has recently started the first physical inspections, and a scanner to improve container controls at ports will be available soon.

### *(4) Elaboration of guidance, training and further instruments to support implementation*

#### *o Elaboration of guidance*

Guidance is an important tool to harmonise control activities and provide clarification on issues where questions regularly arise. In addition, the issue of classification (e.g. waste vs. second-hand goods, green listed waste vs. amber listed waste; end-of-life vehicles vs. second-hand cars) was again emphasised during the events as problems influencing effective enforcement of the regulation.

Austria elaborated several valuable guidance documents.

- o* A check-list for controls to harmonise control actions throughout the territory.
- o* An illustrated manual with examples of green and amber listed waste
- o* A guideline for TFS controls developed by the Ministry of Finance for customs services
- o* Information on required information and documents (including financial guarantee) in cases of waste transit via AT.

#### *o Training*

As in the last few years, efforts have been made to keep the involved authorities informed and to provide training to tackle issues on waste and waste shipments in particular. The involvement of the authorities such as the police and customs in regular meetings and regular training sessions are practised in Austria on a federal state level. In addition, Cyprus has also started with training

activities for custom services.

○ *Further instruments to support implementation*

In Austria, a website has been set up containing information and materials on waste issues and the shipment of waste, which addresses companies working in the field of waste management and transport in particular.

An allocation of good practice by Member State is presented in Table 4-2 . More details are included in the country specific minutes in the Annex to this report.

Issue	Good practice	Member State
Data and Information Exchange	Data base on waste shipment (“e-Verbringung”) since 2003 managed by the BMLFUW (in cooperation with EPA)	AT
	Leading role in envisaged project for electronic information exchange system (E-TFS pilot A action)	AT
	Project to electronically register transports, including information on receipt, recovery/disposal via a chip for large soil excavation activity (project “Pfändertunnel”)	AT
	Access of customs and police to waste database to receive quick information about ongoing shipments; access for regional authorities is envisaged	AT
	Compilation of illegal shipments with proposed allocation of responsibility	AT
	Environmental authorities can access customs documents	CY
	Information exchange on suspicious cargo between customs and environmental inspectors	CY
	Agreement with customs services to transmit copies of Annex VII documents to environmental authorities	CY
Cooperation	International cooperation (IMPEL TFS Network) and realisation of exchange programmes	AT, LV, CY
	Bilateral and trilateral collaboration with neighbouring MS	AT, LV
	Official border area agreement (ordinance) between AT and DE	AT
	Cooperation with customs started	CY
Inspections / Controls	Regular shipment controls (2 extensive control) and 5-10 controls during the year (on a national scale, additional actions at regional level)	AT
	Fixed control stations on major transport routes equipped with traffic guidance systems, appropriate shelter and administrative infrastructure	AT
	Simultaneous controls on all major transport routes	AT
	First physical inspections performed	CY
	Scanner for container control ordered	CY
	Administrative power for company controls in place	CY
Guidance / Implementation Support	Elaboration of control check list to harmonise actions	AT
	Elaboration of website containing information and material available for enterprises and authorities	AT
	Elaboration of an illustrated manual with examples of green and amber listed waste in order to simplify the classification of waste	AT
	National guideline for classification of ELV	AT

Issue	Good practice	Member State
	Definition of precise requirements for transit through Austria (including financial guarantee)	AT
Awareness / Training / Knowledge	Involvement and regular meeting/training of all relevant authorities (police, customs) and the control bodies on the federal state level	AT
	Training and information of customs services	CY

Table 4-2: Overview on examples of good practice related to shipment of waste identified in MS

#### 4.4 Summary of priorities for Member States for the implementation of the EU shipment regulation

Priorities in the three Member States range from establishment of appropriate control infrastructure and adaptation of the legal framework to improved clarification of the responsibilities in cases of illegal shipments and competences of transit countries.

In **Austria**, the priorities can be defined more in regard to the clarification of the responsibilities and competences, especially regarding the situation as a transit country, while in **Latvia** and **Cyprus** the further development of general cooperation and an information structure and the organisation of actual controls are seen as priorities.

