

European Commission, Brussels



**Organisation of awareness-raising events concerning the  
application and enforcement of Community legislation  
on shipment of waste**

REFERENCE: ENV.G.4/SER/2006/0050

**FINAL REPORT**

30 May 2007

**BIPRO**

Beratungsgesellschaft für integrierte Problemlösungen



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## List of Abbreviations

Basel Convention	Convention on control of transboundary movements of hazardous waste
BSU	State Ministry for Urban Development and Environment of Hamburg
DG	Directorate General
DEFRA	Department for Environment, Food and Rural Affairs
EC	European Commission
EFTA	European Trade Association (current Members are Norway, Island, Switzerland and Liechtenstein)
ELV	End-of-Life Vehicle
EU-15	Member States part of the EU prior to May 2005
EU-10	Member States part of the EU since 2004
IMPEL	Network European Union Network for the Implementation and Enforcement of Environmental Law
TFS	Transfrontier Shipment
MEPA	Malta Environment and Planning Authority
MoE	Ministry of Environment
MS	Member State
MSW	mixed Municipal Solid Waste
NGO	Non Governmental Organisation
OECD	Economic Cooperation and Development
OECD Decision	C (2001)107/Final on transboundary movements of waste for recovery
OVAM	Public Waste Agency of Flanders
Shipment Regulation	Regulation (EC) No 1013/2006 on shipment of waste
WEEE	Waste Electrical and Electronic Equipment
WFD	Waste Framework Directive (Directive 2006/12/EC on waste)
YPEHODE	Hellenic Ministry of the Environment, Physical Planning and Public Works

# 1 Background and Objectives

## 1.1 Background

Each year 1.3 billion tonnes of waste are produced by the citizens of the European Union, of which 40 millions are classified as hazardous waste.

The environmental policy of the European Commission intends to set standards for the handling, transport, treatment and disposal of waste in order to reduce the negative effects to human health and to the environment.

Whenever possible waste shall be treated, recycled, reused, recovered or disposed close to the location where it emerges. However treatment and disposal facilities are often not available within the same country and waste is transported over long distances to other available or more suitable facilities.

To prevent unnecessary and illegal transfrontier shipments of waste, Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community had set out legal requirements.

This Regulation recently has been replaced and repealed by a new Regulation (EC) No 1013/2006 on shipment of waste which will be applicable from July 2007. The new Regulation contains a number of measures intended to strengthen enforcement, including obligations for the Member States to carry out inspections and spot checks as well as to co-operate in order to facilitate the prevention and detection of illegal waste shipments.

However, recent inspection and enforcement projects co-ordinated by IMPEL (The European Union Network for the Implementation and Enforcement of Environmental Law) have shown that a significant number of the waste shipments leaving the EU do not fulfil the requirements set by the EU legislation.

A substantive part of these illegal shipments concern hazardous waste exported from EU Member States to Africa or Asia. Other examples of "illegal shipments" are shipments conducted without required notification or consent from the relevant authorities, or transports where consent has been obtained from the authorities through falsification, misrepresentation or fraud. Shipments are also illegal if they take place in a way which is not specified in the notification or movement documents or in a way which results in recovery or disposal in contravention of Community or international rules.

Lack of priority for enforcement, lack of human resources, knowledge, competences and lack of cooperation have been identified as possible reasons for not preventing illegal waste shipments sufficiently.

Various competences are required in order to carry out a proper investigation of waste shipments. These include checking documents, using available data systems, stopping vehicles, blocking and opening containers and sampling.

Cooperation between national authorities and the participation of customs is crucial for effective enforcement and control. The major part of illegal waste shipments destined for non-OECD countries are being exported via large seaports throughout Europe.

However, a number of difficulties appear to exist with regard to the cooperation between environmental and custom authorities on a structural basis.

A draft study made by the IMPEL-TFS Cluster (Transfrontier Shipments of Waste) elaborated the enforcement structures for Council Regulation (EEC) No 259/93 in the Member States shows that the above mentioned problems exist in a large part of the EU.

Therefore one of the highest priorities of the European Commission is the promotion of cooperation, improvement of control and information exchange to reduce or eliminate illegal shipment of waste.

## 1.2 Objectives

In order to improve implementation of the Shipment Regulation, the European Commission initiated a project where national and regional experts are given the possibility to exchange information and experiences and to identify possibilities for improvements within their countries.

Eight "**Information Exchange and Awareness Raising Events on Shipment of Waste**" have been realised between January and May 2007. The focus was laid on cities with container big ports. In addition events should cover both "old" and "new" Member States and represent small as well as big countries.

The events dealt with the current status of notification and control procedures and stimulated co-operation initiatives and joint action by the authorities concerned.

In particular the following objectives have been set:

- Identify current problems of cooperation between the authorities involved in the application, inspections and enforcement of the Shipment Regulation and demonstrate the consequences of lack of co-operation;
- Explore and discuss current obstacles to cooperation between the relevant authorities;
- Exchange experience and provide examples of good practice concerning the enforcement and cooperation;
- Discuss possible solutions including guidelines for cooperation internally within each Member State as well as between Member States, and possibilities for joint inspections and other joint actions involving two or several Member States
- Spread information compiled during the events including guidelines for co-operation to a larger number of relevant officials in the national authorities concerned, extended also beyond the participants at the events.

The objectives envisaged that the list of participants included beside authorities like ministries, notification and enforcement and inspection authorities also representatives from ports, organisations like important scientific and educational institutions, associations and NGOs as well as waste management companies.

Additionally it was foreseen and realised that at all events a representative from the European Commission, DG Environment and experts from BiPRO were present for giving presentations explaining the European legislation and for chairing the discussion process.

## 2 Organisation of information exchange and awareness raising events on shipment of waste

### 2.1 General principles and procedures

Eight workshops concerning the European legislation on shipment of waste were realised between January and May 2007 covering 8 Member States both “old” ones and such accessing the European Union in 2004. Table 2-2 contains an overview of dates, location, venue and the number of participants and presentations of each event.

#### ***Selection of Venue***

It was envisaged to have a strong involvement of a permit or enforcement and inspection authority of the particular country being the Ministry of Environment, the Chief Inspectorate or others. All events could be realised in conference rooms of an involved authority and were realised except of Belgium in major ports of the country.

#### ***Selection of Participants***

It was envisaged to cover all institutional sides related to shipment of waste, not only authorities involved within the notification procedure, representatives of the inspectorates, the custom offices, the street and water protection police, but also organisations and associations, port authorities and waste management companies being active in the field of import/export of waste. A list with potential participants was suggested and agreed upon with the cooperating authority within the Member State. The participants were generally contacted and invited by BiPRO. For this purpose repeated phone calls and discussions have been performed. In some cases additional important support has been provided by the corresponding authority. Usually between 15 and 30 participants followed the invitation (participation lists see Annex I, Chapter 6).

#### ***Workshop structure (agenda)***

The workshops were planned usually as a two day event. After opening, the workshop started with a short introduction to the project and a **presentation** about the legal definitions, requirements and specifications at European level, focusing on the Shipment Regulation. Afterwards a presentation of the representative of the European Commission was held, focusing on the intention and on main problems of the waste shipment legislation. Besides this the morning session included presentations from the main competent authority about national legislation and the status quo of implementation. The afternoon session was dedicated to more practical presentations from other relevant authorities, from NGOs, or industry. BiPRO was giving two more presentations, one focusing on the classification problems of in case of controls and the other one presenting the experiences of previous workshops. At the end of the first day generally at least one hour for questions and discussions were included. Generally 6 to 8 presentations from national representatives could be organised covering the different aspects of the shipment issue.

The second day was dedicated to a site visit if possible or contained additional presentations if necessary. It included a **final discussion round** starting with a summary of the information provided so far. The discussion was generally chaired by BiPRO, which shared the chair with a representative from the involved authority in some cases.

At four workshops an **excursion** to the port could be organised including a guided tour to piers and control installations (e.g. scanner, check points). The excursions provided important possibilities for questions and discussion. The events in Germany, Belgium, the United Kingdom and Malta had to be carried out without an excursion.

<b>Day One</b>	
<b>Morning Session (10:00-13:00)</b>	<b>Afternoon Session (14:00-18:00)</b>
<b>Come together</b> <b>Opening</b> <b>Presentations</b> Representative of EC, BiPRO (General Legislation) Main Competent Authority (e.g. MoE)	<b>Presentation Session</b> Ministry of Environment Custom Offices / Inspectorate Representative of Port Authority / Water Protection Police Representatives of Organisation/ Association Waste Management Companies <b>Discussion</b>
<b>Day Two</b>	
<b>Morning Session (9:00-12:00)</b>	<b>Afternoon Session (13:00-16:00)</b>
<b>(Continuing Presentations)</b> <b>Final Discussion and Outcome</b>	<b>Visit to the port</b>

Table 2-1: General schedule of the events

### **Working Language (Translation)**

All events except of the ones in Estonia and Malta were realised in national language (Spain, UK, Germany) or with simultaneous (Poland, Belgium) or whispering translation (Greece) to enable all participants to follow the presentations and to participate to the discussions. Presentations were asked to be delivered in English as well especially for the purpose of enabling the use of the material for the other MS.

### **Technical secretariat (Material)**

The participant list, agenda and presentations were prepared as handouts at the event and have been uploaded together with available additional information like national legislation, studies and general material and links on European and national level at a specially developed project webpage ([www.bipro.de/waste-events/](http://www.bipro.de/waste-events/)). The webpage enables information access not only to participants of the workshops but also to other interested circles. Furthermore it enables the exchange of information amongst Member States.

## 2.2 Overview on realised events

The following table gives an overview on the information exchange and awareness raising events that have been realised in the framework of the project.

Country	Date	Events
Germany	12.01.2007	<b>Venue:</b> Hamburg / Regional Tax Office (OFD) <b>Participants:</b> 39 participants (37 from authorities from Federal and Federal State Level ( <i>Länder</i> ), 1 company) <b>Agenda:</b> 11 presentations (including EC and BiPRO)
Spain	24.- 25.01.2007	<b>Venue:</b> Algeciras / Chamber of Commerce of Campo de Gibraltar <b>Participants:</b> 47 participants (19 from authorities; 28 from private companies, 1 NGO) <b>Agenda:</b> 13 presentations (including EC, BiPRO, IMPEL TFS) <b>Excursion:</b> Port of Algeciras, Control System for Food and Live Animals
Estonia	15.- 16.02.2007	<b>Venue:</b> Tallinn / Ministry of Environment <b>Participants:</b> 22 (all authorities and associations) <b>Agenda:</b> 9 presentations (including EC, BiPRO, IMPEL TFS) <b>Excursion:</b> Port of Tallinn, Custom Check Point
Poland	01.- 02.03.2007	<b>Venue:</b> Gdansk / Chief Inspectorate for Environmental Protection and the Pomeranian Voivodeship <b>Participants:</b> 22 (all authorities and associations) <b>Agenda:</b> 9 presentations (including EC and BiPRO) <b>Excursion:</b> Port of Gdynia, Custom Check Point, Control Facilities, Physical Check
United Kingdom	05.- 06.03.2007	<b>Venue:</b> London / Department of Trade and Industry (DTI) with support of the Department for Environment, Food and Rural Affairs (DEFRA) <b>Participants:</b> 145 (11 from authorities, 3 from industrial associations) <b>Agenda:</b> 9 presentations (including EC and BiPRO)
Belgium	12.03.2007	<b>Venue:</b> Mechelen / Public Waste Agency of Flanders (OVAM) <b>Participants:</b> 15 (all authorities) <b>Agenda:</b> 7 presentations (including EC and BiPRO)
Greece	23.- 24.04.2006	<b>Venue:</b> Athens / Greek Technical Chamber with support of the Hellenic Ministry of the Environment, Physical Planning and Public Works <b>Participants:</b> 28 (9 from authorities, 18 from industry) <b>Agenda:</b> 7 presentations (including EC and BiPRO) <b>Excursion:</b> Port of Piraeus
Malta	08.05.2007	<b>Venue:</b> Dragonara Hotel with support of the Malta Environment & Planning Authority (MEPA) <b>Participants:</b> 33 (14 from authorities, 18 from industry) <b>Agenda:</b> 9 presentations (including EC and BiPRO)

Table 2-2: Overview on realised workshops

Chapter 4 contains a detailed overview of the information presented and the discussion minutes of the realised events.

### **2.3 Summary information on standard presentations prepared for the events**

5 presentations held by the European Commission and BiPRO have been a constant element within all 8 events. They are not included within the country specific minutes (see chapter 4) and are therefore summarised in this chapter.

#### *(1) Requirements of the New EC Waste Shipment Regulation (Representative from the EU Commission, DG Environment):*

The presentation focused on the objectives of the new Shipment Regulation and its key elements. It furthermore pointed out the problem of illegal shipment and the need for improvements of enforcement and inspections as the currently control intensity is too low. In addition development of the waste shipment practice, highlighting that imports and exports requiring notification have constantly increased during the last years. The presentation emphasised on the implementation problems, being in the perspective of the EC mainly the divergent interpretation and application of the Waste Shipment Regulation, a high number of illegal waste shipments, a low control intensity and coordination problems between and inside the Member States. Main problematic areas are especially exports to Asia and Africa and to the new Member States. The Commission's representatives presented the particular importance of ensuring sufficient controls and inspections of waste shipments, and provided an overview of the new EU waste shipment regulation's requirements on enforcement. At the end the presentation gave an outlook on the actions foreseen by the EC to improve the situation and support further implementation and strengthen enforcement.

#### *(2) Introduction of the EU Project (BiPRO)*

The presentation very shortly explained that the workshop held is one out of 8 workshops. It gave an overview on the other workshops and emphasised the objectives of the projects. The presentation furthermore mentioned the different possibilities to obtain and use the workshop materials from the own and the other workshops and requested on contributing to the website.

#### *(3) Introduction to the European Waste Shipment Legislation (BiPRO)*

The presentation gave an introduction to the framework of waste policy within the EC and concentrated afterwards on the requirements set in the Shipment Regulation. Starting with introducing the relevant legislative documents and basic definitions in the waste sector and within the Shipment Regulation, the presentation explained the purpose and content of the Annexes ("green" and "amber" waste list) and then gave a description about the notification procedure, information requested, involved authorities, documentation and deadlines. It then points out the possible reasons for objections of waste shipments and the prohibitions for export of waste in the case of import, export and transit. At the end the presentations highlights the different possibilities of illegal waste shipment and provisions for the Member States to enforce the provisions of the Regulation.

#### *(4) Difficulties in Classification of Wastes for Shipment (BiPRO)*

In order to demonstrate the necessity of well informed and trained customs and police officers and informed industry as major prerequisite for effective notification and controls, the presentation concentrated on the classification problems waste – good for major “waste streams of concern” such as electrical and electronic equipment (EEE) versus waste electrical and electronic equipment (WEEE) or used vehicles versus ELVs. It presents the Draft Corresponding Guidelines on Shipment of WEEE, giving facts for making the allocation easier and gave hints about criteria for making the allocation for used vehicles versus end of life vehicles (ELVs). The presentation was working a lot with practical examples and photos. In addition the presentation presented potential problems with visual classification and allocation of “green” and “amber” listed wastes, which are used to support and explain the need of training and cooperation activities within and between national authorities in order to enable effective implementation of the Regulation.

#### *(5) Experiences from the Previous Project Events (BiPRO)*

One aim of the project was to exchange and link the information given at the different events. Therefore a presentation was held about the experiences made on all previous events constantly updating the information on the events which have been completed. The presentation contained information on the major problems and deficits considering the status of implementation, cooperation and controls which has been common for different countries. It furthermore listed good examples for implementation and enforcement. Finally the presentation recommended steps how to make controls more effective.

All presentations, including the standard presentations from the EC and BiPRO can be downloaded at: <http://www.bipro.de/waste-events/ship/shipment.htm>

### 3 Overall Problems and Deficits in Implementation of the Shipment Regulation

A major objective of the project was to describe the general situation within the MS regarding the enforcement of the Shipment Regulation and to detect systematically appearing problems. A common characterisation of the situation for all countries does not seem to be successful, as the level of enforcement of the Shipment Regulation is differing between the MS where workshops have been conducted, ranging from very advanced systems including guidance, cooperation and controls to hardly any actions to prevent illegal export of waste taken by MS.

Therefore the general situation is shortly explained for countries where advanced action is taken to support the enforcement of the Regulation and for countries where shipment of waste does not seem to have a high priority yet.

Secondly major problems are summarized in different categories and examples of good practice to support the implementation process are highlighted.

All information was derived either from the workshop presentation material or from the discussion minutes, which can be found in more detail in chapter 4.1 to 4.8 for each country. Minutes contain information on national enforcement structure, facts and figures, the discussed problems, good examples and suggestions for further implementation.

#### 3.1 Characterisation of situation in Member States

The United Kingdom, Germany, Poland and Belgium (Flanders) have a comparably **high level of enforcement** and set up a well organised infrastructure of cooperation and control to prevent illegal shipment, which can be characterised as follows:

- Structures for cooperation between national and regional authorities and amongst regional authorities are set in place and regular meetings are conducted at both levels to exchange information on new developments and cases and to harmonize procedures.
- Structures for cooperation between authorities responsible for notification and for detection and detention of illegal shipments (inspectorates, customs, and police) are set in place and information is communicated from one to the other especially to enable targeted controls and enlarge the pool of information for future suspicions.
- Controls and inspections are carried out on a regular basis from the custom services, the police, the competent authority (UK only) or as joint actions especially at large container ports but as well throughout transport routes and in waste generation and treatment facilities.
- Guidance (e.g. on the administrative procedures) and information pools (e.g. containing information on illegal cases, on decisions regarding the notification procedures or on detained transports) are provided or are currently developed (e.g. leaflets, news mail, info letters, data bases, etc.).

- Studies and evaluations about the most threatening waste streams and routes of transports are currently under elaboration (threat assessments).
- As concerns export, electrical and electronic waste (WEEE), end-of-life vehicles (ELV), waste tyres, waste cables and mixed MSW have been identified as priority waste streams as the market for such materials is huge (namely in Africa and Asia) and as the categorisation into one of the categories product – waste is difficult.

Spain, Greece, Malta and to some extent, Estonia, are considered to have a comparably **low level of enforcement** being at the beginning of installing a sufficient infrastructure for the implementation of the new Shipment Regulation. The situation can be characterised as follows:

- The issue of problematic and illegal waste shipments has a rather low priority and actions to avoid such shipments are basically inexistent or just started.
- There is a lack of structures for cooperation between national and regional authorities and amongst regional authorities. Regional authorities are not informed about ongoing transports on their territory; e.g. in the case of transit this hindering targeted controls. Guidance documents for a harmonised procedure within the country and information about threatening material are missing.
- Cooperation of permit authorities, customs and police services and environmental inspectorates is not well established and only limited initiatives are taken from side of the national competent authority to enhance information and the cooperation process.
- Controls and inspections at the ports and on transport routes are basically not carried out on a regular basis.
- Countries are not involved in expert exchange and projects on European and international level, as e.g. the IMPEL TFS project.

In Estonia, however, Environmental Inspectorates and customs offices are highly interested and aware of the problem and prepared to include regular environmental inspections on waste into their work plan.

### 3.2 Summary of systematic deficits and problems

A number of general problems with implementation are comparable in the Member States where the workshops have been conducted. Other deficits however, were restricted to countries with up to now poor implementation of cooperation infrastructure and control activities.

The following section highlights the main common problems and difficulties, dividing them into problems which are based on deficits in planning and administrative instructions (e.g. missing guideline or inconsistent planning, deficits in the practical enforcement structure, e.g. missing controls and fine systems), problems arising from lack of awareness and cooperation and “technical” problems including uncertainty with the interpretation of legal provisions.

#### Deficits in planning and administrative instructions

Deficits in planning and administrative structure occur in Member States with a relatively low level of implementation and enforcement of control activities. In these countries the following main deficits occur:

(1) *Waste has a low priority at political agenda*

Environmental issues in general and waste issues in particular still have a low priority at the political agenda of some countries. Transport controls are more focusing on issues like drugs, weapons and tax frauds.

(2) *Lack of guidance material and difficulties in interpretation of notification and information requirements*

Guidance material and support of how to proceed with the notification papers, how to detect and detain suspicious transports, about communication ways and the availability of background data is missing in some countries especially at the level of regional authorities.

#### Deficits in practical enforcement

Deficits in practical enforcement comprise general aspects which complicate control in all Member States (points (1) to (4)) and specific deficits in countries with low implementation and enforcement level.

(1) *Limited possibility for custom and police services to detain cargo without justified suspicion*

Police services may detain suspicious containers only in the case of suspicion of crime. The custom services have the possibility to detain suspicious cargo for three days only. For a prolongation of that detention time the customs need to justify the suspicion. Otherwise the detention can provoke heavy financial claims from the concerned company to the custom offices. Decisions on waste-product issues, green or amber listed wastes and other potential export restrictions however, normally require intense investigative work and cooperation with permit authorities, which can not be carried out within the given three days. Taking into

account that “illegal” waste transports are often conducted during night hours or during the weekends, it is difficult to obtain information within the given timeframe.