Overall priorities identified during the events can be defined as follows:

- |     |   |
|-----|---|
| (1) | Provide more clarification on share of responsibilities in cases of illegal shipments and management options of transit countries |
| (2) | Enhance cooperation structure   |
| (3) | Improve equipment, manpower, awareness and knowledge  |
| (4) | Improve information exchange  |
| (5) | Facilitate notification procedures  |
| (6) | Increase number of and better target controls   |
| (7) | Prevent abandonment of waste in harbour areas and uncontrolled waste flow from "third" countries and military bases               |

Priorities reported are largely comparable with the ones elaborated in the 2007 and 2008 series of events. Again, improvements in cooperation, data exchange and training are seen as a priority. Also the increase of actual controls and a shift towards more targeted controls using risk assessments or indicators have been elaborated as a priority. Additional manpower and expert knowledge within the authorities was stressed in particular in LV.

The issue of responsibilities in cases of illegal shipments and competences of transit countries mainly raised by Austria and the control of waste flows from Northern Cyprus or British military bases in CY have recently been placed on the priority list.

A detailed overview on the specific MS priorities as identified during the events is presented in Table 4-3. More details are included into the country specific minutes in the Annex to this report.

Issue	Description of priority activities	Member State
Responsibilities / Competences	Definition of responsibility, especially in cases of take-back obligations, has to be harmonised with neighbouring countries and within EU	AT, LV
	Improved management options for transit countries	AT
	Make better use of given instruments to effectively sanction violations	LV
	Solution for financing of "customs waste" management	CY
	Holder responsible to provide chemical analysis in cases of suspicious cargo	CY
Cooperation / Communication	Equal level of cooperation, awareness and activities in all Federal Provinces (Bundesländer)	AT
	Improve cooperation between the national authorities involved	LV
	Establish ways of communication to better coordinate and exchange information, e.g. a common database and electronic communication	LV
	Intensify cooperation of customs with environmental services (up to an environmental inspector integrated into customs team)	CY
	Intensify cooperation (exchange) of customs with customs administrations of other Member States, exchange of technologies and ideas	CY
Equipment / Staff / Finances	Construction of fixed check points on all major transit routes within the country	AT
	Enlarge manpower and enforcement capacity in the field	LV
Legal framework	Amend legislation which classifies as waste and requests destruction of all cargo confiscated by customs	CY
	Harmonisation of classification (product – waste) on EU scale	AT
Awareness / Training / Knowledge	Improve training and information: awareness-raising and education at regional and local level, at police and customs services	LV
	Intensify training of industry with respect of "green waste" exports	CY
Data / Information Exchange	Installation of electronic notification system	CY
	Computerisation of customs export documentation and communication	CY
Inspections / Controls	Enhance combination of waste controls with ADR controls	CY
	Prevent illegal import of waste by means of abandonment in harbour areas	CY

Table 4-3: Overview on priority activities related to shipment of waste identified in MS

#### 4.5 Summary of proposals, suggestions and needs addressing the EU Commission

The proposals for support addressed to the EU Commission are taking into account the specific Member State conditions of the countries covered by the events.

While the proposal from **Austria** focuses on the topic of shared responsibilities and the adoption of administrative procedures, **Cyprus** is mainly searching for answers to problems caused by specific political conditions. **Latvia** is concentrating on proposing clarifications and amendments to the Waste Shipment Regulation.

The requests for support that were addressed to the EU Commission during the events by participants covered the following fields:

- (1) Provide guidance and clarification on legal interpretation (illegal transport, extraterritorial military bases in other MS, financial guarantee, rejected merchandise, acknowledgement of receipt, status of transit countries)
- (2) Provide clear regulation on illegal waste shipments, including criteria or guidance for inspections and waste shipment controls (e.g. similar to ADR).
- (3) Change/strengthen administrative procedures and legal provisions to facilitate controls and improve situation (e.g. transit states, consent requirements, liability rules, copy of contract, requirements for registered brokers, dealers; liability of carriers)
- (4) Participate in development of financial solutions for EMS of illegally shipped/abandoned waste

In comparison to these requests, the suggestions from the series of events held in 2007 and 2008 were found to be restricted more to intensification of cooperation and the provision of further guidance. As the Waste Shipment Regulation has now been implemented in the Member States since 2007, on-the-ground experiences of implementation have been made and proposals are now focusing more on specific issues of the inspection, control- and notification procedures, on general administrative procedures and clearer legal requirements.

Table 4-4 provides an overview on the individual proposals, suggestions and needs addressed to the EU Commission during the workshops.