(2) *No possibility for environmental authorities to stop transports, open containers and detain transports*

In general the environmental authorities have no competences to open containers and detain transports on their own devices. Own competences in that field would enable quick reaction on suspicious cases. Consequently close cooperation with the police or the customs is required to enable quick controls even without own competences.

(3) *Lack of waste transport labelling*

Except of national level (e.g. Germany) there is no labelling of waste transports in Europe. A mandatory labelling of waste transports as in transport of chemicals or dangerous goods, however would significantly support the control work for police services and would help to detect and prosecute criminal activities. A non-labelled transport would be an important indication for an intended illegal activity (see also chapters 4.4 and 4.6).

(4) *Low rate of prosecution and low fines*

In the case of detection and detention of illegal shipment it is often difficult to trace the responsible company/person as usually more than one company is involved and traces are concealed or the responsible company/person disappeared. Successful cases are often based on time-consuming criminal detection work. Therefore rate of prosecution is low and on average only low fees or penalties are given.

(5) *Lack of controls, targeted controls and joint actions*

In general deficits in targeted controls can be noted in the majority of Member States. This is primary due to limited manpower and expert knowledge at the level of executing control officers. In addition collaboration between the notification authorities, customs and police is missing or just initiated in a number of Member States. Currently common standards for controls are not established and controls at an early stage of transport or generation (production, treatment and recycling facilities, streets) are not frequently conducted.

(6) *Lack of physical control of cargo in case of transit*

Especially in the case of transit, in some countries visual controls are commonly not conducted, because this cargo is not of concern for the custom service. However, due to open borders within the EU and to responsibility for environmental aspects outside the EU, control of cargo at European frontiers is of high priority also in case of transit

### **Deficits in cooperation and training at national and international level**

Whereas indents (1) and (2) constitute to some extent a problem in all of the Member States, indent (3) is a more specific problem of countries with low level of cooperation infrastructure.

(1) *Deficits in effective collaboration between customs/police and national authorities*

The collaboration between the authorities being in charge with detection and detention of suspicious material, in particular the custom services and the police and the authorities of dispatch taking the final decision on classification and further procedure is not sufficient in many cases. In general real time information on suspicious activities or material would need to be transferred on a routine basis to all involved authorities to enhance and support more targeted controls.

(2) *Deficits in cooperation with other Member States and third countries*

The collaboration with other Member States and especially the cooperation with third countries are up to the commitment of the particular country. Only some countries have taken actions to work together with other states on a regularly or ad hoc basis and to support e.g. exchange programs and joint actions of the custom and police service.

(3) *No involvement of regional authorities in notification of shipments to third countries*

In MS with a federal structure but a nationally organised notification procedure (e.g. in the case of transit), there may be a lack of information transfer to the competent regional authorities at the points of exit. The regional authority, the custom service at regional level etc. are conducting controls but do not necessarily get information about the transport beforehand. Targeted controls therefore are not possible. The information stream has to be improved involving all authorities affected by the transport.

**“Technical” problems (legal requirements, definitions and interpretation)**

Problems with “technical” aspects of the shipment of waste generally apply to all Member States. Indent (3) however, seems to be a specific issue for MS which have not yet installed an effective control infrastructure and cooperation network.

(1) *Lack of precision in waste definition within the WFD*

The lack of precision in the definition of waste in the waste framework definition has been repeatedly identified as an important obstacle for unambiguous categorisation of cargo as either waste or product which is seen as one of the major problems related to detection of illegal transports of waste. A clearer approach would be appreciated in order to increase consistency in Member State Authority decisions and in order to reduce disagreement on classification issues.

(2) *Classification problems and diverging standards for classification*

Classification problems exist especially with used electrical and electronic equipment (EEE), used vehicles and with allocation of similar entries in Annex III and IV. Consequently classification is not consistent between MS and might even be diverging within a country. The exact classification however, often is crucial to decide on legality of a transport.

More guidance is needed at European level to simplify the categorisation process. Especially the control authorities need extensive training and support of the notification authority, to learn more about classification problems.

There is a problem that national or regional courts in some cases decide in contrary to the notification authority. Thus the decision in suspicious transports remains a case by case decision. Additional information is needed where decision on difficult issues and doubtful decision is recallable.

(3) *Uncertainties in interpretation of inspection requirements*

With respect to control as specified in Articles 50 of Regulation (EC) No 1013/2006 national authorities in part question the extend of the obligation to do physical checks. Namely paragraph (3) "checks on shipment may take place ...." And paragraph (4) "Checks shall include ..... where appropriate, physical checking of the waste" seem to give raise to diverging interpretation and activity.

(4) *Diverging standards for quantification of controls and reporting throughout EU Member States*

Article 51 requires annual reporting according to the questionnaire in Annex IX. There the number and type of controls has to be reported. A standard on how to count such controls however, does not exist yet.

(5) *Possibility for large number of intermediate companies to act in the name of others*

The frequent involvement of several intermediate companies in shipment of waste highly complicates the notification procedure, detection of illegal transports and the persecution of detected cases. Close cooperation between Member States and use of intelligence made be of use in this context.

(6) *The existence of concurring classification systems*

The existence of concurring classification systems such as the Basel convention, the OECD Decision or EWC codes has been mentioned as obstacle and difficulty for permit authorities as well as for control bodies during the event in Tallinn. A comparison table listing the corresponding entries has been suggested as beneficial tool that could be developed at European level.

(7) *High administrative and financial burden for industry*

Industry is concerned that the notification process for waste shipments within the EU is an excessive administrative burden. According to industry the required identification of producers in case of multiple producers may be extremely difficult. In addition the required fixation of routing and actual date of transport in the movement documents is regarded as problematic. The renewal of the notification after one year and the required validity of the financial guarantee until the certification of the final treatment are reported to set high financial burdens for the importing/exporting industry. In addition industry complains that the calculation requirements for the financial guarantee are not applied consistently throughout Europe.

### 3.3 Examples for good practice

Good practice to support the implementation process and exemplary cases are described for each Member State where a workshop was realised (see chapter 4). This section shortly lists the most suitable examples.

- Close cooperation within authorities at national level and with neighbouring countries (UK, DE, BE, NL)
- Regular expert meetings initiated at national level involving experts of the authorities at regional level (UK, DE, BE\*)
- Provision of guidance material and data bases to authorities (UK, DE, BE\*)
- Training of customs and police services (UK, DE, BE\*)
- Notification procedure being centralised at one competent authority (EE, BE\*)
- Legal framework for fines in case of environmental violation in place (all countries)
- 24h availability of environmental inspectors and emergency number for customs offices to use in case of suspicion and questions (EE)
- Inspection reports from environmental inspectorate are publicly available as tool for improving effectiveness and educate industry (in planning) (EE)
- Pilot software for notification process including automatic translation tool and a lists of authorised treatment installations at destinies is under development (ES)
- Standardised and harmonised control schemes for food products and livestock (visual and laboratory inspections) with participation of agriculture/fishery and veterinary experts, which could be used for waste cargo also (ES)
- Using of EU limit for tyre profile to decide whether waste or product as possible basic criterion for classification of waste tyres in relation to exports to third countries (ES)
- Collaboration between authority of dispatch and destination as well as seaport and customs offices of export and import (UK, DE, BE<sup>1\*</sup>)

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<sup>1</sup> \* = Flanders

## 4 Description and results of specific events

### 4.1 Germany: Minutes and outcome

Country	Date	Events
Germany	12.01.2007	<b>Venue:</b> Hamburg / Regional Tax Office (OFD) <b>Participants:</b> 39 participants (37 from authorities from Federal and Federal State Level ( <i>Länder</i> ), 1 company) <b>Agenda:</b> 11 presentations (including EC and BiPRO)

The information exchange event in Hamburg was organised in close cooperation with the State Ministry for Urban Development and Environment of Hamburg (BSU) and the Regional Tax Office (OFD). The 39 **participants** comprised representatives of permitting authorities from 5 different northern Federal States (*Länder*) as well as customs and police officers. 1 company was present also. Consequently the level of expert knowledge and the knowledge on technical details in the discussions were high (participation list see chapter 6.1).

The workshop in Hamburg was planned as a one day event due to the fact that the competent authority of Hamburg (BSU) held an information exchange event on the new EC Regulation for all relevant authorities one day before the workshop. In total, 11 **presentations** were held (including BiPRO and EC) (agenda see chapter 7.1).

The presentations addressed legal provisions and requirements both on European and national level as well as the current situation of transboundary shipment of waste in Germany. Presentations stressed aspects such as statistical data, administrative infrastructure, and cooperation and notification procedure especially referring to the new Waste Shipment Regulation No. 1013/2006. In addition practical experiences with cooperation (within Germany, in between involved parties, with neighbouring Member States), and control were presented from representatives of customs, Police and other involved authorities. The specific issue of cooperation between authorities of dispatch and customs in case of detection of shipments which are suspected to be illegal and the issue of used products versus waste was elaborated and discussed in detail.

As a result of discussions and presentations the following topics could be identified as priority issues and conclusions concerning transboundary shipment of waste in Germany:

#### ***National enforcement structure in Germany***

There are a number of institutions involved in the enforcement of waste shipment legislation in Germany. The responsibility for the execution of the Waste Shipment Regulation is split in Germany due to the federal character. While the *Federal Environment Agency* (UBA) is the competent authority for transit through Germany and serves as a National Focal Point for the Basel Convention, the other aspects of waste shipments are under responsibility of the environmental authorities of the federal state (as foreseen by *Länder* legislation) in which the transport is supposed to start or suppose to end. The new national Law on Waste Shipments (*Abfallverbringungsgesetz*) which will come into force in summer 2007 will not change this principal division of competences in basically. But it will take the new obligations and regulations of the Waste Shipment Regulation (e.g. Art. 50) into account.

In the control of transports, federal authorities such as Customs and the *Federal Agency for Goods Traffic* (BAG) as well as regional authorities such as police forces including the *Water Protection Police* are involved.

### **Facts and Figures of Germany**

In 2005, 5.9 MT of waste were notified for import, including 3.8 MT of hazardous waste. About 1.1 MT of waste were notified for export, including 0.23 MT of hazardous waste. The amount of waste within transit notifications was 0.31 MT for 2005. Since 2004, the total amount of notified *imports* has decreased after having constantly increased since 1995. The total amount of *exports* has increased in 2005 after being stable throughout the last years. The total amount of notified transit remains more or less constant (see Table 4-1).

	1995 [Mt]	1996 [Mt]	1997 [Mt]	1998 [Mt]	1999 [Mt]	2000 [Mt]	2001 [Mt]	2002 [Mt]	2003 [Mt]	2004 [Mt]	2005 [Mt]	Prognosis 2006 [Mt]
Import	0.25	0.38	0.56	0.69	1.03	1.97	2.63	3.88	4.81	6.44	5.88	5.6
Export	1.09	1.22	1.25	1.38	1.28	1.63	1.53	1.25	0.91	1	1.13	2.09
Transit	0.03	0.06	0.07	0.16	0.31	0.38	0.44	0.38	0.44	0,32	0,31	0.26

Table 4-1: Amount of waste transported with notification (1995-2006)

In the case of export, hazardous waste was the major fraction between the years 1995 and 1999. After that, the amount of other waste subject to notification increased constantly and exceeded the hazardous waste fraction by a factor of 10. The import of waste shows a similar development. Since 2000 the import of notified other waste is exceeding the import of hazardous waste (see Table 4-2).

	1995 [Mt]	1996 [Mt]	1997 [Mt]	1998 [Mt]	1999 [Mt]	2000 [Mt]	2001 [Mt]	2002 [Mt]	2003 [Mt]	2004 [Mt]	2005 [Mt]	2006 [Mt]
Exported hazardous waste	0.72	0.81	0.6	0.6	0.44	0.27	0.28	0.23	0.19	0.2	0.23	0.3
Imported hazardous waste	0.26	0.26	0.28	0.4	0.6	0.68	0.81	1.09	1.23	1.64	2.17	2.4
Exported other wastes with notification	0.36	0.38	0.67	0.79	0.85	1.34	1.28	1.04	0.72	0.85	0.89	1.66
Imported other wastes with notification	0.04	0.09	0.3	0.3	0.43	1.32	1.83	2.83	3.62	4.89	3.81	3.2

Table 4-2: Amount of hazardous waste and other waste for export and import (1995-2006)

Data amount of waste transports underlying a notification procedure show, that export and import is mostly going to and coming from other EU Member States (EU 15). In the second place a large number of waste transports is going to or coming from the EFTA-States<sup>2</sup>. The amount of waste exported without needing notification documents is about 15 times higher to the EU Member States and about three times higher to EFTA-States (see Table 4-3 and Table 4-4).

<sup>2</sup> EFTA = European Free Trade Association, current members are Norway, Island, Switzerland and Liechtenstein

Group of States	Wastes requiring notification (kt)		Wastes not subject to notification (kt)	
	Export	Import	Export	Import
MS EU 15 (members 1995-2003)	817	5,660	12,522	6,776
EFTA-States	198	257	568	912
Other OECD-States	2	3	359	81
MS EU 10 (Accession May 2004)	18	27	438	2,219
Overseas areas from EU-States	0	0	2	1
Other states*)	Export ban	18	2,099	625
<b>Sum</b>	<b>1,103</b>	<b>5,965</b>	<b>15,988</b>	<b>10,614</b>

\*) in this category 68,000 tonnes of green listed waste were transported with notification procedure due to requirements of the particular country

Table 4-3: Amount of waste transported with and without notification to different state groups

Legal classification	Waste type	Import (kt)	Export (kt)
Waste not subject to notification	Paper and cardboard	3,600	2,900
	Plastics, glass and	1,300	570
	Sludges, ashes, mill	2,900	1,000
	Waste and scrap of	7,700	5,800
	Other wastes	200	270
Waste subject to notification	Sorting residues	70	1,270
	Other non-hazardous wastes for notification	800	2,500
	Hazardous waste	230	2,200

Table 4-4: Amount of waste exported and imported divided by waste classes including waste with and without notification requirements (2005)

Also, data for criminal prosecution of shipments of waste were provided. In 2005, 15 cases of repatriation of waste were commanded and 163 fines were ruled – the highest number of fines since 2001. The total amount of 10,000 tonnes of waste was repatriated with a total sum of fines of 41,000 € (see Table 4-5).

	2000	2001	2002	2003	2004	2005
Repatriation through Custom Service (number of cases)	-	-	-	-	36	-
Repatriation (number of cases)	3	7	9	8	-	15
Monetary fine (number)	29	28	105	40	54	163
Monetary fine (total €)		66,000	29,000	19,000	10,000	41,000
Amount of waste prevented from illegal shipment (total t)	2,000	10,500	4,800	2,000	2,400	10,000

Table 4-5: *Cases of prosecutions of illegal waste shipment (2000-2005)*

Subsequent national legislation to the new requirements of the Shipment Regulation is currently under preparation.<sup>3</sup>

### **Major problems and deficits identified by the workshop participants of Germany**

- Competences are split in Germany to the national and Federal State level (*Länder*) resulting in a number of competent authorities involved in the field of waste shipment thus needing liable and quick information exchange structures. On the other hand the competent authorities are closer to the waste producers. In the case of transit, only the national authority (UBA) is involved.
- Big ports such as the port of Hamburg are for logistical reasons the bottleneck for shipments and therefore predestined for control actions to prevent illegal shipments. But it is not feasible to conduct controls only at the ports. Controls on the whole transport way are needed.
- The custom services and the police including the water protection police are restricted and limited in their actions, e.g. by a restricted time detaining a cargo or by limitation in the data exchange between the authorities. Data from the custom can not be used in general, but can be requested in the case of justified suspicion of a certain transport.
- As most problematic issues is the distinction between used products and waste e.g. used electronically devices and electronic waste or used cars and end-of-life vehicles and the distinction between hazardous and non-hazardous waste e.g. cable scrap (waste identification code B1115 or A1190). The main destinations of these exports are Africa and Asia. The difficulties may cause disagreements between involved companies and authorities (from different countries or even within the same State). Further this issue entails the risk of liability for authorities if detained mistakenly (see Box 4-1).
- The coding system used by the custom services does include information about ongoing transports and about the load, e.g. it specifies product classes (e.g. automobiles) but does not include information on the final destination and the properties of the load, e.g. product / used good / waste.

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<sup>3</sup> Presentation of Harald Junker, Federal Environment Agency (UBA), data for 2006 delivered subsequently

**Example: Court Decision on Detained Waste Shipment in Bremen/Germany**

*In February 2005, the Local Police of Bremen received hints for waste shipments to Ghana. In cooperation with the environmental authority and customs, the pertinent container was opened and the following items were detected: Used car tyres pressed into each other, used car starter batteries (not emptied), used refrigerators and used car motor blocks (not emptied).*

*The competent environmental authority decided to classify these items as waste and prohibited the transport to Ghana as Ghana has not permitted the import of wastes (Regulation (EC) 1420/1999). The exporter then looked for preliminary legal protection with the competent administrative court of Bremen. He claimed that the stored items must not to be classified as waste and asked the court to release the items and allow the transport to Ghana.*

*The court ruled that the named items would not be classified as waste. The way of handling and storing of the items would show they were not only intended to be traded (and not to be discarded) but also that this trade would be reasonable due to the value of the items. Dismantled car parts could not be just classified as waste because they are taken from end-of life vehicles (ELV), but would regularly be an object to trade on their own right. The danger of environmental hazards (e.g. by leakage) would be irrelevant for the questions whether the items were waste or not.*

*The higher administrative court approved this decision with particularly referring to the judgement of the European Court of Justice from 18 April 2002 (Case C-9/00 - Palin Granit) stating that the probability of reuse would be an important criterion for classification as waste or not.*

*The consequence of this verdict was described in the presentation as ELVs becoming spare parts inventories for used car parts. In the view of the competent authority, the justification of a classification of used cars as ELV will be more difficult to make.<sup>4</sup>*

Box 4-1: *Example on Court Decision on Detained Waste Shipment in Bremen/Germany*

**Examples of good practice identified in Germany as potential tools to improve implementation and enforcement**

- A structure for information exchange between the national and regional authorities and amongst the regional authorities is set in place. At national level an administrative network and expert panel (e.g. LAGA) has been established and meetings are conducted regularly. At regional level regular meetings of all involved authorities (e.g. custom, water protection police) have been reported by the notification authority in Hamburg (BSU).
- To support concise procedures and comparable decision within all authorities involved a provision of guidance documents; in particular a model administrative instruction is under preparation and to be finished until June 2007. Appropriate instructions are in progress. Other guidance material that could be provided, includes information on environmental standards and illegal practices in third countries.

<sup>4</sup> Presentation of Insa Nanninga, Senator for Construction, Environment and Traffic, Office of Waste Control

- In the region of Hamburg the police service is allowed to use the custom data base including information on ongoing transports and loads. The police can search for specific product codes (e.g. automobiles, EEE) and is able to initiate targeted controls on that transports.
- Training is provided under the umbrella of the Ministry of Finance to the custom service staff, e.g. by specially developed trainings courses covering the whole topic of waste including legislation, practical examples and examples for inspections (e.g. by a one week trainings course).
- The establishment of a central data base with information on ongoing notification cases is seen a good information tool for control activities. A database is established at the Federal Environmental Protection Agency (UBA) which can be used by the concerned authorities using a password. In addition proposals were made to introduce data bases with photographs of significant examples.

### ***Priority activities for enforcement of the Shipment Regulation in Germany***

- Potential for possible improvement was particularly seen in improving collaboration between involved authorities.
- The port of Hamburg is one bottleneck for shipments and therefore predestined for control actions to prevent illegal shipments. But it is not feasible to conduct controls only at the ports. An agreement between the different authorities of the Federal States would be eligible to increase the realisation and frequencies of controls at the point of origin and at national routes (street, railway, water ways and air) instead of focusing the control action at the ports.
- Also, information exchange structures were considered. The installation of a helpdesk or a hotline was considered to support customs and police in case of detection or suspicion of illegal transport. A 24 hour telephone hotline was started in Hamburg in the 90's to ensure cooperation in case of controls of suspicious transports but was cancelled due to lack of interest that would justify the expenses.

### ***Suggestions addressing the European Commission for supporting the enforcement***

- A list of import bans/restrictions in non-OECD countries (according to Article 37 Waste Shipment Regulation) and a list of Contact Points abroad (competent authorities and customs offices) should be provided.
- Practicable guidelines for the distinction of waste – used products should be provided at European level to ease decision making at authority level.

## 4.2 Spain: Minutes and outcome

Country	Date	Events
Spain	24.-25.01.2007	<b>Venue:</b> Algeciras / Chamber of Commerce of Campo de Gibraltar <b>Participants:</b> 47 participants (19 from authorities; 28 from private companies, 1 NGO) <b>Agenda:</b> 13 presentations (including EC, BiPRO, IMPEL TFS) Excursion: Port of Algeciras, Control System for Food and Live Animals

The information exchange and awareness raising event in Algeciras has been organised with support of the Ministry of the Environment, the Regional Environmental Authority and the local Customs Officers Association. The 47 **participants** comprised representatives of permitting authorities at national level and from different regions and concerned industry as well as customs officers. Especially private enterprises showed high interest on the workshop. Consequently the views and experiences from authorities as well as the position of notifiers were well presented (participation list see chapter 6.2).