Issue	Proposal, suggestion and needs	Member State
Responsibilities / Competences	Written statement of Commission's Legal Services on interpretation of Article 24(5) on shared responsibility or development on EU Correspondence Guidelines (long term amendment of WSR)	AT, LV
	Strengthen rights of EU-transit states for stop-over of illegal transports	AT
	Development of a solution for financing the EMS disposal of illegally shipped and abandoned waste is needed	CY
	Member States need means to prevent illegal import and abandonment of waste on their territories. Carriers who bring in waste imports should be liable if no one else responsible can be identified. "Black listing" of shipping agencies not willing to take back illegal or abandoned waste loads should be possible	CY
Administrative procedure / Paper documents	Strengthen requirements regarding shipment of green listed waste (e.g. carry along copy of contract, confirmation of consignee on having permits and authorisation of ESM-recovery, laying down quality criteria for the waste destined for a specific recovery operation) Change the notification procedures by sending a mandatory copy of consent to consignee	AT
	Request better qualification of dealer and broker (e.g. by authorisation after having passed an exam on waste legislation)	AT
Qualification	Provide clear regulation for illegal shipment (change of physical-chemical composition of the waste, shared responsibility, breach of contract by consignee)	AT
Legislation / Guidance / Clarification	Develop inspection- and control criteria or guidelines on such issues (e.g. following the example of ADR), from a general perspective see above also "clear regulation for illegal shipment".	AT
	Include provisions for shared liability for all involved actors as in ADR	AT
	Clarification on the status of competent authorities of transit e.g. shall these authorities check or not check waste shipments; can they or not intervene based on their views on how EU law should be interpreted.	AT (DE, Lower Bavaria).
	Revise deadline periods of Waste Shipment Regulation	LV
	Improve guidance on acknowledgement of receipt (customs block 19)	LV
	Develop clarification and guidance on financial guarantee	LV
	Clarify whether waste generated on British military bases in Cyprus is exempted from Waste Shipment Regulation procedures and requirements	CY
	Clarify whether Cyprus is transit country if British military bases export waste via the port of Limassol	CY
Clarify the appropriate procedure for an imported product rejected by the Cypriot consignee. Does it have to be exported as waste or not?	CY	

Table 4-4: Overview on proposals, suggestions and needs related to shipment of waste identified in MS

## 5 Conclusions and recommendations

The workshops proved to be valuable tools to exchange and discuss good practice and practical problems with implementation and enforcement of the new Waste Shipment Regulation. Thus, the project further contributed to a more comprehensive insight into national characteristics and problems with the implementation of the Waste Shipment Regulation as well as a horizontal overview on the situation and common aspects.

### 5.1 Conclusions on state of implementation and enforcement

In general, it could be observed that the new Shipment Regulation is largely implemented and applied in the Member States visited. Nevertheless, with regard to the state of enforcement, major deficits and problems experienced, it can be concluded that the situation in the Member States covered by the shipment events in 2009 is diverse. The enforcement status ranges from a progressive approach of implementation introducing cooperation measures amongst authorities, regular inspections and efficient data exchange tools, to an implementation structure where cooperation and the realisation of controls has recently begun.

Compared with the events organised in 2007 and 2008, it can be concluded that there is a shift to more concise implementation of the requirements of the Waste Shipment Regulation and the knowledge about the necessity of physical controls. Improvements have been made in the field of capacity building, the establishment of an effective control infrastructure and enhanced cooperation between national authorities involved. In addition, guidance and clarification on practical enforcement and interpretation of legal provisions is increasingly elaborated by Member States authorities. Moreover, participation in training and control activities is increasingly taking place on a European scale (IMPEL).

However, although to a different extent, further efforts are needed to raise awareness on the problem of waste shipments, to establish and improve national enforcement infrastructure and cooperation between authorities involved and to establish an effective control scheme.

On a whole, conclusions on the state of implementation in the countries visited in 2009 are as follows:

- Since the entry into force of the new regulation, the competent Member State authorities have made considerable efforts to adapt to the new requirements and to establish a control infrastructure.
- Apart from limited difficulties with capacity, interpretations and varying requirements, notification procedures are well established and running relatively smooth.
- All MS covered have established some type of structure to perform or start control measures although to a varying extent.
- Considerable differences between MS and remaining deficits however, can be observed as concerns shipment inspections and transport spot-checks.
- Cooperation between environmental inspectors and other involved authorities partly remains problematic and would need to be intensified.