The workshop in Algeciras was planned as a two days event. In total, 13 **presentations** were held (including BiPRO and EC). An excursion to the harbour of Algeciras was realised the second day, visiting the control system established for food and live animals (agenda see chapter 7.2).

Presentations held, addressed legal provisions and requirements both on European and national level as well as the current situation of waste management in Andalusia. Presentations stressed aspects such as statistical data and notification procedure. In addition experiences gathered in Germany, examples for measures to improve enforcement and control and concrete examples for illegal shipments detected by means of targeted investigations/control have been presented. A representative from the IMPEL Network attended the workshop presenting the work of the TFS Cluster.

Furthermore practical experiences with the notification procedure and open questions were presented from industry representatives. Besides, a software tool for facilitation of the notification procedure applicable also for international cooperation was introduced. The international problem of export to third countries with low environmental standards and insufficient work place protection standards was illustrated by an NGO.

The excursion to the seaport of Algeciras one of the biggest in Europe provided valuable insight into the control system established for food and live animals, which could be used as example for good practice in waste control.

As a result of discussions and presentations the following topics could be identified as priority issues and conclusions concerning transboundary shipment of waste in Spain:

### **National enforcement structure in Spain**

The central piece of legislation in Spain regarding shipments of waste is the "Waste Law 10/1998" of 21 April 1998. According to this law, the national Ministry of the Environment is responsible for the authorisation and inspection of waste shipments from Spain to third countries not belonging to the EU. The *autonomous communities*, in which the shipment

activity takes place, have to cooperate with the central government, and where necessary apply the sanctioning system. The MoE is also competent for the control of waste shipments in transit through Spain, where it again has to be supported by the authorities from the autonomous communities affected.

The authorisation, control, inspection and sanction of shipments between Spain and other EU countries are in the responsibility of the corresponding *autonomous community*. The same applies to waste shipments exclusively within Spanish territory. The inspections of shipments of hazardous waste will focus on the waste's point of origin and destination.

The Spanish central competent authority or the competent authority from the autonomous community may prohibit the accession of waste shipments onto national territory in cases where community legislation or international conventions do not.

### ***Facts and Figures of Spain***

The waste amount generated in Spain in the last years is steadily increased to an amount close to 20 Mt per year. The waste generation in the autonomous community of Andalusia, shows the same increasing trend and reached an amount of around 4 Mt per year, of which 260.000 t were hazardous waste. Regarding the shipments of waste from and into the autonomous community of Andalusia, waste imports from European countries clearly outweigh waste exports to such countries. The data for the years 2002 to 2005 show a slight increase of waste imports towards the end of the period and a decreasing tendency of exports (see Table 4-6). Andalusia exports waste to France, Sweden and Germany. Wastes imported to Andalusia originate from Portugal and the United Kingdom, both of which border to Andalusia, the latter one at Gibraltar. Wastes imported are treated by means of authorised landfilling and energy recovery.<sup>5</sup>

<b>Year</b>	<b>Export from Andalusia (Mt)</b>	<b>Import to Andalusia (Mt)</b>
2002	18	53
2003	15	53
2004	3	53
2005	8	69

Table 4-6: Amount of waste exported from and imported to Andalusia (2002 to 2005)

### ***Major problems and deficits identified by the workshop participants of Spain***

- Missing controlling activities in harbours as regards non-food cargo
- Cooperation with other member states and third countries is occasionally difficult – deficits in information transfer, addressing of the wrong contact persons / authorities, significant delays in information exchange
- Notification process takes significant time; companies would appreciate if the process could be accelerated

<sup>5</sup> Presentation of Antonio José López Fernández, Andalusian Department of Environment

- Identification of producers might be difficult in case of multiple producers
- The fact that Spanish legislation classifies importers/traders as “producer” might cause difficulties with liability (seen as a European problem)
- High administrative burden for waste shipments within EU; Target: Waste shipment controls within the EU should be simplified (ideally as simple as within a Member State)
- Fixation of routing and actual date of shipment in movement documents is not conform to needs of practical transport (maritime transports change routes commonly; terrestrial transport needs flexibility in routing due to varying traffic conditions)
- The required validity of the financial guarantee (until certification of final treatment) entails high financial burdens (e.g. various guarantees deposited at cross-cutting periods of time)
- Requirements regarding detail and height of financial guarantees not consistent throughout EU or even at national level
- Extension of notification or re-issuing of notification after 1 year imposes significant administrative burdens, Target: facilitated procedure for renewal of notifications
- Difficulties in interpretation of notification and information requirements. Target: Manuals on waste classification and on how to interpret the Shipment Regulation would be appreciated / are necessary
- No involvement of regional authorities in notification of shipments to third countries; no knowledge about shipments at local level
- No information about interaction/information exchange between customs authorities and permitting authorities (environment authorities)
- No information on type and extent of customs control for non-food cargo

***Examples of good practice identified in Spain as potential tools to improve implementation and enforcement***

- IT support of notification process is welcomed
- Pilot software for notification process (including automatic translation tool; lists of authorised treatment installations etc.) developed in SEEMSEED project
- Inspections of waste shipments to third countries are considered to be important
- Standardised and harmonised control schemes for food products and livestock imported (visual and laboratory inspections) with participation of agriculture/fishery and veterinary experts are established in Algeciras and throughout EU. Specialists from agriculture/fishery and health authorities have offices at the harbour facilities and cooperate with customs. No such offices for agents from the Environment Department exist at the port. Target: a corresponding cooperation between customs officers and experts from environmental authorities could be established for controls under the shipment Regulation

- Limit for tyre profile established at European level for distinction of used tyre/waste tyre could be used as basic criteria for classification of waste tyres in relation to exports to third countries

***Priority activities for enforcement of the Shipment Regulation in Spain***

- Establish infrastructure in the field of physical control of product/waste-shipments via Spanish customs offices of exit/entry and during road transport
- Conduct regular controls on non-food cargo
- Enhance cooperation and information flow between authorities
- Prepare information material and guidance at national level as a task for MoE
- Expand customs controls to transit and export cargo, namely as regards visual inspections of loads.
- Focus control activities on waste streams, producers, exporters, destinies where risk of illegal actions has been identified to be high
- Regular meetings and international working groups for prevention of illegal shipments comprising all involved authorities (customs, police, intelligence services, environmental inspectorates and permitting authorities) and taking part in the IMPEL Network activities

### 4.3 Estonia: Minutes and outcome

Country	Date	Events
Estonia	15.-16.02.2007	<b>Venue:</b> Tallinn / Ministry of Environment <b>Participants:</b> 22 (all authorities and associations) <b>Agenda:</b> 9 presentations (including EC, BiPRO, IMPEL TFS) <b>Excursion:</b> Port of Tallinn, Custom Check Point

The information exchange and awareness raising event in Tallinn has been organised with support of Ministry of the Environment. The 22 **participants** comprised representatives of the permitting authority, the environmental inspectorate of different regions, the Tax and Customs Board, Port Authorities and some association. Industry was not present. Consequently the practical experiences and planned activities were in the focus of the discussions (participation list see chapter 6.3).

The workshop in Tallinn was planned as a two day event. In total, 9 **presentations** were held (including BiPRO and EC). An excursion to the harbour of Tallinn was realised the second day, visiting check points and control systems of the Tax and Customs Board (agenda see chapter 7.3).

The held presentations addressed legal provisions and requirements both on European and national level. Presentations stressed aspects such as controls and inspections of waste transport due to the Estonian Tax and Customs Board and the environmental inspectorate. A representative from the IMPEL Network attended the workshop presenting the work of the TFS Cluster and concrete examples for illegal shipments detected by means of targeted investigations/control in the UK.

As a result of discussions and presentations the following topics could be identified as priority issues and conclusions concerning transboundary shipment of waste in Estonia:

#### **National enforcement structure in Estonia**

The *Ministry of Environment* is the central authority for carrying out notification procedure. According to Environmental Supervision Act's § 3, environmental supervision is performed by the *environmental inspectorate*, the *Land Board* and the *Local Government*. The environmental inspectorate in specific undertakes inspections setting a yearly *Inspection Plan*, where priorities given by the Ministry of Environment are considered. The environmental inspectorate has the right to inspect compliance, make precepts and stop illegal activities. If an official of the *Tax and Customs Board* has reasonable doubts as to whether the information specified in the consignment note or transport permit corresponds to the waste shipment subject to customs examination, the official shall seize the shipment and notify the environmental inspectorate of the circumstances relating to the seizure (Waste Act § 113 (2)).

The environmental inspectorates can perform urgent procedural acts in criminal cases concerning the environment. The main task is to find out violations and give feedback to the Ministry for the Environment. Inspectors can make precepts - that means an administrative act which imposes on a person an obligation is performed on the required act or refrain from

a prohibited act. Prior to the application of a measure, the administrative authority issues the addressee a written warning. Penalty payment is an amount determined in a warning, payable by the addressee if he fails to perform the obligation imposed by a precept during the term indicated in the warning.

The maximum penalty is 1,667 EUR, but it can be applied several times. The height of fines in waste matters increased slightly during the last years being around 120 € on average. The total sum of fines covering all waste matters was 58,159 €.

Waste Act § 123 states that (1) transboundary movement of hazardous waste or other waste subject to international control without the corresponding permit when such permit is required is punishable by a fine of up to 1,150 € and (2) , if committed by a legal person, is punishable by a fine of up to 3,196 €.

Concerning penalties, two different codes can be basis. First the penal code for offences against environment, in specific § 367 (Violation of Requirements for Handling Dangerous Chemicals or Waste). Secondly the penal code for tax fraud can be basis, in particular § 392 (Illicit Import and Export of Prohibited Goods or Goods Requiring a Special Permit).

Estonia has 15 counties. The environmental inspectorate is organised into 7 Regional Departments with Environmental Inspectors covering 1-3 counties.<sup>6</sup>

### ***Facts and Figures of Estonia***

The main exports from Estonia are lead acid accumulators to AS Ecometal. As well WEEE is sent for treatment options mainly to Lithuania. Export of specific waste streams is destined for Germany, Finland and Sweden etc.<sup>7</sup>

### ***Major problems and deficits identified by the workshop participants of Estonia***

- Lack of awareness at concerned industry
- Deficits in information status and knowledge on existence of new Shipment Regulation at involved authorities
- Need for amendment of Estonian Waste Act (e.g. articles on tax frauds and environmental violation to adapt it to needs of Shipment Regulation)
- Control of shipment of waste currently not included in work plan of environmental inspectorates
- The existence of concurring classification systems (Basel, EWC, customs declaration system) complicates correct allocation and identification of waste types
- Limited possibility for custom offices to detain cargo (maximum three days) without justified suspicion (general problem in EU)

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<sup>6</sup> Presentation of Toomas Liidja, Environmental Inspectorate

<sup>7</sup> Presentation of Tarmo Lindemann, Ministry of Environment, Waste Department

- No possibility for environmental authority to stop transports, open containers and detain transports (general problem within some countries)
- Lack of preciseness in waste definition within the WFD major reason for classification problems related to shipment of waste (classification goods – waste)
- Existences of large number of intermediate companies which can issue movement documents in the name of others (e.g. producer and consignee) complicate the tracing of transport routes and ownership
- How to determine environmental standard in third country of destination?
- Customs do not have insight into production processes/standards, so they need education and information from permit authorities

***Examples of good practice identified in Estonia as potential tools to improve implementation and enforcement***

- Environmental inspectorate as independent body; decision can only be changed by court
- Established fines in waste act for transboundary movement without papers listing contact data of consignee and transport permit (could be adapted to needs of new Regulation)
- Cooperation between customs and inspectorate in case of suspicious cargo (see Box 4-2)
- Statistics on sanctions in waste matter (figures for transfrontier shipment currently 0)
- The environmental inspectorate installed a 24 presences and emergency number for Customs Offices to use in case of suspicion and questions
- Legal framework for fines in case of environmental violation is in place and direct possibility for environmental inspectors to impose them
- Notification procedure is in the responsibility of one central body only
- Inspection reports of environmental inspectorate shall be made publicly available (e.g. internet) as tool for improving effectiveness and educate industry
- Information seminars for Inspectors organised by environmental inspectorate principally could also be used for purpose of enforcement of Shipment Regulation

***Example of Estonia: Detaining a transport containing hazardous liquids in Tallinn***

*In November 2006 the Custom Service in the port of Tallinn stopped a container loaded with vehicles cutted in parts destined for export to Egypt. The liquids of the cars were not emptied. The information of suspicion was given by the environmental inspectorate.*

*Samples of liquids were taken from the vehicles and were found to be hazardous waste. The liquids had to be removed from the vehicles and the rest of the automobiles were exported as foreseen.<sup>8</sup>*

Box 4-2: *Detaining a transport containing hazardous liquids in Tallinn/Estonia*

<sup>8</sup> Presentation of Peeter Kõve, Estonian Tax and Customs Board

***Priority activities for enforcement of the Shipment Regulation in Estonia***

- Establishment of administrative framework to initiate and regulate activities of Environmental Inspectorate and customs as a task for the MoE
- Prepare information material and guidance at national level as a task for MoE
- Expand customs controls to transit and export cargo, namely as regards visual inspections of loads.
- Focus control activities on waste streams, producers, exporters, destinies where risk of illegal actions has been identified to be high.
- Regular meetings and international working groups for prevention of illegal shipments comprising all involved authorities (customs, police, intelligence services, environmental inspectorates and permitting authorities)
- In case of detection of suspicious cargo detain only concerned container instead of whole ship to minimise related costs.

***Suggestions addressing the European Commission for supporting the enforcement***

- Prepare risk assessment for major waste streams of concern in each Member States as basis for targeted inspections and make information available for use by the MS
- Prepare overview table transposing codes from and into different classification systems (Basel, EWC and customs declaration system)
- Prepare guidance on environmental standards in third countries
- Make available information and contact data from involved authorities on European level especially for use by customs offices including information on major problematic waste streams in different European countries and the related risks of illegal shipments

#### 4.4 Poland: Minutes and outcome

Country	Date	Events
Poland	01.-02.03.2007	<b>Venue:</b> Gdansk / Chief Inspectorate for Environmental Protection and the Pomeranian Voivodeship <b>Participants:</b> 22 (all authorities and associations) <b>Agenda:</b> 9 presentations (including EC and BiPRO) <b>Excursion:</b> Port of Gdynia, Custom Check Point, Control Facilities, Physical Check

The information exchange and awareness raising event in Gdansk has been organised with support of the Chief Inspectorate for Environmental Protection and the Pomeranian Voivodeship, Inspectorate for Environmental Protection. The 22 **participants** comprised representatives of the permitting and controlling authorities. Beside the national and regional Inspectorates for Environment as well as Road and Transport, representatives from the Boarder Department and the Boarder Guards, Port Authorities and the Custom Chamber were attending the workshop. Representatives of industrial associations or industry were not present (participation list see chapter 6.4).

The workshop in Gdansk was planned as a two days event. In total, 9 **presentations** were held (including BiPRO and EC). An excursion to the Port of Gdynia was realised the second day, visiting check points of the Polish Tax and Custom Office (agenda see chapter 7.4).

Presentations held, addressed legal provisions and requirements both on European and national level. Presentations stressed aspects such as controls and inspections of waste transport, the collaboration with other authorities, the work of the IMPEL Network and practical cases of the detection of illegal shipment.

As a result of discussions and presentations the following topics could be identified as priority issues and conclusions concerning transboundary shipment of waste in Poland:

##### ***National enforcement structure in Poland***

The *National Chief Inspectorate for Environmental Protection* is the competent authority for notification. The *Voivodeship Inspectorates* perform inspections in cooperation with Border Guards, Road Transport Inspection, Customs and Police.

##### ***Legal framework of Poland***

A revision of the *Polish Act concerning Shipments of Waste* has not been finalised yet. Its important provisions contain a clear assignment of responsibilities for customs, police, road inspectorates and of permitting responsibility for the Chief Inspectorate for Environmental Protection.

New monetary fines related to illegal waste shipment are introduced. Incoming fees shall be transferred to a *National Fund for Environmental Protection* and shall be used for related purposes (e.g. trainings for involved parties). The Act introduces a system of penalty fees depending on the type of violation (range of 2,500 to 10,000 €).

Further important provisions are:

- Adaptation of Polish treatment codes (R14, R15, D16) to European nomenclature to avoid treadlock situations in notification procedures
- Provisions for MoE to issue ordinance on import bans for specific waste destined for disposal operations
- System of permits for pre-authorized facilities of waste destination for period of 10 years
- Introduction and clear differentiation between hazard to environment and illegal shipment in criminal code; liability of several months to years foreseen for violation of provisions of Waste Shipments Regulation

### ***Facts and Figures of Poland***

In 2006 officers of Polish Border Guard returned approx. 1,928 vehicles transporting waste with violation of provisions of Waste Shipment Regulation. The majority of transports i.e. 1,227 was returned on Polish-German border.

As most problematic waste streams the following have been identified: ELV from western Europe (also transit traffic via Poland towards eastern countries such as Belarus) and from United States; other waste streams from western European Member States include post-sorting waste and mixed household waste. In the latter, a major involvement of organised crime is assumed. The majority of illegal shipments is deemed illegal due to lack of notification and other required documents.<sup>9</sup>

### ***Major problems and deficits identified by the workshop participants of Poland***

- Illegal waste imports into Poland from EU Member States and USA (ELV from Western Europe; mixed household waste especially from Germany (from summer 2006), and green listed waste
- Majority of shipments illegal due to lack of required notification; also small amounts of waste often transported as private property imports in border area
- As regards transports of mixed household waste, a major involvement of organised crime is assumed
- A basic problem is that although there are transition periods that allow Poland to claim a notification for transports of green listed wastes, an efficient control at inner EU borders to tackle non compliant waste shipments between MS is difficult to execute due to the common market
- The main problems as regards interpretation of the legislation are classification and distinction waste - product

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<sup>9</sup> Presentations by Włodzimierz Garczynski and Magda Gosk, Chief Inspectorate for Environmental Protection, Warsaw; Anrzej Brocki, Voivdship Police Henad Quarter Gdansk

- Lack of obligation to label waste carriers hampers identification of waste transports (labelling of waste transports suggested as in Germany)
- As regards organisation issues, it was reported that cooperation with foreign authorities (e.g. German Federal States) in cases of take-back of illegal waste and persecution of those involved in illegal shipments is not always frictionless as regards diversity of competences, language problems and timely feed back (language, timely feed back).
- Reports of environmental inspectors cannot be used in case of prosecution; Inspectors are called to court as witnesses
- Problems with the role of intermediates such as brokers, dealers, etc.
- Problems in compatibility between EU legislation on waste shipments and animal by-products (e.g., are manure or chicken residues a by-product?)
- Disposal of illegal waste, e.g. mixed MSW on private properties; such type of "installation" are not covered by the definition of "consignee" in the European Waste Shipment Regulation
- The European Waste Shipment Regulation does not include any provisions on responsibility or liability of carriers in case of illegal shipments. The Inclusion of a certain responsibility would however, facilitate the work of control bodies in terms of administrative procedure and prosecution.

#### ***Examples of good practice identified in Poland as potential tools to improve implementation and enforcement***

- Signed agreement for better cooperation between road inspectorate, customs, border guards and environmental inspectors in terms of mutual support, information exchange, joint training
- Well established cooperation on central and regional level
- Start of corresponding cooperation with police, in order to assure effective prosecution of offenders
- Planned and executed combined control activities of environmental inspectorates and other involved parties within IMPEL TFS projects
- Efforts in information and education of enforcement authorities
- Established structure in all enforcement institutions to enable effective cooperation with environmental inspectorates
- Use of risk profiles for targeted inspections
- Active participation in IMPEL-TFS activities including enforcement projects
- Specific programme for customs inspections for illegal shipment of waste (Alert 2007, mobile inspection group installed in harbour of Gdynia)
- Use of intelligence information for establishment of risk profiles and targeted inspection
- Use of European electronic data exchange systems (OLAF, TARIC and other )

- Use of scanners as screening tool for further focus visual inspections in case of suspicious papers
- Clearer definition of consignee of illegal waste in revised National Waste Shipment Act in order to facilitate administrative procedure in case of dumping of illegally shipped waste on private properties
- Established environmental departments and coordination services at police and customs
- Established quick alert system in case of detection of illegal shipments

### ***Priority activities for enforcement of the Shipment Regulation in Poland***

- Continuous training and meetings with all involved authorities
- Establishment of new central database on shipments of waste (ideally accessible to all authorities via internet)
- Improved combating of illegal shipments both as concerns prevention and take-back obligations of country of dispatch
- Improved cooperation with foreign concerned authorities
- Improved bilateral cooperation Poland/Germany involving all German competent authorities would be appreciated, especially in combating illegal shipments of household waste from territory of Germany
- Overall cooperation with IMPEL network, EU waste shipments correspondents, Basel meetings however seen as sufficient and effective
- Introduce an environmental crimes register including shipment of waste as specific task for police

### ***Suggestions addressing the European Commission for supporting the enforcement***

- Develop a mandatory European label for waste transports (road, train, cargo-container)

Except of national level (e.g. Germany) there is no labelling of waste transports in Europe. A mandatory labelling of waste transports on road (or any other transport means) as in transport of chemicals or dangerous goods, however, would significantly support the work for police services and would help to detect and prosecute criminal activities. A non-labelled waste transport detected in an inspection would be an important indication for an intended illegal activity. Involved companies could be allocated to a risk group and selected for more frequent inspections. In addition labelled transports could be easily selected and checked for requested papers and documents during routine controls.

- Improved definition of product versus waste (on the EU level)
- Include provisions on responsibility and liability of carriers in case of illegal shipments

#### 4.5 United Kingdom: Minutes and outcome

Country	Date	Events
United Kingdom	05.-06.03.2007	<b>Venue:</b> London / Department of Trade and Industry (DTI) with support of the Department for Environment, Food and Rural Affairs (DEFRA) <b>Participants:</b> 14 (11 from authorities, 3 from industrial associations) <b>Agenda:</b> 9 presentations (including EC and BiPRO)

The information exchange and awareness raising event in London has been organised with support of the Department for Environment, Food and Rural Affairs (DEFRA). The 15 **participants** comprised representatives of the permitting authorities of England and Wales, Scotland and Northern Ireland. In addition a representative from the Republic of Ireland participated in the event. Representatives of the Frontiers and from three industrial associations attended to the event. The level of expert knowledge, the practical experiences in the field and the technical detail of discussion were very high (participation list see chapter 6.5).

The workshop in London was planned as a two days event. The first day was organised as an open session including the industrial associations and the second day as a closed session for national authorities. In total, 9 **presentations** were held (including BiPRO and EC) (agenda see chapter 0).

Presentations held, addressed legal provisions and requirements both on European and national level. Beside, a presentations on statistics for transfrontier waste transports was given and another two of practical examples and strategies of how to tackle international crime in the waste transport sectors as well as on repatriation of waste.

As a result of the discussions and presentations the following topics could be identified as priority issues and conclusions concerning transboundary shipment of waste in the United Kingdom (and the Republic of Ireland):

##### ***National enforcement structure in the United Kingdom***

In England and Wales the competent authority is the *Environment Agency*, in Scotland, the *Scottish Environment Protection Agency*, in Northern Ireland the *Department of the Environment* and for transit and offshore marine areas the *Secretary of State*.

To review the *Transfrontier Shipment of Waste Regulation* of 1995 and the *UK Management Plan for Exports and Imports of Waste* a consultation procedure is currently realised with the according document published for comments in December 2006. Comments were received at the latest by March 2007.

Concerning the waste management system in the UK and the implementation of the Shipment Regulation in particular the following strategic objectives are set:

- The UK wants to reach more self-sufficiency within the waste management regime.
- Waste imports for disposal should be avoided. General exemptions are made for waste destined to high temperature incineration coming from certain countries (e.g. Portugal, Republic of Ireland) and case to case decision for other countries (e.g. Malta).

- Shipments for recovery are not within the scope of the UK Management Plan.
- Green listed waste for export is a high profile issue as especially paper and metals (6.0 MT/year) are exported from the UK.
- There are initiatives to coordinate views of the 3 competent authorities in the UK.
- There is a need for clear communication and guidance regarding the complexity of the Waste Shipment Regulation to address the industry's concerns with targeted information in understandable language.<sup>10</sup>

The *Environment Agency* has a leading role within the enforcement of the Waste Shipment Regulation as the competent authority in England and Wales. This responsibility is not proposed for change. The Environment Agency, in common with the other competent authorities in Scotland and Northern Ireland, is the enforcement authority for the TFS controls, and all UK competent authorities have the powers to carry out inspections, perform interviews and initiate criminal proceedings. Thus no environmental training for custom and police officers has been introduced. The collaboration with other authorities (Customs, Maritime and Coastguard Agency, Police) follows a pragmatic approach on a case by case basis. For bigger criminal activities the police will be involved.

### ***Facts and Figures of the United Kingdom***

The amount of waste exported is still increasing. Especially the export of waste considered to be green listed is booming. In 1997 the amount of paper and cardboard exported was 4,000 t which increased rapidly to 1.5 Mt in 2005. The export of hazardous waste is increasing as well, being 75,000 tonnes in 2005. On the opposite the import of waste is rather decreasing, being 110,000 tonnes in 2005.

In the UK there are about 500 notification applications per year with 130 companies involved. The UK conducted 18 repatriation procedures within the last year and prosecuted 8 cases.<sup>11</sup>

### ***Major problems and deficits identified by the workshop participants of the United Kingdom***

- Most of the waste exports are not wastes classified as hazardous, but as green listed waste, which does not have to undergo a notification process.
- Problems of “waste tourism” exist. There are cases where people pay money for second hand goods, but where such goods should be properly classified as waste.

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<sup>10</sup> Presentation of Andy Howarth, Hazardous Waste Unit at Waste Management Department, DEFRA

<sup>11</sup> Presentation of Andy Howarth, Hazardous Waste Unit at Waste Management Department, DEFRA

### **Statements and suggestion for more successful inspections and controls**

(1) *Inspections have to be targeted to detect illegal traffic.*

Experience shows that the targeting of inspection is especially important since controls covering all borders are not feasible. Controls primarily designed to determine the level of illegal traffic rather than to detect illegal shipments lead to a low hit rate. An example is controls at the border of Northern Ireland/Ireland, where of 81 trucks stopped on the Northern Ireland side. 5 were found to be carrying waste and only 2 cases were found to have infringements under Article 11 of the Waste Shipments Regulation.

(2) *Inspections have to be randomised and focus on more than one port.*

As part of the IMPEL Seaport project, inspections were undertaken at the port of Dublin in 2004 which resulted in a rate of about 60 % of illegal shipment. As a consequence port inspections in Dublin were increased and conducted on a weekly basis. These weekly inspections resulted in a complete reversal in illegal activity. There was some evidence that the shipment of ELVs was transferred from Dublin to Cork, but overall compliance has improved dramatically.

(3) *Port inspections are an end of pipe solution.*

Port inspections can be seen as an end of pipe solution, and should not be the sole area for enforcement activity. Inspections should also start at the point of origin of waste. That said, port inspections are useful to monitor if control/inspections upstream are efficient. Port inspections provide intelligence on which are the problematic waste streams, and their origin.

(4) *Working together with customs is a key for the enforcement.*

(5) *The preparation of threat assessment is crucial*

Economic pressures to the market due to changes in the Shipment Regulation and other relevant legislation allows the prediction of problematic waste streams (e.g. WEEE). Therefore such information have to be considered, e.g. in a threat assessment.

(6) *EC pressure and infringement procedures can be a driving force for enhancing actions*

A driving force for initiating an intensive cooperation between the authorities was the pressure from the EC. Expected fines within the infringement cases were good arguments for getting financial support for projects. Experiences show, that it is particularly useful to exchange information on the waste management legislation and jurisdiction in countries involved. In the case of Northern Ireland and the Republic of Ireland, the authorities were invited to attend the national waste meetings and hazardous waste meetings of the neighbouring country. Another driving factor for the success of cooperation is the growing trust amongst the involved staff resulting from personal contact.

(7) *The focus should be redirected to waste not needing a notification document*

If a notification becomes necessary, waste export usually becomes uneconomic and the waste is not exported. Therefore information and awareness raising efforts should focus less on waste shipment notification (there are only 130 notifiers in the UK) and more on green list exports. Quality standards for operations at sorting facilities e.g. could help industry to change the nature of their waste to be green listed waste and hence avoid notification.

***Examples of good practice identified in the United Kingdom (and the Republic of Ireland) as potential tools to improve implementation and enforcement***

- Domestic Regulations on TFS are being elaborated including the designation of competent authorities with enabling inspections and the charging of fees
- Draft version of UK plan for Shipment of waste accessible at the webpage and open for comments until 12 March 2007; comments will be taken into consideration for the elaboration the final version of the UK Management Plan for Shipments of Waste and domestic legislation; provided to MS via the Correspondence Group
- Initiative to extend the duration of detention for illegal shipments from three to five days for customs
- Threat Assessments have been carried out to identify problematic waste streams and to better understand the waste chain (see Box 4-3).
- Targeted actions for the repatriation of waste are carried out between the UK and the Republic of Ireland (see Box 4-4) and a road map for further actions is drawn (see Box 4-5)
- A question catalogue for combined inspections is currently elaborated to initiate the combination of environmental inspections at facilities (e.g. IPPC facilities, inspection under the WFD) with questions of shipment of waste
- Environmental Agencies collaborate with pertinent industry associations to communicate legal standards
- Environmental Authorities intend to work together with industry to develop standards for green listed waste in order to reduce the amount of necessary inspections and to isolate the non compliant industry
- Pre-application advice / support is set in place to inform the concerned industry on how to fill out a notification
- Publicity of enforcement of waste shipment legislation on TV, through press releases and the internet is useful to spread information on the importance of regulation, and increase acceptance
- Joint meetings (officers from one country attend network meetings of the other country) are a driving force for collaboration among different MS. They help to understand each other's jurisdiction, and to build up trust among officials, who work together. This is, however, much easier in small/more centralised countries, than in countries with many competent authorities

- There are well established bilateral contacts to other MS (e.g. to NL, MT) as well as to non European countries (e.g. China). The attempt to organise a waste conference with West African countries, however failed due to financial implications. The IMPEL network helps especially establishing personal contact to the involved authorities
- Information about legal requirements and additional material will be spread by seminars, brochures and in information letters on specific waste streams (MSW, glass, WEEE, paper, packaging)
- There is a close cooperation with trade associations. Target group is the industry transporting waste considered to be green listed, which in fact is not green listed and should be subject to notification (e.g. within one day seminars for industry). The community of involved companies is comparatively small (130 companies involved) and should be addressed within targeted actions
- In the Republic of Ireland, an Office for Environmental Enforcement has been set in place to oversee the local environmental authorities and to investigate past illegal shipment cases. The Office for Environmental Enforcement is as well coordinating a regular network meeting (every 6 weeks) for local authorities dealing with cases of fly tipping, backyard burning activities, waste transports and C&D waste for exchange information. The collaboration is a useful element within the “cradle to grave” approach to gather information and intelligence (intelligence sharing agreement between Republic of Ireland and Northern Ireland) about the whole life chain of the transported waste
- Guidance on how to fill in the notification papers is implemented and online possibility for filling in the notification form including guidance and advice notes will be installed

**Example of United Kingdom: Threat Assessment for Illegal Shipment of Waste**

The Environmental Agency of England and Wales conducted in close cooperation with different cooperation partners on national and international level a Threat Assessment for Illegal Shipment of Waste. The **aim** is to gather information on and create a wider understanding of the most critical waste streams within a country to enable targeted actions against criminal actions.

The **tool** of a Threat Assessment is generally coming from criminology. Generally, threat assessments aim to serve as a purpose to improve collective understanding of a threat – i.e. for example an illegal market – and enable action. The strategic evaluation of key question serve to the understanding of the functioning and mechanisms of illegal markets. The key questions in this approach are

- (1) "What" illegal activity is taking place?
- (2) "Who" is committing the crime?
- (3) "When" and "Where" is the crime occurring?
- (4) "How" are the offences committed?
- (5) "Why" do people commit this crime (opportunity structure – how big is the market, what is the risk of getting caught, what is the current enforcement response)?

Answering these questions within a systemically approach shall help to detect offences and punish offenders as well as to prevent criminal activities by reducing opportunities. In the UK, Threat Assessments on waste streams have first been performed in 2004. Since then, a problem profile of WEEE has been developed.

**Additional sources and materials:**

Richard Parker, Environmental Agency for England and Wales: Conducting a Threat Assessment of Illegal Transfrontier Waste Shipment – A Short Guide, July 2006

Richard Parker, Environmental Agency for England and Wales: What is a Threat Assessment?, Presentation

Rotterdam Threat Assessment Workshop: Summary – Findings and Conclusions, Paper

Download at: <http://www.bipro.de/waste-events/ship/uk.htm/>

Box 4-3: Threat Assessment for Illegal Shipment of Waste in the United Kingdom

### **Priority activities for enforcement of the Shipment Regulation in the United Kingdom**

- Initiatives to reduce administrative burden to the industry and speed up decisions on notification
- A feedback system for constant improvement of the procedure is set in place, asking the industry for their experiences (using online questionnaire, data system called ZOOMERANG). The Environmental Agency will revise the software after 6 to 12 month after the application of the new Shipment Regulation
- Municipal solid waste may become a more problematic waste stream, in the case the UK will not be able to fulfil the requirements of the Landfill Directive (esp. 2009 deadline)
- Huge amounts of green listed waste (especially paper and metals) are exported with growing amounts, therefore green listed waste is a high profile issue

#### **Example of the United Kingdom / Republic of Ireland: The repatriation of waste – cooperation between the Republic of Ireland and Northern Ireland**

*On basis on the **Road Map** joint actions between the Republic of Ireland (ROI) and Northern Ireland (NI) to detect and repatriate illegally disposed of waste were realised in 2006.*

*The waste was transported within lorries over the land boarder mainly at night time and the waste was deposited in fields and covered over. Usually in the morning all tracks of activity were cleaned and the field looks like it would after a usual agricultural activity. Very isolated areas are preferred for such actions and the owner of the area can usually not be defined. About 300-400 loads/year are estimated to be a realistic number. It is known that large companies and organised crime is involved at the activities.*

*Information on ownership of the site, the origin of the waste and the involved bodies had to be collected. To be successful with the action, all **information** leading to detect the crime were collected at one single central authority. Not even the effected local authorities got information about the planned activities.*

*Within the activity, **joint transport inspections** has been carried out, realising 7 stopping points across the boarder of ROI and NI varying at times out of hours to avoid check point hopping. Vehicles have also been stopped were tracked from the point of origin in the ROI to destination in NI.*

*An exemplary court case is pending, involving the Police and the hearing of 90 witnesses dealing with 81 cases including money laundering, the handling of stolen goods and illegal dumping (44 cases). The case is made public via newspapers and television (BBS). 12 similar sites have been identified so far, it is estimated this could reach up to 50 sites<sup>12</sup>*

Box 4-4: *The repatriation of waste – Cooperation between the Republic of Ireland and UK*

<sup>12</sup> Presentation of Allison Townley, Environment and Heritage Service of Northern Ireland

**Suggestions addressing the European Commission for supporting the enforcement**

- Initiatives to revise the WFD to apply self sufficiency to waste destined for recovery would have massive impacts on the shipment of waste. Certain MS underline that the WFD should not be the place for twisting the Shipment Regulation
- A more consistent approach within the EU waste legislation would be appreciated especially taking into account the impacts of ambitious targets for MS (ELV, Landfill Directive) and of basic definitions in the WFD for shipment of waste
- Due to different statistic approaches with inspections within the Member States, data can lead to misinterpretation of the given data and mislead targeting in inspection. Therefore it is crucial to have a comparable approach within the Member States to derive a common data basis. Guidance for reporting on waste inspections would be needed on EU level
- The content of the future inspection reports is not clear. Guidance on this issue would ensure a uniform reporting at EU level
- An electronically notification system is not in place. The development of an electronically notification system for one country only is expensive. An EU wide solution would be appreciated and necessary
- The authority is obliged to check the facility of destination within a pre-consent notification process. This practically not feasible
- The availability of information on specific requirements for green listed waste in third countries is crucial for industry. The Commission should concentrate on the most relevant export countries (India, China, Indonesia)
- A central method of assessing the ability of Environmental Sound Management (ESM) of non OECD installations has to be developed. Neither the Member States nor IMPEL can carrying out this task
- Guidelines for repatriations are needed to ensure common approach
- The use of a database containing examples on decisions about shipment of waste cases is seen sceptically because of the danger of precedence
- The BASEL categories have not been changed for a long time and should be adapted
- On the EU webpage Frequently Asked Questions (FAQs) could be included to explain the most crucial facts on the Waste Shipment Regulation

**Example: The Road Map on Collaboration between the Republic of Ireland and Northern Ireland/UK**

*Representatives of the Republic of Ireland and the Northern Ireland agreed 2006 on a Road Map on collaboration regarding the issue of shipment of waste.*

*The Road Map is dealing with suspected illegally shipped waste from the Republic of Ireland to Northern Ireland and actions to strengthen the response in both jurisdictions to any current or future illegal movements, as agreed by the authorities in both jurisdictions. The document serves as a working basis without having the status of a legal binding treaty. The document was submitted to the EU in October 2006 when the IE and UK were facing an infringement procedure.*

*The background for the dramatically increase of illegal actions between the Republic of Ireland (ROI) and Northern Ireland (NI) were the radical change in the waste management situation in ROI since introduction of the Waste Management Act (WMA) in 1996. A simple system involving almost complete reliance on landfill and with the Local Authorities the main service providers has been replaced by a sophisticated and intricate waste management network involving both the public and private sectors. The numbers of landfills have been decreased from 95 in 1998 by 70%, being only 30 left in 2001. At the same time the production of municipal waste increased by about 25% and the fraction of construction and demolition waste increased as well. The gate fees went from 40 €/tonne in 2000 to an average of €150/tonne in 200 - -an increase of 375%*

*As a result a landfill capacity crisis appeared in ROI in late 2001 and 2002 resulting in diversion of waste to Northern Ireland because of the differences in waste disposal costs between ROI and NI. The enforcement of the Waste Shipment Regulation were insufficient at both sides both jurisdictions resulting in increased waste transports and illegal activities. NI authorities estimate that there could be 250,000 tonnes of waste coming from ROI already deposited in NI.*

*One of the major issues covered by the Road Map is repatriation procedures for waste illegal transported over the border. In these cases often the waste is already transported, shredded and buried illegally into meadows.*

*The road map will be reviewed by the senior official group routinely every 6 month. It is the first example where problematic transfrontier shipment of waste has been addressed by two single Member States.*

*Elements of the road map regarding e.g. the surveillance and road inspections could be applied in other Member States as well.<sup>13</sup>*

Box 4-5: Road Map on Collaboration between the Republic of Ireland and Northern Ireland/UK

<sup>13</sup> Presentation of Pat Fenton, Department of the Environment, Heritage and Local Government, Republic of Ireland

#### 4.6 Belgium: Minutes and outcome

Country	Date	Events
Belgium	12.03.2007	<b>Venue:</b> Mechelen / Public Waste Agency of Flanders (OVAM) <b>Participants:</b> 15 (all authorities) <b>Agenda:</b> 7 presentations (including EC and BiPRO)

The information exchange and awareness raising event in Mechelen has been organised with support of the Public Waste Agency of Flanders (OVAM). The 15 **participants** comprised representatives of the permitting and controlling authorities from the Federal level and the three Belgium regions (Flanders, Walloon, and Brussels). Beside this, the Federal Police, the Customs and Excise Taxes Board, and the Port Authority of Antwerp were attending the workshop. Industrial associations or industry representatives were not invited on request of OVAM (participation list see chapter 6.6).

The workshop in Mechelen was planned as a one day event, due to the reason that authorities meet regularly and the small number of involved authorities. In total, 7 **presentations** were held (including BiPRO and EC) (agenda see chapter 7.6).

Presentations held, addressed legal provisions and requirements both on European and national level. Presentations stressed aspects such as enforcement procedures.

As a result of discussions and presentations the following topics could be identified as priority issues and conclusions concerning transboundary shipment of waste in Belgium:

##### **National enforcement structure in Belgium**

Due to the federal structure of Belgium, four institutions are involved in the notification procedures, such as the *Public Waste Agency of Flanders (OVAM)*, the *Administration of the Environment in the Capital Brussels Region (I.B.G.E. - B.I.M.)* and the *Ministry of the Walloon Region, DG Resources and Environment*.

The *Federal Public Service of Public Health, Food and Environment (FOD), CA Transit Enforcement Unit* is the responsible institution for transit constellations.

Inspections in Flanders and the Brussels Region are carried out jointly with the police and the Custom Services. The inspection plan foresees regular controls at treatment plants. A waste register of producer is established in order to store information about specific waste streams and the involved entities. A collaboration with the IMPEL-TSF is established and Belgium takes part in joint actions and controls within the IMPEL projects. Close cooperation is carried out whenever needed with the concerned authorities of the different regions and the local authorities, e.g. as ad hoc initiatives on the basis of complaints and demand.

Administrative fines are imposed but criminal prosecution is not common. Fines lie between 625 and 62,500 € with an average of 2,000 € per shipment. Additionally the costs for storage transport and treatment have to be paid. The calculation is based on the proof of default, the official report and the seal, the visits on site, the type waste (hazardous, non-hazardous) and the destination. The fine is to be paid into a Governmental Environmental Fund.

Around 2,000 notification procedures are carried out annually within the Brussels Region alone.<sup>14</sup>

#### **Example of Belgium: Elaboration of efficient controls including all levels**

The controlling procedure carried out in Belgium includes a whole bunch of activities, in particular a preliminary check of documents at administrative level (environmental permits, waste registers), information elaboration of the history of infringements and the shipping company (custom documents, bill of lading) and controls at roads and ports.