The situation is similar in many aspects to the situation in the Member States covered by the series of events held in previous years.

On the other hand, it can be clearly noted that the topic in general has reached higher importance on the political agenda than in last years and that appropriate infrastructure starts to be established and become effective. For Austria it can be even stated that cooperation and control mechanisms are already well established and that national authorities are actively involved in promoting the issue on European scale and providing practical capacity building to neighbouring countries.

Remaining challenges are largely similar to the ones observed in previous years, and can be characterised as:

- (1) Uncertain competences and responsibilities
- (2) Deficits for inspections and controls activities
- (3) Deficits of communication, cooperation, awareness and knowledge
- (4) Difficulties with interpretation of legislation

The examples of **good practices** (data exchange tools, cooperation, guidance, training) collected are in line with the good examples identified in the 2007 and 2008 series of events. Furthermore, an improvement in physical transport controls, an increased use of modern and efficient ways of communication, data elaboration and data exchange between different involved authorities can be observed.

**Priorities** reported are largely comparable with the ones elaborated in the 2007 and 2008 series of events (cooperation structure, information exchange, human capacity, improved controls). Apart of this the issue of responsibilities in cases of illegal shipments and competences of transit countries mainly raised by Austria and the control of waste flows from Northern Cyprus or British military bases in CY have been stressed as new topics to be discussed.

Based on these conclusions, the following recommendations may be suggested.

## 5.2 Priority activities for Member States

In order to improve enforcement of the Waste Shipment Regulation, the following priority activities have been identified, which can be recommended to the Member States covered by this report in general, even though to a varying extent (according to the level already achieved):

- (1) Enhance cooperation and communication between authorities involved at national and federal/regional levels to improve control activities and to ensure effective use of potential synergies (existing capacities, control activities and administrative powers)
- (2) Establish electronic notification/customs export declaration (online notification/declaration, automated data storage) and elaborate data exchange bases with access for the authorities involved.
- (3) Elaborate agreements between authorities for regular cooperation and data and information exchange.

- (4) Further improve expert knowledge and practical expertise and enhance technical equipment (e.g. scanner in major container harbour).
- (5) Organise regular and systematic physical controls at harbours and on major transport routes.
- (6) Execute systematic physical inspections of companies using country specific risk assessments.
- (7) Provide regular, institutionalised training for involved control staff on national and regional levels
- (8) Organise regular meetings/meetings for information exchange/capacity building/harmonisation of activities on national and regional levels
- (9) Further elaborate national clarification and guidance material to explain issues of national concern
- (10) Extend/Modify information and training to the industries concerned
- (11) Amend national legislation or change current acceptance practice if appropriate to combat abandonment of cargo and related consequences for national authorities
- (12) Actively participate in EU wide cooperation, information exchange and training projects (IMPEL TFS)

### 5.3 Priorities for EU Commission

In order to support improvement of the enforcement of the EU Waste Shipment Regulation, the following activities have been identified that could be taken up by the European Commission. Most of the recommendations are the similar to those elaborated after the previous events in 2007 and 2008 due to the experience that the deficits and difficulties with especially practical enforcement of the regulation are basically the same. Additional proposals concern the issue of shared responsibility and the distribution of liabilities. Recommendations are in particular:

- (1) Further support joint activities and exchange of all involved control bodies at all levels to learn from each other's experiences
- (2) Elaborate guidelines and manuals on interpretation of shared responsibility and liability, illegal shipments of waste, financial guarantee, acknowledgement of receipt
- (3) Further support the development of electronic notification systems appropriate for automated information exchange between all Member States
- (4) Elaborate guidance on harmonised use/management of annex VII documents
- (5) Provide clear regulation on illegal waste shipments, including criteria or guidance for inspections and waste shipment controls (e.g. similar to ADR)
- (6) Contribute to discussion or elaborate guidance on harmonised information requirements for shipment of green listed waste and notified shipments
- (7) Contribute to discussion or provide guidance on rights and competences of EU transit states

- (8) Contribute to discussion and/or support information exchange about possibilities to optimise use of policy competence for TFS controls.
- (9) Provide clarification on some Member State specific conditions
- (10) Contribute to discussion and/or develop guidance on impacts and implications of a waste label on trucks
- (11) Contribute to discussion about potential to harmonise/standardise accompanying documents for notifications, movement documents and Annex VII documents

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