The check of the **administrative documents** includes a risk assessment using information on the description of the product, the waste stream (e.g. ashes, residues, scrap, used, second hand), the harmonised custom codes (e.g. 39.15 plastic waste, 74.04 copper waste, 26.20 ashes and residues), the delivery conditions, the value of goods, information about the producer and/or exporter and the destination of the transport (check of correct address, e.g. if it is only a post office box or the address of an apartment etc.). This information is used to conduct road and port controls and visual inspection of cargo.

Physical inspections include **road controls** in collaboration with the police, stopping and blocking suspicious vehicles. This measure is reported as time-consuming with some times low results, as evasive behaviour of suspicious transport is common.

As concerns port inspections, a close collaboration with the harbour authorities is necessary. Port inspections have to be prepared carefully and containers have to be selected on basis of the risk assessment made. Inspection of one day can approximately include 50 containers. After opening the containers, the contents have to be verified with the document information delivered. Port controls can as well include the scanning of containers, e.g. with an x-ray facility. Advantage of port controls is that evasive behaviour is not possible.

For **security reasons**, inspection rules should be taken seriously, including protective clothing, alarm lights on dock and the use of chains.

The **follow-up procedure** of a control includes the sealing and blocking of the concerned container, preparation of a report of observation necessary for a prosecution procedure and for imposing fines, request for more information at the producer and exporter, the starting of legal procedures and impose administrative fines.

The reporting on a case includes internal or annual reporting, reporting to IMPEL-TFS, to the EU Commission, the Basel secretariat and even to the media depending on the type and weight of the detected case.

*Box 4-6: Example of efficient waste controls in Belgium*

<sup>14</sup> Presentation of Catherine van Nieuwenhove Administration of the Environment in the Capital Brussels Region (IBGE-BIM) at workshop in Mechelen

The follow-up diagram (Figure 4-1) for carrying out effective controls illustrates the described steps and the possible reactions on it.

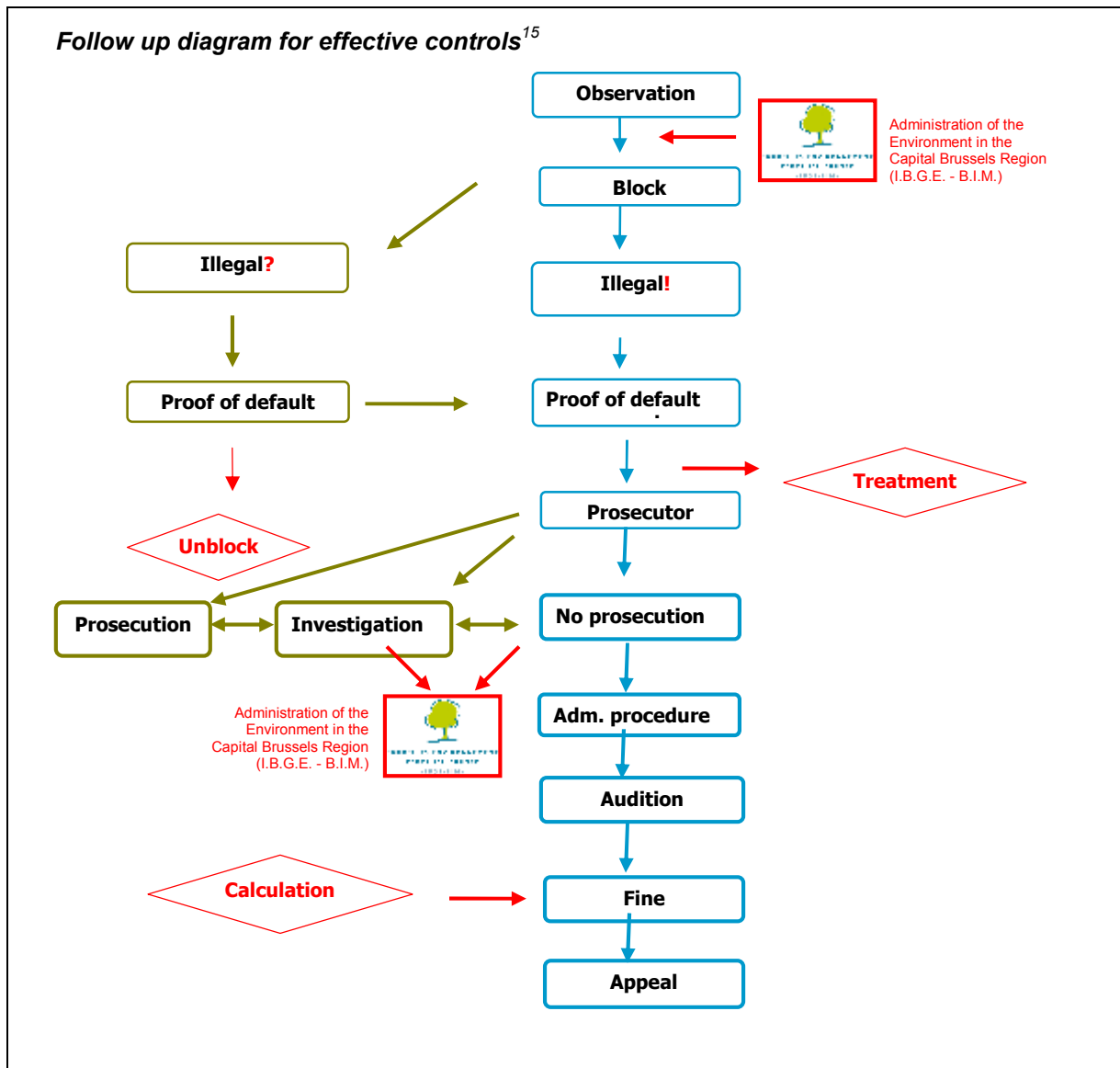


Figure 4-1: Follow up diagram of effective controls in Belgium

### Major problems and deficits identified by the workshop participants of the Belgium

- Lack of legislative rules and clarity in classification of waste/product
- Participation of Custom services could be improved, Custom tends to focus on transports with higher financial impact
- Horizontal structure of Belgium administration with permitting of waste shipments 100% under regional responsibility, whereas transit of waste is under sole responsibility of federal government; this easily entails deficits in information transfer and complicates coordination between the regions (low level of information exchange and coordination between the regions)

<sup>15</sup> Presentation of Catherine van Nieuwenhove Administration of the Environment in the Capital Brussels Region (IBGE-BIM) at workshop in Mechelen and TAIEX Meeting in Bulgaria, 27 April 2007

- Problems in collaboration with other MS; waste shipments that are supposed to be illegal should generally be tackled earlier; few language problems
- Lack of communication with non EU countries, e.g. Chinese authorities
- Deficits in rules on cooperation in case of illegal shipments and request for take-back
- Deficits in clarity with respect to procedural aspects (notification or green list procedure) in case of export of “green listed” wastes to third countries (one country requires notification neighbouring country accepts “green list” procedure)
- Big difficulties in identification of responsible waste owner due to large net of intermediates such as brokers, dealers
- Problem of non European dealers travelling and buying waste throughout the entire EU and shipping it via large ports; when illegal transport is detected, no possibility to make liable; person normally returned already to country of origin, no permanent residence in EU; however repeated re-immigration with dealer’s visa, resulting in repeated cycles of illegal shipments
- Deficits in current specification who is liable (who has to pay disposal / storage) in case of illegal shipments
- Difficulties in fulfilling the requirement to check final fate of waste in country of destination outside EU; no confirmation on accomplished treatment as requested; in addition notifiers often wait until short time period before the envisaged transportation date to choose recovery site; sometimes, the site is changed during transport
- Custom code and waste code are not always congruent, e.g. one custom code number applies to several waste entries within the EC Shipment Regulation
- Current lack of financial guarantee in case of illegal shipments entraining important disposal/storing costs for administration in typical transit countries such as Belgium; existing penalties not sufficient
- Lack of labelling of waste transports as important tool for effective control and prosecution of illegal waste transports by the police

***Examples of good practice identified in Belgium as potential tools to improve implementation and enforcement***

- Regular meetings of all involved authorities on the basis of an agreement between the concerned ministries (Federal Public Services of Finance, Interior and Environment)
- Generally well established cooperation of the involved authorities
- Established controls at waste producing and managing installations, road, train and at ports (road train = police; installations and ports = maritime police & environmental inspectorate) (see Box 4-6).
- Waste project of Federal Police establishing a network and information transfer between all involved authorities and using ECO forms for development of risk profiles and targeted detection of offenders (see Box 4-7).

- Training courses from environmental authorities for enforcement officers to ensure ability to identify suspicious waste loads (final decision always is taken by environmental authorities)
- Establishment of a common data base to be used by all authorities
- OVAM has prepared information material for all involved authorities and for industry in form of a handbook (one list) covering all waste codes from relevant legislation with a short description and the corresponding classification.
- Bi- or multilateral cooperation with other MS (e.g. with Netherlands, Austria and Germany);
- Interlinked electronically notification system to facilitate surveillance of transfrontier shipments of waste (EUDIN System – see Box 4-8).
- Cooperation with important non-EU recipients of waste (e.g. workshop in China this year)
- Commission proposal on Environmental Crime addressing illegal shipment of waste as one of the possible violations

**Example: The National Waste Project of the Belgium Police**

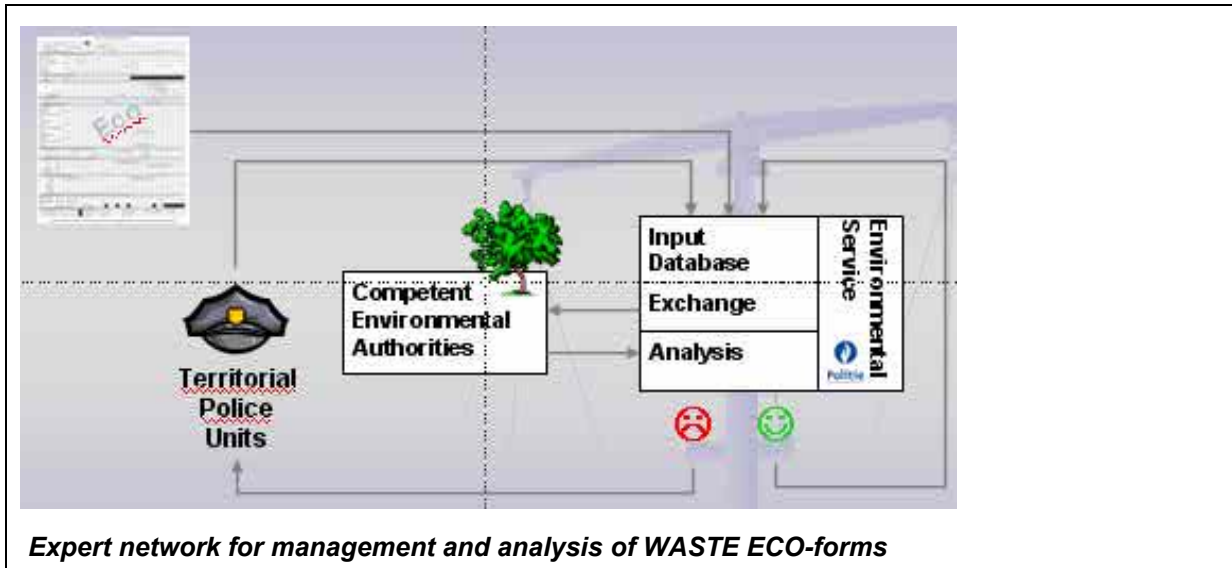
*The Environmental Crime Section of the Federal Police is carrying out a **national waste project** in order to establish the necessary expert network and to get insight into the relevant waste streams and to detect high-risk groups and offensive/criminal behaviour in the field of waste-disposal in Belgium.*

*In the framework of this project a close cooperation with Territorial Police Units (as executing bodies for road controls) and environmental authorities has been established.*

*Control of illegal shipments and waste crime requires traditional police detection and investigation techniques in order to catch and convict the perpetrators and to confiscate the illegally acquired benefits. Information is gathered by means of **joint controls** of waste transports with the competent environmental administrations and by means of punctual **checks** on suspicious waste transports during routine patrols. For documentation of inspection results a standardised form (Eco-form) is used.*

*The information from the Eco-forms is stored in an electronic data base. Missing features as possible indicators for violation of existing legislation are searched in open sources and are added by the Federal Police or other concerned authorities to complete the picture and enable to derive risk profiles (suspicious companies) and risk situations (companies with transport-treatment and banking capacity) which allows to target investigations.*

*Relevant parts of information are also at disposal for other authorities involved in permitting or control of waste shipments. Information is automatically evaluated and compared to previous entries.*



Box 4-7: The national waste project of the Belgium Police

An example for good cooperation at international level is presented in Figure 4-2.

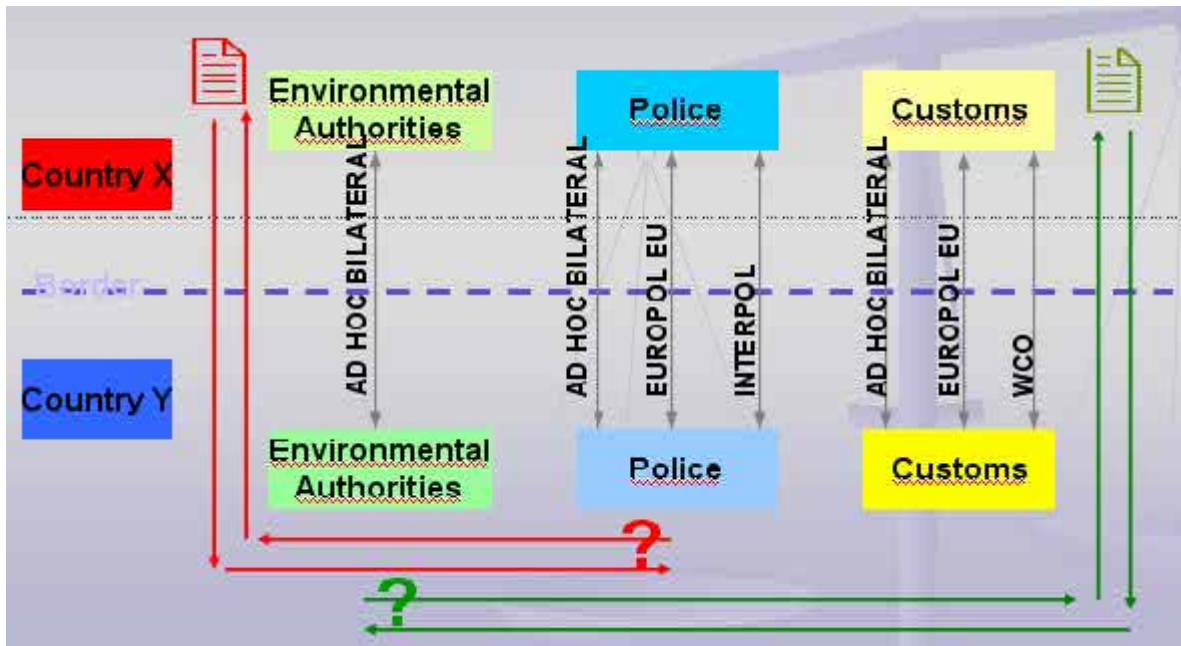


Figure 4-2: Best practice for "International exchange of information" on shipments of waste

An overview on existing international cooperation networks for the involved authorities which could be used and further expanded for improved inspection and control are presented in Figure 4-3.<sup>16</sup>

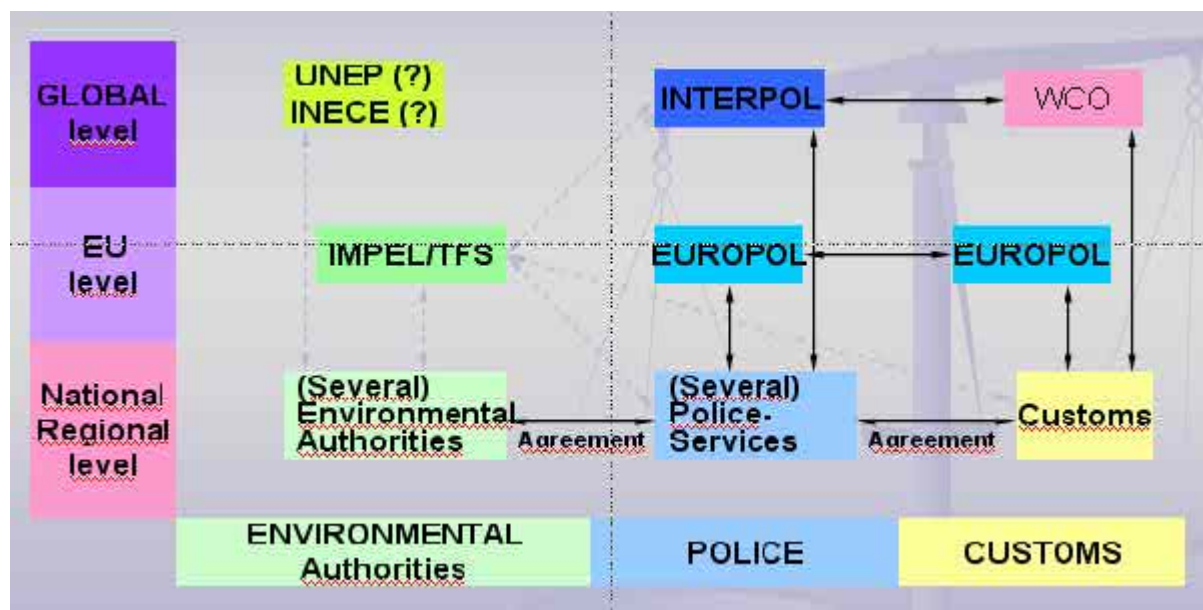


Figure 4-3: Established networks for cooperation at European and international level for all authorities involved in control of waste shipments

#### **Priority activities for enforcement of the Shipment Regulation in Belgium**

- Develop instruments and procedure to establish system of financial guarantee for illegal shipments as well
- Establishment of a “black list” of suspicious companies
- Obligation to classify waste transports, e.g. with a sign at the back of a truck as in Germany
- Information exchange on threat assessment between MS would be welcome
- Environmental control of waste according to the model established for food controls would be welcome; however is a matter of costs
- Introduce labelling of waste transports to facilitate police control activities and to support prosecution
- Established rules for cooperation at national level under Regulation (EEC) 259/93; shall be established under new Regulation as well
- Improved, quicker and more effective take-back process

<sup>16</sup> Presentation of Frans Geyselen, Federal Police Belgium

### **Suggestions addressing the European Commission for supporting the enforcement**

- A enhanced intensity of meetings at EU/IMPEL level would be appreciated
- EU Guidelines on persecution of illegal shipments of waste with focus on transit situation within EU
- Clearer information on provisions and procedure for trade with China on Commission website
- Provision of Regulation related to Article 36 (replacing and amending Council Regulations (EC) 1420/1999 and 1547/1999 ) as soon as possible, so that also industry can react in time
- Develop a mandatory European label for waste transports (road, train, cargo-container)
- Waste transports should be labelled at European scale.

Except of national level (e.g. Germany) there is no labelling of waste transports in Europe. A mandatory labelling of waste transports on road (or any other transport means) as in transport of chemicals or dangerous goods, however, would significantly support the work for police services and would help to detect and prosecute criminal activities. A non-labelled waste transport detected in an inspection would be an important indication for an intended illegal activity. Involved companies could be allocated to a risk group and selected for more frequent inspections. In addition labelled transports could be easily selected and checked for requested papers and documents during routine controls.

**Example: EUDIN = European Data Interchange for Waste Notification-System**

*The EUDIN project is a joint organisation of **four EU-member states**: Belgium (OVAM), the Netherlands (VROM), Germany (UBA, MUNLV, LUA NRW) and Austria (BMLFUW, UBA) elaborate a standardised interface for the exchange of data between European member states for electronic transposition of the requirements of the European Waste Shipment Regulation.*

*With EUDIN these four countries strive for the realisation of an application that facilitates a **digital notification process** and for the elaboration of a standardized interface for the exchange of data between both European member states and between member states and notifying organisations. Transporters will be enabled to notify their transports with the use of Internet and competent authorities will be provided with the opportunity to register the notifications directly in their back-office systems without any manual intervention.*

*The system is accessible for notification authorities, the custom services and the police service. On the longer term EUDIN will enable direct communication via EDI - electronic data interchange between back office systems of competent authorities and between competent authorities and notifying organisations. With these solutions mistakes are avoided, the notification process is accelerated and the need for human capacity is minimized as much as possible.*

*This project may be seen as a first definite step to introduce a standardised European interface in the transmission of waste and environmental related data between European countries.*

*More information at: <http://www.eudin.org/>*

Box 4-8: The European Data Interchange for Waste Notification-System

#### 4.7 Greece: Minutes and outcome

Country	Date	Events
Greece	23.-24.04.2006	<b>Venue:</b> Athens / Greek Technical Chamber with support of the Hellenic Ministry of the Environment, Physical Planning and Public Works <b>Participants:</b> 28 (9 from authorities, 18 from industry) <b>Agenda:</b> 7 presentations (including EC and BiPRO) <b>Excursion:</b> Port of Piraeus

The information exchange and awareness raising event in Athens has been organised with support of a subcontracting company (ARVIS S.A.). Beside representatives from the Hellenic Ministry of the Environment, Physical Planning and Public Works (YPEHODE), the 28 **participants** comprised representatives of the Environmental Inspectorate, the Ministry of Transport, the Ministry of Economics, the Piraeus Port Authority and the Technical Chamber of Greece. Concerned industry was present with a high number of participants. Consequently the practical experiences with the notification procedure and the experiences and views of the industry were content of the discussions (participation list see chapter 6.7).

The workshop in Athens was planned as a two days event. In total, 7 **presentations** were held (including BiPRO and EC). An excursion was realised from the Piraeus Port Authority to the port of Piraeus (agenda see chapter 7.7).

Presentations held, addressed legal provisions and requirements both on European and national level. Presentations stressed aspects such as the notification procedures within Greece, the processing of movement and tracking forms and the procedure with the Port Authority. Examples of concrete controlling actions and detected illegal shipments were not presented.

An excursion to the port of Piraeus was organised the second day and guided by the Piraeus Port Authority. An overview of the general management and organisation of the harbour including the harbour for passenger ships (ferries, cruising ships) and the container terminals was given. It was explained how the container are labelled, stored and reshipped. Anyhow as nobody from the Custom Offices was attending the workshop or the excursion, only an impression regarding border controls was given.

As a result of discussions and presentations the following topics could be identified as priority issues and conclusions concerning transboundary shipment of waste in Greece:

##### **National enforcement structure in Greece**

The *Hellenic Ministry of the Environment, Physical Planning and Public Works* (YPEHODE) is the competent authority for notification. The YPEHODE informs the *Port Authority* that the shipments taking place are authorised.

The *customs Services* perform inspections. Another involved is the *Ministry of Mercantile Marine*. No information was given to what extend inspections of waste transports are carried out in practice.<sup>17</sup>

<sup>17</sup> Presentation of Alexandra Karpodinis and Georgia Mantzava, Hellenic Ministry of the Environment, Physical Planning and Public Works (YPEHODE), Waste Management Department

## **Legal framework of Greece**

Several *Joint Ministerial Decision* (JMD) are set in place to adapt European waste legislation to national legislation as it is the *JMD 13588/725/06 regarding measures, terms and restrictions on hazardous waste management* in compliance with the Directive 91/689/EEC, *JMD 24944/1159/06 for the approval of General Technical Guidelines* regarding hazardous waste management and *JMD 8668/2007 for the approval of hazardous waste national management plan*.

Furthermore there exist the national *Law 2939/2001 regarding Packaging and Alternative Management of Packaging and Other Products- Foundation of National Organization for the Alternative Management of Packaging and Other Waste* and a whole bunch of Presidential Decrees (P.D.) for the alternative management of certain waste streams, e.g. *P.D. 117/2004 and 15/2006 for the alternative management of WEEE*, *P.D. 116/2004 for the alternative management of ELVs*, *P.D. 82/2004 for the alternative management of used oils*, *P.D. 115/2004 for the alternative management of batteries and accumulators* and *P.D. 109/2004 for the alternative management of used tyres*.

The collection and management of certain waste streams is carried out within collective or individual *Systems for the Alternative Management*. It is mandatory for the producers and importers either to organise individual or to participate in collective systems of alternative waste management, i.e. return, collection, transportation and recovery systems. For the organisation of individual or collective systems it is necessary to get an approval by YPEHODE. This approval is valid for 6 years and it can be renewed.

For the alternative management of packaging wastes there is established one collective system as *Hellenic Recovery Recycling Corporation* (HERRCO) and one individual system as *the Alfa-Beta Vassilopoulos*. The collective systems for the packaging of mineral oils, WEEE and ELVs is the *Centre of Alternative Environmental Management* (KEPED S.A), *Recycling Appliances S.A.* and *EDOE S.A.* correspondingly. The collective system for alternative management of waste oils is the *Hellenic Technology of Environment S.A.* (ELTEPE), the corresponding system for the alternative management of batteries is *AFIS S.A.* and of accumulators, *SYDESYS S.A.* and *SEDIS-K* in Crete. Finally, the collective system for the alternative management of end-of-life tyres is established as *Tyres Ecoelastika S.A.*<sup>18</sup>

The *National Plan for Hazardous Waste Management* aims to improve the self-sufficiency of Greece. It aims at the gradual reduction of waste shipments due to the development of prevention and reduction methods, enhance the infrastructures and recovery methods, promote the use of safe treatment methods for hazardous waste and the possibilities for the safe final disposal.<sup>19</sup>

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<sup>18</sup> Presentation of Maria Banti, Hellenic Ministry of the Environment, Physical Planning and Public Works (YPEHODE), Unit of the alternative management of packaging waste and other products

<sup>19</sup> Presentation of Alexandra Karpodinis, Georgia Mantzava and presentation of Maria Banti, Hellenic Ministry of the Environment, Physical Planning and Public Works (YPEHODE), Waste Management Department

### **Facts and Figures of Greece**

Greece is depended on exports, as treatment facilities and landfill capacities, especially for hazardous waste and some separately collected waste streams, are missing. For some waste streams the treatment within co-incineration is carried out.

In 2006, 230 kt of non-hazardous waste was exported mainly to other EU MS (Austria, the Netherlands, Italy), to OECD countries and to non-OECD countries (China). Of the total quantity about 170 kt were paper and cardboard, 40 kt were metal scrap and 7 kt contain of plastics. In 2006 45 kt of packaging wastes were exported mainly to China, Turkey, Bulgaria, Hong Kong.

In 2004, 1.5 kt of hazardous waste was shipped mainly to the destination Germany (70%). The main streams are transformers and capacitors with PCB-containing oils (for high temperature incineration or underground storage), laboratory waste, off-specification medicines (both for high temperature incineration), spent batteries, nickel-cadmium accumulators and lead-acid accumulators (for recycling) and WEEE (for recycling). About 1,940 t of non-hazardous waste fractions coming from WEEE (EWC: 160216) were exported to Germany, China, Pakistan etc. in 2006. About 14 t of fluorescent tubes (EWC: 200121) were exported to Belgium.

15 treatment facilities exist for ELVs in Greece and 29,961 ELVs have been recycled in 2006 collected at 27 collection sites. 1,900 t of non-hazardous fractions coming from those treatment sites of ELVs were exported to Hong Kong, China, Italy, Netherlands, Korea and Germany. Hazardous materials coming from ELVs (batteries, waste oils except break pads containing asbestos) are treated by the other systems of alternative management within Greek facilities.

In 2006, 8 facilities for regeneration of used oils existed in Greece. While about 16 t of spent insulation and heat transmission fluid were exported to United Kingdom, about 41 t of used oils from engines were imported to Greece by the Kosovo and 415 tones by Israel.

16,561 collection sites existed in 2006 for batteries from households and 5,071 collection sites for accumulators. About 85 t of used batteries from households (mixed batteries and accumulators, EWC:200133\*, AA180) were exported to Belgium and 91 t to Germany. About 30 t of spent nickel-cadmium batteries (160602\*, AA 180) were exported to Germany. Import of used lead batteries (160601\*, AA 170) from Cyprus and Kosovo have been reported.

In 2006, 33,800 t of used tyres were collected and treated all in the 4 treatment sites (granulation) and one site for energy recovery. No exports or imports have been reported for used tyres. The increasing needs may be covered by imports in the future.

A register contains all information of approved companies for international export of waste.

The approved *Systems of Alternative Management* as described are in an expanding process and eventually collection sites and new recycling- treatment facilities will be established all over the country, leading to an increase of collected wastes that are lead to recycling facilities. This increase may eventually lead to an increase of shipments of wastes too (exports and imports). Furthermore the export in small quantities of specific waste streams (i.e. waste containing PCBs) will continue, as they cannot be treated or disposed of within Greece in near future due to environmental, technical and economical reason.<sup>20</sup>

The port of Piraeus is the ninth biggest within Europe. It is used especially as a transfer port, meaning that e.g. cargo from China is unloaded and reloaded at smaller ships with different European destinations. More transshipment will be attracted in the next years. The port can handled 12,000 t of cargo daily and 500,000 cars per year. It is equipped with a mobile x-ray for scanning containers and with a separate area for storing hazardous substances. Within the first 4 month of the year 2007, around 45 waste shipment transports have left the port of Piraeus.<sup>21</sup>

### **Major problems and deficits identified in Greece**

- Administrative capacity at the YPEHODE is not sufficient to carry out controls or to join such controlling actions, as the staff is working on a high amount of notification procedures.
- The Port Authority is basically checking the papers provided relying on the information of the competent authority. Physical checks are conducted seldom, as only a couple of hours are given for such control and more and trained staff would be needed. Collaboration with the custom or the police on a daily working basis does not seem to exist.
- Greece is still depended on exports, as treatment facilities for hazardous waste and some specific waste streams are missing.
- Regarding non-hazardous waste, concerns were expressed for the export to OECD countries and the difficulties with classification (waste or by-product, hazardous or non-hazardous).
- It was expressed that there exist administrative difficulties, primarily due to limited resources (human, technical, financial) to effectively monitor the implementation of the Waste Shipment Regulation
- The terminology and the calculation of the insurance contract or the relevant financial guarantee seem to be problematic.
- Some cases of difficulties with the classification of waste were reported, as e.g. the case of the waste from rice production (rice husk ash) not being sure whether it needs to be classified as waste or as by-product.

<sup>20</sup> Presentation of Alexandra Karpodinis, Georgia Mantzava and presentation of Maria Banti, Hellenic Ministry of the Environment, Physical Planning and Public Works (YPEHODE), Waste Management Department

<sup>21</sup> Presentation of Kontogiorgi Chrisanthi, Port Authority Piraeus and information provided at guided tour at port

### ***Examples of good practice identified in Greece as potential tools to improve implementation and enforcement***

- The collection of certain waste streams is elaborated very well by implementing Collective of Individual Systems for the Alternative Management of packaging, packaging of mineral oils, WEEE, ELVs, end-of-life tyres as well as for batteries and accumulators. The Systems are organized by producers and importers. The Systems (Collective schemes) are open to the participation of all interested parties and they are designed in a way to avoid discrimination against imported products, not to create barriers to trade or distortions of competition and to guarantee the maximum possible return of packaging material/ other product. They shall also ensure that packaging materials/ other products are recycled (material) or recovered (energy) in an environmentally acceptable manner. Furthermore, there is a liability assignment to the system from the participating economic operator.
- Companies involved in waste shipment actions have to register to the National Registry of (either Hazardous or non Hazardous) Waste Management Entities and deliver an annual report to the YPEHODE, stating quantities and qualities of the exported / imported cargo.
- The cooperation between the competent authority (YPEHODE) and the Port Authority is elaborated, as the YPEHODE is delivering the notification paper to the Port Authority who is checking the documents. As well cooperation activities exist between the YPEHODE and the regional authorities.

### ***Priority activities for enforcement of the Shipment Regulation in Greece***

- Emphasis should be given to visual controls, joint action controls and physical checks. The awareness at other involved authorities, especially of the Inspectorates, the Police Forces and the Custom on the topic of waste issues and illegal activities within the sector has to be raised.
- Cooperation within the national authorities, especially between the authority for notification (YPEHODE), the Custom and the Inspectorate has to be elaborated to exchange information within a threat assessment for certain waste streams and to enable targeted control activities and in the case when there is a question at hand.
- Information material and guidance at national level and training for Custom Services has to be provided (task for YPEHODE).
- Custom controls have to be expanded and include regular physical controls especially in the case of export to other EU MS.
- The process of setting up infrastructure for the processing and sound disposal of waste, e.g. for hazardous waste has to be accelerated.
- The administrative process for the notification procedure is well developed. Anyhow actions have to be focused more at shipments without notification papers.
- Effective participation in the IMPEL TFS network in joint actions and controls should be encouraged to gain from the experiences of other countries.

#### 4.8 Malta: Minutes and outcome

Country	Date	Events
Malta	08.05.2007	<b>Venue:</b> Dragonara Hotel with support of the Malta Environment & Planning Authority (MEPA) <b>Participants:</b> 33 (14 from authorities, 18 from industry) <b>Agenda:</b> 9 presentations (including EC and BiPRO)

The information exchange and awareness raising event in St. Julian's has been organised with support of the Malta Environment and Planning Authority (MEPA). Beside MEPA representatives, the 33 **participants** comprised representatives of the Department of Customs, the Malta Maritime Authority and the Maritime Squadron of the Armed Forces of Malta. Industry was present with a high number of participants. Consequently the practical experiences, the experiences and views of the industry and planned activities were in the focus of the discussions (participation list see chapter 6.8).

The workshop in St. Julian's was planned as a one day event. In total, 9 **presentations** were held (including BiPRO and EC). An excursion was not realised (agenda see chapter 7.8).

Presentations held, addressed legal provisions and requirements both on European and national level. Presentations stressed aspects such as the notification procedures within Malta, the processing of movement and tracking forms and the export of hazardous waste and difficulties experienced by the concerned industry.

As a result of discussions and presentations the following topics could be identified as priority issues and conclusions concerning transboundary shipment of waste in Malta:

##### **National enforcement structure in Malta**

The *Malta Environment and Planning Authority* (MEPA) is the competent authority for notification. The MEPA informs the *Department of Customs* by fax that the shipments taking place are authorised and informs the *Inspectorate* by fax about the actual date of shipment of waste. Random inspections or checks are realised by the Inspectorate to ensure compliance with the papers.

Also the Department of Customs perform inspections. Physical controls at the customs stations are made on the instruction of the verification section within the Department of Customs. The decision will be based on basis of risk profiles delivered from MEPA. No information was given to what extend this procedure is implemented into practice.

An administrative fee for the notification procedure is not introduced.<sup>22</sup>

##### **Facts and Figures of Malta**

Malta is highly depending on export, as treatment facilities especially for hazardous waste (e.g. asbestos, PCBs, sludge, solvents, car batteries). About 10,000 t of hazardous waste are exported annually. It is envisaged that waste will continue to be exported for the foreseeable future.<sup>23</sup>

<sup>22</sup> Presentation of Mark O'Neill, Environment and Planning Authority (MEPA)

<sup>23</sup> Presentation of Vincent Gauci, Malta Environment and Planning Authority (MEPA)

Malta has 3 ports with La Valetta being the biggest for industrial shipments. In 2005, 6 notification procedures were processed by MEPA. This number was increasing to 20 procedures in 2006 and 33 in the first 4 months of the year 2007.<sup>24</sup>

Since 2004, specific waste streams are collected separately. Moreover, restrictions for landfilling are getting stricter and awareness campaigns are made. In the case of batteries more than 100 t of material including zinc-copper, nickel-cadmium, lithium, titanium, lead and button type batteries were collected over a number of years from households, local councils, schools and commercial entities and most of this waste had been stored for a number of years. The processing of shipment application needed from April 2005 until August 2006.<sup>25</sup>

Malta has not yet ratified the Basel Ban Amendment which banning all forms of hazardous waste exports from the 29 OECD-countries to all non-OECD countries. However, Malta fully implements the Amendment through the Waste Shipment Regulations.

### ***Major problems and deficits identified in Malta***

- Malta is a small country with few companies that export waste. Yet, one cannot exclude the possibility that waste is shipped illegally without MEPA knowing about it.
- An electronically declaration system has recently been introduced for declaring goods to the Custom. As a matter of fact, controlling frequency has decreased and physical checks are now made on basis of risk analyses and risk management profiles. In the case of “exports” to other EU countries physical checks are only carried out if there is serious suspicion.
- The timeframe for the notification (30 or 60 days) is a crucial point, as communication and request within this timeframe, e.g. with involved authorities or with treatment facilities can not be carried out thoroughly.
- Delays have been expressed especially concerning first time application and the delivering of acknowledged papers from competent authorities of other countries, causing long periods of temporary storage of waste cargo. It is the hope that following application of similar kind are proceeded more quickly.
- The classification of certain waste streams, in particular of computer scrap seems to be a difficult task within the competent authority. It is hoped that the EU finalises the guidance document within 2007.
- Industry cannot use the option of insurance, as no adequate insurance is offered by the assurance companies in Malta. Therefore the only option is to have the financial guarantee over a bank institute which means a high financial burden, especially for small enterprises and in the case of three year permission.
- Cases were presented, where the notification paper and all relevant documents have been approved by the competent authorities but (foreign) shipping agents, shipping lines, captains or port authorities are refusing to ship or reload the cargo as the matter of fact, that it is waste.

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<sup>24</sup> Information of Alfred Sharples, Malta Environment and Planning Authority (MEPA)

<sup>25</sup> Presentation of Henriette Putzulu Caruana, Waste Serv Malta Ltd.

- The Waste Shipment Regulations do not consider sufficiently the peculiar situation of Malta as a small island State.

***Examples of good practice identified in Malta as potential tools to improve implementation and enforcement***

- MEPA has an agreement with the Customs Department such that the latter informs MEPA of shipments of green listed waste, although this is not strictly required by the Regulations. MEPA acknowledges the receipt of this information.
- An electronic system for the notification procedure is in planning stage. This is envisaged to facilitate the processing of the notification.
- MEPA imposes a maximum number of shipments at any one time. More shipments can leave the Malta port upon receipt of the certificate of destruction for the former shipments.

***Priority activities for enforcement of the Shipment Regulation in Malta***

- MEPA should provide guidelines to the Department of Customs on how to distinguish waste from non-waste.
- Control activities have to be more focused on waste streams, producers, exporter and destinations where risk of illegal actions has been identified to be high.

***Suggestions addressing the European Commission for supporting the enforcement***

- Cases were reported, that when changing the initial route by leaving out originally planned harbours (e.g. initially route A-B-C-D, now route changed to A-D), the competent authorities needed several weeks to agree with the new route, even they are not involved anymore (authorities of B and C). As there is no control over shipping lines changing routes, the re-routing causes a loss of time. For that specific case it should be agreed on, that consent of the concerned authorities of B and C would not be needed.
- A register of certified carriers for carrying out waste transports should be developed on a European level to lessen administrative burden, meaning if a carrier has received a carrier liability by the home authority such a step would not be necessary by the authority in a foreign country.
- Some Authorities take a long time to react to requests for the shipment of hazardous waste. Initiatives should be taken to raise the awareness of such authorities throughout the European Community and to explain economic and environmental consequences of delays.
- As the financial burden for the financial guarantee is very high, especially in the case of a three year notification and the possibility of insurance does not exist in Malta, the financial guarantee should be bound to the operator rather than to specific carriers.

## 5 Conclusions and Recommendations

Based on the experiences from the organisation of the workshops and the outcome of the events it can be concluded that the awareness raising workshops have been a valuable tool to inform the involved authorities, to raise the knowledge of the participants and to stipulate cooperation amongst the involved authority and between the authorities and other interested circles (NGOs, companies, associations, scientific institution). This type of workshop is beneficial for sides, the Member State authorities and the Commission Services.

The project provided a more comprehensive insight into national characteristics and problems with the implementation and enforcement of the Shipment Regulation as well as a horizontal overview on the situation in different Member States and common aspects. Finally the project could contribute to the information exchange between the involved Member States. Participation of a Commission and an IMPEL representative has in general been highly appreciated and honoured by Member State authorities.

### 5.1 Conclusions on organisational aspects

In total eight workshops concerning the European legislation on shipment of waste were realised between January and May 2007 covering 8 Member States both accessing the European Union in 2004 and before that date, which in general took place in conference rooms of one of the involved authorities in cities with ports of high importance on European level. Usually the audience comprised 20 to 30 participants. At several events, audiences were larger with 40-50 participants (e.g. Spain, Germany).

The selection of participants has been performed in close cooperation with the competent national authority. Participation comprised notification authorities at national and regional level, representatives from the custom and police services and from environmental inspectorates as well as from associations, NGOs and waste management companies. Invitation and contacting has been generally performed by BiPRO. In some cases however there was important support from the national authority involved.

The workshops were designed as a one to two day event. Presentations addressed definitions, requirements and priorities of related European legislation, national legislation and enforcement structure and the status quo of implementation and enforcement. The second day usually contained a site visit to the port, further presentations if necessary and the final discussion round. The workshops were generally chaired by BiPRO, some times sharing this task with a representative from the involved authority.

The events in Germany, the UK and Spain were held in the national language. The events in Belgium and Poland were realised in the national language with simultaneous translation. Malta, Estonia and Greece were held in English with whispering translation in Greece. Although costly the translation proved to be an important factor for addressing more than the national level of authorities and to enable all participants to follow the presentations and actively participate in the discussions. Presentations were asked to be delivered in English as well especially for the purpose of enabling the use of the material for the other MS.

Workshop materials (participant list, agenda and presentations) were prepared as handouts and have been made available with additional information and links at a specifically elaborated project webpage ([www.bipro.de/waste-events/](http://www.bipro.de/waste-events/)).

## **5.2 Conclusions on the state of implementation and enforcement of the Shipment Regulation**

The state of implementation and enforcement of legal requirements for shipment of waste is varying from a comparable high level of enforcement to a very low level. In countries with a comparable high level of implementation and enforcement the following structure is characteristic:

- (1) Structures for cooperation between national and regional authorities and amongst regional authorities and between authorities responsible for notification and authorities responsible for detection and detention (custom, police) are set in place.
- (2) Controls and inspections at the ports are carried out on a regular basis.
- (3) Guidance and information bases are provided or are currently under development. Such Guidance can include e.g. information about specific waste streams of concern for the Environmental Inspectorates or the Custom Services. Information bases contain information on carried out notification procedures, background information on waste producer and treatment facilities.
- (4) Studies and evaluations about the most threatening waste streams and routes of transports are conducted.

For countries with comparable low level of enforcement such structure is basically missing or at the very beginning.

### **General problems and difficulties**

As concerns problems and deficits it can be concluded that basic problems with shipment of waste such as major waste streams of concern, third countries of concern, cooperation between national authorities involved, cooperation at European level and with third countries, take-back procedure, liability in case of illegal shipments, etc. are to a high extend similar in all Member States.

In this context WEEE, ELV, mixed MSW, waste tyres and waste textiles have consistently been identified as major problems. As concerns countries of concern “old Member States emphasised exports to African and Asian countries, whereas new Member States saw the focus on imports into their territories. The matter of exports to third countries was not seen as a problem there.

With respect to **cooperation between national authorities** the communication and information exchange between environmental agencies, police and customs was reported as not easy – even though good cooperation schemes have been established in a number of countries. Problems have been seen mainly in a different way of thinking and “language” and in different priorities as well as in problems with the level of expert knowledge at local level.

For both police and customs services control of waste transports is only one of a large range of tasks and is primarily certainly not seen as priority task. Major obstacles hampering active support of the issue are illustrated in Box 5-1 and Box 5-1.

Examples for potential reasons hampering cooperation with customs services:

- The primary job of customs is collection of taxes. Besides this prevention of transports of drugs, weapons or radioactive material is high priority.
- Waste is not interesting from tax point of view (low value), nor does it pose a direct human or security risk such as drugs, weapons or radioactive material.
- Customs declaration codes generally do not specify waste as merchandise, so that control is difficult to perform.
- Customs officers primarily do not have expert knowledge on hazard criteria and legal requirements
- Customs officers do not have the competence to take decisions on waste issues, but can only execute decisions from environmental inspectorates or notification authorities

*Box 5-1: Examples for potential reasons hampering cooperation with customs services*

Examples for potential reasons hampering cooperation with police services:

- The primary job of police officers is prevention or detection of crime.
- Waste does not appear interesting from crime point of view as it does not pose a direct or "real-time" risk human life or possessions but impacts may only occur after decades.
- Normally there is no plaintiff asking for help "environment does not complain" and "finger-prints" at the "site of crime" are normally hard to find.
- Increased control and investigation will statistically not reduce but elevate the number of "crimes" which is difficult from a psychological point of view
- Police officers primarily do not have expert knowledge on hazard criteria and legal requirements
- Police officers do not have the competence to take decisions on waste issues, but can only execute decisions from environmental inspectorates or notification authorities

*Box 5-2: Examples for potential reasons hampering cooperation with police services*

In general it has been reported that especially cooperation with customs uses to be difficult and written agreements on cooperation with often have been achieved with police have not yet been possible.

Even in countries with advanced cooperation schemes it has been noted that there are some deficits in clear allocation of responsibilities or provisions for information transfer as well as difficulties in mutual understanding as approaches and way of thinking are so different. This leads to the situation that valuable information is not detected, because the investigating body is not aware about its existence and importance.

Besides this, limited possibilities for action for each of the involved authorities (no control without police or customs, no justified decisions without environmental inspectorates or notification authorities) are consistently reported as difficulties for enforcement.

Cooperation between national and regional/local level or within regional level (countries with federal structure) is reported to be not easy as well.

As concerns **cooperation at European scale** (between Member states) and with third countries expenditure of time for feed back, language problems (translation efforts), disagreement in classification issues and low readiness to cooperate in case of take-back and - regarding third countries - complete lack of feed-back (including article 15 and 16 requirements) are stated as major difficulties.

Limited possibilities for action in case of transit (no possibility to take decisions, need to wait for authority of dispatch to react) are reported as additional difficulty.

The major problem identified however, is the problem of **illegal shipments** and all related aspects, such as liability and coverage of costs associated with storage and treatment. The level of criminal activity and the level of organisation behind is astonishingly high. In addition a number of aspects complicate a successful approach in this case.

Examples for problems with enforcement in case of illegal shipments:

- There is no financial guarantee in case of illegal shipment
- Foreign brokers and dealers which collect waste in huge amounts for shipping as merchandises can often not be identified and made liable
- The interpolation of a large range of intermediate actors and companies, selling and shipping from one place to another within the Community before sending it for export masks the original owner and makes it extremely hard, time consuming and expensive to get hold of the responsible person for fining or covering of costs
- Carriers often pretend to not to have any knowledge about the characteristics and the origin of the load they carry

*Box 5-3: Examples for problems with enforcement in case of illegal shipments*

The latter aspects stated in the box lead to the fact, that the overall prosecution rate for illegal shipment of waste is far too low. In combination with the existence of partly comparably low fines, control of illegal shipments is an expensive business especially for countries with high transit shares and offenders can currently not be discouraged sufficiently.

Problems in the field of **“technical” aspects**, such as legal definitions and requirements commonly relate to classification (standard criteria including waste definition) and quantification of controls (standard criteria for reporting).

The issue of classification as “waste versus second hand good” has been emphasised during all events a major problems for effective enforcement of the regulation.

Clearer definition of waste in the WFD or additional guidance has been stressed as urgent needs. Besides this classification 'hazardous' or 'non hazardous' seems not to be interpreted in a consistent way from authority to authority.

With respect to reporting as specified in Article 51 of the new shipment regulation “...MS shall draw up a report ... based on the .... questionnaire in Annex IX...” some problems might be expected in calculating the number of inspections taking into consideration discussion on calculation in the framework of IMPEL-TFS reports.

Industry stressed the issue of harmonisation deficits in calculation of the financial guarantee as a major point of concern.

Facing the mentioned problems and difficulties for implementation and improved enforcement of the shipment regulation requirements, need for more effective cooperation at national and international level could be identified to a larger or lower extend in all involved countries.

### **Specific deficits**

Besides this, specific deficits in the field of practical enforcement, cooperation and training and in the field of “technical” aspects, such as:

- Low priority on political agenda
- Lack of guidance material and education of industry, customs and police
- Lack of awareness and expert knowledge, and
- Lack of control (export and transit, physical)

have been identified in a number of Member States, which require action at Member State or European level.

It has to be stated that inspection of waste shipments are not or not regularly performed in a number of Member States as concerns export or transit situations.

Whereas shipments into the country seems to be legally regulated and controls are performed at the borders (only new MS), throughout transit routes and at treatment installations by border guards, road inspectorate/police and environmental inspectorates, the issue of “shipment of waste out of the country” often appeared to be an unknown subject and have been answered in the following manner:

- |   |
|---|
| <ul style="list-style-type: none"><li>➤ We do not have a problem with shipment of waste</li><li>➤ Statistical data show 0 illegal shipments of waste from our territory</li></ul> |
|---|

In this context in part complete absence of planning had to be observed. There were no plans for targeting of inspections or instructions on the procedures of shipment inspections i.e. what they should entail and how they should be carried out (where, when, what targets).

Questions on related controls at borders or in (container) harbours as well as questions related to involvement and activities of customs in this issue were not understood or could not be answered.

This situation was reflected by the fact that the participation of police and customs as well as contribution to the discussion was normally poor in the countries concerned (for potential reasons see Box 5-1 and Box 5-2).

Concerning **guidance or information material** for customs, industry or police or for the issue of workshops and seminars the status is closely related to the establishment of a cooperation infrastructure. This means, that in countries with poor cooperation infrastructure, information material, guidance or workshops commonly have not yet been developed. In addition plans to do so have not been presented or envisaged.

Police and customs in the concerned countries have difficulties in understanding their precise role and function in the process; both institutions tend to have the position that control of waste shipment is the sole task of environmental inspectorates.

As concerns **training and information transfer** at European level it has to be noted, that Member States with poor administrative infrastructure and cooperation network with respect to shipment of waste do generally not participate in joint control actions or implementation project at European level such as the IMPEL-TSF network. That means that knowledge on common standards to inspect waste shipments is not wide spread within the concerned bodies.

Specific deficits in the field of **“technical” aspects**, such as legal definitions and requirements relate to understanding and interpretation of requirements.

Problems with understanding and interpretation have been raised in single cases the field of the notification procedure as regards exact procedures for transmission of notification documents or in case of request for additional information and as regards use or interpretation of classification codes due to concurring systems.

Besides this a considerable uncertainty exists with respect to the “new” requirements for control.

A number of national authorities would actually question whether any obligations to carry out waste shipment inspections obligations exist under Regulation (EC) No 259/93 (may carry out inspections...).

But also with respect to control and reporting as specified in Articles 50 and 51 of Regulation (EC) No 1013/2006 national authorities in part question the extend of the obligation to do physical checks. Namely paragraph (3) “checks on shipment **may** take place ....” And paragraph (4) “Checks shall include ..... where appropriate, physical checking of the waste” seem to give raise to diverging interpretation and activity.

In general it can be concluded that the implementation and enforcement has only recently started in most of the Member States and that enforcement structures, joint actions, cooperation and the provision of supporting material can be enhanced in all of the countries.

### **Examples for good practice**

A number of examples for good practice concerning implementation and enforcement of the Shipment Regulation (1013/2006/EC) have been provided during the events. In particular these examples concern good cooperation, training and joint actions, the evaluation of threatening waste streams and the realisation of targeted controls. In particular the following examples shall be highlighted.

- (1) Close cooperation with authorities at national level and with neighbouring countries with regular meetings
- (2) Providing of guidance material and data bases to authorities and training courses
- (3) Legal framework for fines in case of environmental violation in place
- (4) 24h availability of emergency number in case of suspicion and questions
- (5) Pilot software for notification process including e.g. automatic translation tool

Based on these conclusions the following recommendations may be suggested.

### **5.3 Recommended priority activities for Member States**

In order to improve implementation of the Waste Shipment Regulation the following priority activities have been identified to be taken by the Member States to different extend:

(1) *More harbour controls, more joint action controls*

Controls have to be realised on a regular basis and the frequency of controls has to be increased. Joint control actions of custom and police service with support of the competent permit authorities have to be planned and conducted at the points of exit and entry. Controls especially for outgoing transport and transports destined for transit have to be conducted more frequently.

(2) *More targeted controls based on collaboration between customs/police and national authorities and exchange of data base information*

Cases of detection and detention of material have to be communicated from the custom and police services to the competent authorities for receiving a final decision on classification and further procedure and for preventing further cases, e.g. by a documentation on suspicious companies involved. The other way around hints on suspicious transports have to be communicated to the custom and police services by the competent authority having information about the notification papers or the environmental inspectorates receiving information about waste generating production and recycling facilities to allow more targeted controls.

The custom services operate databases including information on ongoing transports and its loads .Allowing the police service to use the custom data base and to search for particular good codes (e.g. automobiles, EEE) would enable a more targeted search for illegal activities

(3) *Controls following the “cradle to grave” approach*

Big ports are the bottleneck for the waste shipment problem but it is not feasible to conduct controls only at the ports. An agreement between the regions and the involved authorities is needed to realise more controls over the whole transport chain, namely at the point of origin (producer, recycling facilities, waste broker), at national routes (street, railway, water ways, air) and at points of exit (seaports, airports).

(4) *Expansion of competences for customs and police services*

The custom services and the police including the water protection police are restricted and limited in their actions, e.g. the police is not allowed to detain suspicious containers without the custom service. An expansion of the competences and the possibilities for reacting promptly would enhance the process of detection and detention.

(5) *Preparation of risk/ threat assessment studies*

For the major waste streams of concern threat assessment should be prepared by the national competent authorities using information of the regional authorities including the whole production and transportation chain. Threat assessments should include also information about the potential countries of destination and the frequently used reusing / recycling/ treatment ways and facilities. The information can be used as basis further for avoid illegal transports at the source and for more targeted controls. The information should be accessible for all involved authorities within the countries and for authorities of other states.

(6) *Provision of training for all involved authorities and industry*

Training should be provided to all involved authority on national and regional level being in charge with the notification procedures and the enforcement.

The training provided to the custom service and police should focus on waste identification and problematic waste streams and on changes in procedures. The training should be focused on practical cases and could include e.g. exemplary controls. Training could be included in the regular education curriculum for prospective custom and police officers or as advanced training. Training for the Environmental Inspectorates should focus on questions that have to be asked and what has to be searched for when inspecting treatment and recycling facilities or facilities where waste is generated.

Industry should be provided with training possibilities including information on necessary data for the notification procedure and additional document, like contracts, financial guarantee and waste categorisation.

(7) *Denomination of “environmental officers” or contact persons in all involved authorities*

Having in mind the large range of tasks besides shipment of waste for all involved authorities it seems to be important to install specific departments for shipment of waste and to denominate contact persons for cooperation, who should function as internal expert network for cooperation and coordination.

(8) *Exchange of information and experiences on European and international level*

The cooperation of Member States at European and international level should be further supported. Member States should actively take part in existing projects and institutions, like the IMPEL-TFS Network and participate in expert meetings and conferences in order to strengthen the international cooperation. Cross-border contacts and exchange programs, e.g. for custom officers and police services of harbours where transports are regularly going

to / coming from should be promoted. A feed back system enabling the backflow of information, e.g. from the authority of destination to the authority of dispatch should be supported.

*(9) Amendment of legal framework for liability and sanctioning*

Inspections and controls can only be effective, if an adequate sanctioning of violation is possible. Consequently Member States should check their legal framework as concerns need or potential for amendment. For this purpose exchange of information and insight into the situation in other Member States might be a good help.

#### **5.4 Additional recommended priority activities for federally organised Member States**

As federal states need more initiatives to spread information and to get concise and comparable decision within their territory, the following recommendation can be made especially for States with a federal structure:

*(1) Setting up / enhance information structure at national and regional level*

For countries with a federal structure with divided responsibilities at national/regional/local level the setting in place of a structure for information exchange between the national and regional authorities and amongst the notification and enforcement authorities at regional authorities is crucial. Regular meetings for information exchange should be organised at national level, e.g. by the contact point or the national authority in charge for the notification procedure. At regional level meetings on a regular basis or ad hock meetings addressing the involved authorities for enforcement and control (e.g. custom, water protection police) should be initiated e.g. by the regional notification authority.

*(2) Establishment of central data base on ongoing notification cases*

The establishment of a central data base containing information on ongoing notification cases within the country would be supportive as information basis for control activities has been started. Such a data base has to be updated and maintained on a very regular basis to be a supportive tool. A helpdesk might be useful to install at national level open for urgent question on ongoing transports and on background material.

*(3) Drafting and provision of guidance documents*

To achieve conform notification procedures and decision making, guidance, e.g. a model administrative regulation, for the regional level is needed. The guidance should include information about the procedure and communication ways in the case of detection or suspicion of illegal transport; service regulations and working rules for customs and police.

## 5.5 Recommended activities for European Commission Services

In order to support implementation and enforcement of the Waste Shipment Regulation the following activities have been identified that could be recommended to be taken by the European Commission:

(1) *Support general information exchange and collaboration in control*

The establishment of exchange platforms and events has to be supported especially as concerns the European level. The EC should further support expert meetings, international exchange activities like exchange programs and joint controls at customs and police level. The IMPEL network with its actions in the field of transfrontier shipment of waste should be further announced and supported.

(2) *Develop of guidance and harmonised standards for classification, control and reporting*

A European waste classification and interpretation data base could be a valuable tool to provide information for a more uniform decision making amongst the Member State. In addition correspondence guidelines on specific issues could serve as implementation toll. Provision of information (e.g. about national correspondents and focal points especially of non-EU countries, list of import bans/restriction in non-OECD countries (acc. Art. 37), transposition tables for various waste coding systems) at a specific Commission website could support a stringent implementation and enforcement. Guidelines and more specified provisions should be made concerning the reporting on controls and enforcement actions to assure comparable numbering amongst the Member States. One IMPEL TFS project is focusing on the efficiency of different kinds of inspections. The results of the "Threat Assessment Project" when finalised could be the basis to clarify on requirements for inspections.

(3) *Support publication and harmonisation of sanctions in case of violation of rules*

Information about prosecuted cases publicly accessible for interested users including information on the decision and the sanctions and fines charged could be a measure for deterrence of criminal actors. In addition information on sanctions could be made accessible for interested Member States to support them in amending their national legal framework.

(4) *Develop a European label for waste transports*

A mandatory European label for waste transports according to labelling plates for chemicals and hazardous goods transports, would significantly support transparency on transport routes and support the work of police or road inspectors.

## 5.6 Recommendations for future awareness raising events

Concerning the organisation the future events, the following recommendation can be made:

- For events directed to various levels of national authorities focus on **single country events**, as the national language can be used, travel distances are not too far and the specific situation within the country can be adequately addressed.
- Promote two **day events** (or one and a half day). At one day events, time for detailed discussions may not been sufficient and personal contacts are difficult to establish. Three days on the other hand require excessive time from participants and may lead to significant fluctuation.
- Include site visits (**excursion**) in the two-days programme of future events; such visits showed to be of high importance as to allow participants to get an insight on how waste shipments inspections are done in practice and should be carefully planned (involvement of all relevant national authorities).
- Provide **interpretation** for events addressed to several levels of national authorities. Being able to express themselves in their mother tongue has been a crucial factor for participation for many of the participants.
- Organise **written translation** of workshop documents. Requiring English presentations would hinder a number of participants to contribute. On the other hand hand-outs and online versions in English language would significantly facilitate the post processing and would increase the information exchange value of the documents.
- Assure presence of a **Commission representative** in the events. This is important in lending the necessary political weight to the discussions, in particular for stressing Commissions implementation priorities and need for concrete follow-up measures for improving implementation, and provides participants with the possibility to directly address their questions, problems or suggestions to the Commission services.
- Make use of a website as information platform. The use of the **webpage** for organisational purposes (travel information, agenda, list of participants, contacts, registration forms, background document) and specifically for the post processing (all presentation, additional material mentioned at the workshop) was very usable, and even if time-consuming could be highly recommended.

As concerns future awareness raising events in the field of shipment of waste the following procedure could be considered:

- Extend workshops to Member States not yet covered

Similar workshops on implementation the new Shipment Regulation could be considered for all the Member States which have not yet been addressed.

- Organise follow-up workshops in the already covered MS

In the countries which have been involved in this round of workshops similar workshops with a more focused character (in terms of topics of discussion and participants) could be considered in a 2-3 years period from today. These events could enable a renewed discussion on the state of control and the experiences with implementation of the new

Shipment Regulation, in particular related to Article 50, contact points, national implementing legislation. Topics could be selected depending on the information to be provided to the Commission after full application of the new regulation.

- Organise regional workshops on the topic where experts from neighbouring countries could meet and exchange information

## 6 Annex I: Lists of participants

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## 7 Annex II: Agenda for the events

### 7.1 Agenda Germany / Hamburg // 12.01.2007

Thursday, 12 January

9:30	Ankunft der Teilnehmer
10:00	Dr. Reinhard Joas (BiPRO GmbH, München) <i>Begrüßung der Teilnehmer und Vorstellung des EU Projekts</i>
I. GRUNDLAGEN UND REFORM DER REGELUNGEN ZUR ABFALLVERBRINGUNG	
10:10	Nicole Seyring (BiPRO GmbH, München) <i>Das Europäische Abfallverbringungsrecht – Einführung, Hintergründe, Probleme</i>
10:30	Dr. Thomas Ormond (EU Kommission, DG Umwelt, Brüssel) <i>Die Umsetzung der Abfallverbringungsverordnung – Ansätze und Erfahrungen</i>
10:50	Peter Wessman (EU Kommission, DG Umwelt, Brüssel) <i>Neue Regelungen der Abfallverbringung und ihre Konsequenzen für die Umsetzung – Eine Sicht der Europäischen Kommission (in Englisch)</i>
11:10	Tilman Baehr (BSU, Hamburg) <i>Handhabung der Abfallverbringung in Deutschland – 10 Jahre Vollzugserfahrungen in Hamburg</i>
11:30	Harald Junker (UBA Dessau, Anlaufstelle Basler Übereinkommen, IMPEL/TFS-Mitglied) <i>Illegale Abfallverbringung in Deutschland – Statistische Zahlen und Entwicklung</i>
11:50	Klaus Willke (BSU, Hamburg) <i>EU weite Zusammenarbeit zur Vermeidung illegaler Abfalltransporte (IMPEL TFS Cluster) – Erkenntnisse aus dem IMPEL Seehafenprojekt II</i>
12:30	Mittagessen
II. INFORMATIONEN UND ERFAHRUNGSAUSTAUSCH ÜBER SPEZIFISCHE ASPEKTE DER ABFALLVERBRINGUNG	
13:30	Insa Nanninga (EU-Knotenstelle für Grenzüberschreitende Abfallverbringung, Bremen) <i>Abgrenzungsprobleme bei der Einstufung von Altfahrzeugen und Kfz-Teilen beim Voll-zug der EG-Abfallverbringungsverordnung</i>
13:45	Jan Hass (Wasserschutzpolizei, Fachdienststelle Umweltdelikte, Hamburg) <i>Kontrollen abfallverdächtiger Exporte im Hamburger Hafen – Abgrenzungsprobleme im Bereich Verschiffung von Altfahrzeugen und gebrauchten elektronischen Geräten</i>
14:00	Ferdinand Zotz (BiPRO GmbH, München) <i>Änderungen beim Notifizierungsverfahren grün gelisteter Abfälle</i>
III. IMPLEMENTIERUNG DES ABFALLVERBRINGUNGSRECHTES – STRUKTUREN UND SCHWIERIGKEITEN IN DER PRAKTISCHEN UMSETZUNG	
14:15	Andrea Kürbs (BMF, Generalreferat Zollrecht, Bonn) <i>Zuständigkeiten des Zolls bei der Abfallverbringung sowie auftretende Probleme</i>
14:30	Detlef Schwärzel (Regierungspräsidium Darmstadt) <i>Probleme bei Grenz- und Zollkontrollen</i>
14:45	Fragen- und Diskussionsrunde (Moderation Dr. Reinhard Joas, BiPRO GmbH) <ul style="list-style-type: none"> <li>▪ Strategie über effektiven Einsatz von Kontrollkapazitäten</li> <li>▪ Beispiele für eine gelungene Umsetzung auf Vollzugsebene</li> <li>▪ Problematische Abfallströme</li> <li>▪ Voraussichtliche Probleme bei der Umsetzung der neuen Abfallverbringungsverordnung und Lösungsansätze</li> <li>▪ Wünsche bzw. Forderungen der Beteiligten auf der Basis bestehender Erfahrungen</li> </ul>
Ende gegen 16:30 Uhr	

## 7.2 Agenda Spain / Algeciras // 24.-25.01.2007

Wednesday, 24 January

15:00	Llegada de los participantes <i>Arrival of the participants</i>
15:30	David Faubel (BiPRO GmbH, Munich) Bienvenida y presentación del proyecto de la UE <i>Opening and presentation of the EU project</i>
I. LEGISLACIÓN RELATIVA A LOS TRASLADOS DE RESIDUOS Y SU PUESTA EN PRÁCTICA	
15:45	Anke Joas (BiPRO GmbH, Munich) Introduction to the European waste shipment legislation (en inglés)
16:10	Peter Wessman (Comisión Europea, DG Medio Ambiente, Bruselas) Enforcement of waste shipment legislation from the European perspective (en inglés)
16:35	Fermin Martínez de Hurtado Gil (Ministerio de Medio Ambiente, Madrid) Marco legislativo español <i>Spanish legislative framework</i>
16:55	Antonio José López Fernández (Consejería de Medio Ambiente, Sevilla) Novedades del Reglamento (CE) n° 1013/2006 en relación con el Reglamento (CEE) n° 259/93 de traslado de residuos; situación actual en Andalucía <i>Changes of the new waste shipment Regulation (EC) No 1013/2006 compared to the Regulation (EEC) No 259/93; current situation in Andalusia</i>
17:30	Preguntas / <i>Questions</i>
18:00	Descanso / <i>Break</i>
II. EXPERIENCIAS CON LA APLICACIÓN DEL REGLAMENTO (CEE) N° 259/93	
18:15	Antonio Rodríguez Mendiola (Befesa Gestión de Residuos Industriales S.L., Madrid) Experiencias en la elaboración de expedientes transfronterizos <i>Experiences in the preparation of transfrontier shipments dossiers</i>
18:40	Rafael de Gabriel García (ámbito, Córdoba) Traslados transfronterizos de residuos: dificultades operativas <i>Transfrontier waste shipment: operative difficulties</i>
19:10	Maria José Nuñez Ariño (AIDIMA – Instituto Tecnológico del Mueble, Madera, Embalaje y Afines, Valencia) Problema de la interoperabilidad en el entorno de gestión de residuos peligrosos a nivel transfronterizo; presentación del proyecto SEEMSEED <i>Problems with interoperability in the context of transfrontier hazardous waste management; presentation of the SEEMSEED project</i>
19:30 - 20:00	Coloquio / <i>Discussion</i> → Otras experiencias con la aplicación de la legislación relativa a los traslados de residuos → Problemas que se esperan de la aplicación del nuevo reglamento (CE) n° 1013/2006 → Recomendaciones/sugerencias para una puesta en práctica efectiva de la legislación → Expectativas de los distintos sectores respecto al funcionamiento de los controles y los procedimientos de notificación de traslados de residuos

Thursday, 25 January

III. TRASLADOS TRANSFRONTERIZOS DE RESIDUOS POR PUERTOS	
9:30	Nancy Isarin (IMPEL-TFS Secretariat, Olhão, P) Enforcement of waste shipments: A global challenge (en inglés)
10:00	Anke Joas (BiPRO GmbH, Munich) Present experiences with the enforcement of EC legislation on shipments of waste; findings from the event in Hamburg (en inglés)
10:30	Gabriel Chifflier (Afvaststoffen Terminal Moerdijk, B.V.) Transporte de residuos peligrosos y regulación 259/93. Diferencias de interpretación entre diferentes autoridades Europeas <i>Transport of hazardous waste and Regulation 259/93. Differences of interpretation between different European authorities</i>
11:00	Preguntas y discusión / <i>Questions &amp; discussion</i>
11:30	Descanso / <i>Break</i>
11:45	Antonio Varela (Colegio de Agentes y Comisionistas de Aduanas de Algeciras) Visita guiada al Puesto de Inspección Fronteriza; Iniciativa de Seguridad de Contenedores; Iniciativa Megaports <i>Excursion to the Frontier Checkpoint; Megaports and Container Security Initiatives</i>
14:00	Comida / <i>Lunch</i>
IV. TIPOS DE RESIDUOS PROBLEMÁTICOS	
15:00	Leticia Baselga (Ecologistas en Acción, Sevilla) Consecuencias ambientales y sociales del traslado transfronterizo de residuos peligrosos <i>Environmental and social consequences of transfrontier shipment of hazardous waste</i>
15:25	David Faubel (BiPRO GmbH, Munich) Dificultades en la clasificación de residuos <i>Difficulties with waste classification</i>
16:00	Coloquio / <i>Discussion</i> → Experiencias con tipos concretos de residuos → Conclusiones generales sobre el evento → Posibilidades de difundir los resultados de este evento a nivel nacional entre las autoridades y empresas interesadas
16:45	Descanso / <i>Break</i>
17:00	Coloquio interno para autoridades competentes <i>Internal discussion for competent authorities</i> → Estructuras y procedimientos de inspección existentes que podrían servir de ejemplo y orientación para las inspecciones de traslados de residuos → Reparto de responsabilidades relacionadas con la vigilancia de traslados de residuos → Medios y equipamiento técnico de los organismos encargados de la inspección de traslados de residuos
18:00	Fin del evento / <i>End of the event</i>

### 7.3 Agenda Estonia / Tallinn // 15.-16.02.2007

Thursday, 15 February 2007

from 10:00	Registration, Come together, including Coffee
Chairperson: Anke Joas (BiPRO) / Tarmo Lindemann (MoE Estonia)	
10:30	Harry Liiv (MoE, Head of the Waste Department, Tallinn) <i>Welcome Address</i>
10:35	Anke Joas (BiPRO GmbH, Munich) <i>Opening of the Workshop</i>
10:40	Nicole Seyring (BiPRO GmbH, Munich) <i>Presentation of the Project</i>
I. RELEVANT LEGISLATION, STATUS QUO AND UPCOMING CHANGES	
10:45	Anke Joas (BiPRO GmbH, Munich) <i>Introduction to the European Waste Shipment Legislation</i>
11:15	Tarmo Lindemann (MoE, Waste Department, Tallinn) <i>The notification procedure</i>
11:45	Toomas Liidja (Environmental Inspectorate) <i>The Estonian Environmental Inspectorate as Enforcement Authority</i>
12:15	Questions and Discussion
12:45	LUNCH BREAK
14:00	John Burns (Environment Agency for England and Wales, IMPEL TFS Network) <i>IMPEL TFS – Enforcement of Waste Shipments – a Global Challenge</i>
14:30	Anke Joas (BiPRO GmbH, Munich) <i>Experiences from the Previous Project Events in Hamburg (DE) and Algeciras (ES)</i>
15:00	Nicole Seyring (BiPRO GmbH, Munich) <i>Difficulties in classification of wastes for shipment</i>
15:30	Questions and Discussion
16:00	COFFEE BREAK
16:15	Peeter Kõve (Estonian Tax and Customs Board) <i>Controls and inspections of waste transport in the port of Tallinn by the custom service</i>
16:45	Jaan Tomingas (Port Authority Tallinn) <i>Organisation and Management of Goods and Products Transported via the Port of Tallinn</i>
17:00	Peter Wessman (European Commission, DG Environment) <i>Requirements of the New EC Waste Shipment Regulation</i>
17:45	END OF DAY ONE

Friday, 16 February 2007

II. EXCURSION	
9:00	Excursion to the Port of Tallinn – Visit of Check Points of the Estonian Tax and Custom Office
12:00	LUNCH BREAK
III. DISCUSSION AND CONCLUSIONS	
Chairperson: Anke Joas, Nicole Seyring (BiPRO)	
13:30	Discussion, Closing Session
15:00	END OF THE WORKSHOP

## 7.4 Agenda Poland / Gdansk // 01.-02.03.2007

Thursday, 1 March 2007

10:00	Registration, Come together, including Coffee (Conference Room – 27)
Chairpersons: Anke Joas (BiPRO) / Chief Environmental Inspectorate	
10:30	Włodzimierz Garczynski (Chief Inspectorate for Environmental Protection, Warsaw) <i>Welcoming of participants and introduction of the EU Project</i>
10:35	Anke Joas (BiPRO GmbH, Munich) <i>Opening of the Workshop</i>
10:40	Ferdinand Zotz (BiPRO GmbH, Munich) <i>Introduction to the EU project on shipment of waste</i>
I. RELEVANT LEGISLATION AND STATUS QUO	
10:45	Anke Joas (BiPRO GmbH, Munich) <i>Introduction to the European Waste Shipment Legislation</i>
11:30	Thomas Ormond (European Commission, DG Environment) <i>The new EC waste shipment regulation and the consequences for enforcement - A view of the European Commission</i>
12:00	Włodzimierz Garczynski (Chief Inspectorate for Environmental protection, Warsaw) <i>Transfrontier shipments of waste in Poland - National legislation and collaboration with enforcement partners</i>
12:30	Questions and Discussions
13:00	LUNCH BREAK
II. SPECIFIC PROBLEMS AND EXCHANGE OF EXPERIENCES	
Chairpersons: Anke Joas (BiPRO) / Chief Environmental Inspectorate	
14:30	Anke Joas (BiPRO GmbH, Munich) <i>Experiences from previous events in other Member States</i>
15:00	Ferdinand Zotz (BiPRO GmbH, Munich) <i>Difficulties in classification of wastes for shipment</i>
15:20	Magda Gosk (Chief Environmental Inspectorate, Warsaw) <i>Enforcement of waste shipments: A global challenge-IMPEL-TFS in Poland</i>
15:50	COFFEE BREAK
16:05	Piotr Trybuszewski (Inspectorate for Environmental Protection, Gdansk) <i>Two cases of illegal waste shipments in the port of Gdańsk from the point of action taken by the Inspectorate</i>
16:25	Agnieszka Lipniacka-Piaskowska (Inspectorate for Environmental Protection, Szczecin) <i>Undertaking inspections in Polish seaports</i>
17:00	Andrzej Brocki ( voivodeship Police HQ in Gdansk, Economic Crime Unit) <i>Characterization of illegal waste shipments and penalties for infringement of the Regulation</i>
17:25	Questions and Discussions
18:00	END OF DAY ONE

Friday, 2 March 2007

III. EXCURSION	
8:30	Excursion to the Port of Gdynia – Visiting check points of the Polish Tax and Custom Office
III. CLOSING SESSION (Meeting room in the port of Gdynia)	
Chairpersons: Anke Joas, Ferdinand Zotz (BiPRO)	
12:30	Discussions, Closing Session
14:00	END OF THE WORKSHOP

## 7.5 Agenda United Kingdom / London // 01.-02.03.2007

Monday, 5 March 2007

from 11:00	Registration, Come together, including Coffee
Chairpersons: Nicole Seyring, Ferdinand Zotz (BiPRO)	
11:20	Andy Howarth (Head of Hazardous Waste Unit, Waste Management division, Defra) <i>Address</i>
11:45	Nicole Seyring (BiPRO GmbH) <i>Opening of the Workshop and Introduction to the EU project on shipment of waste</i>
I. OPEN SESSION: RELEVANT LEGISLATION, STATUS QUO AND UPCOMING CHANGES	
12:00	Ferdinand Zotz (BiPRO GmbH) <i>Introduction to the European Waste Shipment Legislation</i>
12:45	Peter Wessman (European Commission, DG Environment) <i>The new EC waste shipment Regulation and the consequences for enforcement - A view of the European Commission</i>
13:15	Questions and Discussion
13:30	LUNCH BREAK
14:30	John Burns (Environment Agency for England and Wales, IMPEL TFS Network) <i>Tackling international waste crime - Working with others</i>
15:00	David Faubel (BiPRO GmbH) <i>Experiences from the other project events</i>
15:30	Matthew Williamson (Environment Agency for England and Wales, IMPEL TFS Network) <i>Promoting compliance through efficient Notification Assessment</i>
16:00	COFFEE BREAK
16:15	Questions and Discussion
17:15	END OF OPEN SESSION

Tuesday, 6 March 2007

II. CLOSED SESSION: COLLABORATION	
Chairpersons: Nicole Seyring, Ferdinand Zotz (BiPRO)	
9:00	Opening of 2 <sup>nd</sup> day
9:05	Pat Fenton (Department of the Environment, Heritage and Local Government, Rep. of Ireland) <i>Joint Enforcement Actions - How the IE and UK authorities are dealing with illegal waste shipments</i>
09:30	Allison Townley (Environment and Heritage Service (EHS) Northern Ireland) <i>Repatriation of waste (video presentation)</i>
10:00	COFFEE BREAK
10:15	Nicole Seyring (BiPRO GmbH) <i>Difficulties in classification of wastes for shipment</i>
10:40	David Bradley (Environment Agency for England and Wales) <i>Communicating the Change</i>
11:00	Questions and Discussions, Closing session
12:30	END OF THE WORKSHOP

## 7.6 Agenda Belgium / Mechelen // 12.03.2007

Monday, 12 March 2007

from 10:00	Registration, Come together, including Coffee
Chairpersons: Anke Joas, Ferdinand Zotz (BiPRO)	
10:30	Anke Joas (BiPRO GmbH) <i>Welcoming of participants</i>
10:35	Rudy Meeus (OVAM, Head of Waste Department) <i>Opening of the Workshop</i>
10:40	Ferdinand Zotz (BiPRO GmbH) <i>Introduction to the EU project on shipment of waste</i>
10:45	Anke Joas (BiPRO GmbH) <i>Introduction to the European Waste Shipment Legislation</i>
11:30	Peter Wessman (European Commission, DG Environment) <i>The new EC waste shipment regulation and the consequences for enforcement - A view of the European Commission</i>
12:00	Els de Picker (OVAM) <i>The new Waste Shipment Regulation – Implementation in Belgium</i>
13:00	Questions and Discussions
13:30	LUNCH BREAK
14:30	Catherine van Nieuwenhove (IBGE-BIM) <i>Judicial and administrative enforcement procedures applied in the Brussels Capital Region for infringements on the regulation 259/93/EEC</i>
14:50	Frans Geysels (Federal Police) <i>The “Waste” project of the Belgian (federal) police</i>
15:15	Questions and Discussion
16:00	COFFEE BREAK
16:15	Ferdinand Zotz (BiPRO GmbH) <i>Difficulties in classification of wastes for shipment</i>
16:35	Anke Joas (BiPRO GmbH, Munich) <i>Experiences from the previous project events</i>
17:00	Discussions and conclusions, Closing Session
17:45	END OF THE WORKSHOP

## 7.7 Agenda Greece / Athens // 23.-24.04.2007

Monday, 23 April 2007

from 10:00	Registration, Come together, including Coffee (Conference Room at Technical Chamber of Greece)
Chairpersons: Nicole Seyring (BiPRO), Dr. Konstantinos Aravossis (ARVIS SA)	
10:30	<i>Address and Welcoming by:</i> Dr. Konstantinos Aravossis (ARVIS SA)
10:50	Nicole Seyring / Elisabeth Müller (BiPRO GmbH) <i>Opening of the Workshop and Introduction to the EU Project on Shipment of Waste</i>
I. RELEVANT LEGISLATION, STATUS QUO AND UPCOMING CHANGES	
11:00	Nicole Seyring (BiPRO GmbH) <i>Introduction to the European Waste Shipment Legislation</i>
11:30	Michail Papadoyannakis (European Commission, DG Environment) <i>The New EC Waste Shipment Regulation and the Consequences for Implementation and Enforcement - A View of the European Commission</i>
12:00	Dr. Adamandios Skordilis, Maria Bandi (Ministry of the Environment, Physical Planning and Public Works) <i>Transboundary Movement of Alternative Management Waste Streams (Packaging Wastes, Batteries, Accumulators, Waste Oils, WEEEs, ELVs, Used Tyres)</i>
12:30	Questions and Discussion
13:00	COFFEE BREAK / LUNCH
14:00	Alexandra Karpodini, Georgia Matzava, Foteini Boura (Ministry of the Environment, Physical Planning and Public Works)) <i>Greek Legislative Framework for Waste Shipments</i>
14:25	Chrissanthi Kontogiorgi, Piraeus Port Authority SA <i>Transfrontier Waste Shipment through the Port of Piraeus</i>
14:50	Nicole Seyring (BiPRO GmbH) <i>Difficulties in Classification of Wastes for Shipment</i>
15:15	Elisabeth Müller (BiPRO GmbH) <i>Experiences from the other Project Events</i>
15:40	Questions and Discussion
16:30	END OF FIRST DAY

Tuesday, 24<sup>th</sup> April 2007

II. EXCURSION	
9:30	Excursion to the Port of Piraeus together with Piraeus Port Authority SA
III. CLOSING SESSION (Conference Room at Piraeus port Authority SA)	
Chairpersons: Nicole Seyring (BiPRO), Dr. Konstantinos Aravossis (ARVIS SA)	
12:15	Questions and Final Discussions, Closing Session
13:00	END OF THE WORKSHOP

## 7.8 Agenda Malta / La Valetta // 08.05.2007

Tuesday, 8 May 2007

9:00	Registration, Come together
	Panel: Kevin Mercieca (MEPA); Vincent Gauci (MEPA), Nicole Seyring (BiPRO GmbH)
9:30	<i>Opening of Workshop by MEPA Representative</i>
9:40	Nicole Seyring / Elisabeth Müller (BiPRO GmbH, Munich) <i>Welcoming of Participants and Introduction of the EU Project</i>
	I. RELEVANT LEGISLATION AND STATUS QUO
9:50	Nicole Seyring (BiPRO GmbH) <i>Introduction to the European Waste Shipment Legislation</i>
10:20	Helmut Maurer (EU Commission, DG Environment, Brussels) <i>The New EC Waste Shipment Regulation and the Consequences for Enforcement - A View of the European Commission</i>
10:50	COFFEE BREAK
11:10	Vincent Gauci (Malta Environment and Planning Authority) <i>Brief Introduction</i>
11:20	Alfred Sharples (Malta Environment and Planning Authority) <i>Processing of Notification Form for the Transfrontier Shipment of Waste</i>
11:45	Mark O'Neill (Malta Environment and Planning Authority) <i>Processing of Movement Tracking Forms.</i>
12:00	Questions and Discussions
12:30	LUNCH BREAK
	II. SPECIFIC PROBLEMS AND EXCHANGE OF EXPERIENCES
13:30	Francis Micallef (Specto Limited) <i>Export of Hazardous Waste from Malta : A Notifier's Perspective of Logistical and Regulatory Issues</i>
14:00	Henrietta Putzulu Caruana (WasteServ Malta Limited) <i>Hazardous Waste Export: The Experience of WasteServ Malta Limited</i>
14:30	Nicole Seyring (BiPRO GmbH) <i>Difficulties in Classification of Wastes for Shipment</i>
15:00	COFFEE BREAK
15:20	Elisabeth Müller (BiPRO GmbH) <i>Experiences from the Previous Project Events</i>
15:30	Discussions and Conclusions, Closing Session
17:00	END OF THE WORKSHOP

## 8 Annex III: Summary of project homepage

The project homepage [www.bipro.de/waste-events/](http://www.bipro.de/waste-events/) includes the relevant material and background information for supporting the workshops.

In particular the homepage has the following objectives:

- (1) Announcing the events for a wider circle of participants
- (2) Providing a platform for the preparation of the event (providing background information, downloads of European and national legislation, links)
- (3) Providing the material for a specific event (location, participant lists, agenda of workshop, travel information, contacts, etc.)
- (4) Post-processing the events (Download of all presentation and further documents mentioned during the event, participants lists including addresses, minutes)

After an entrance portal for both projects (shipment and landfill) the homepage is divided into the following sections:

- (1) Events (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 explanation 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 8-1 show the first page of the shipment homepage with the described sections.

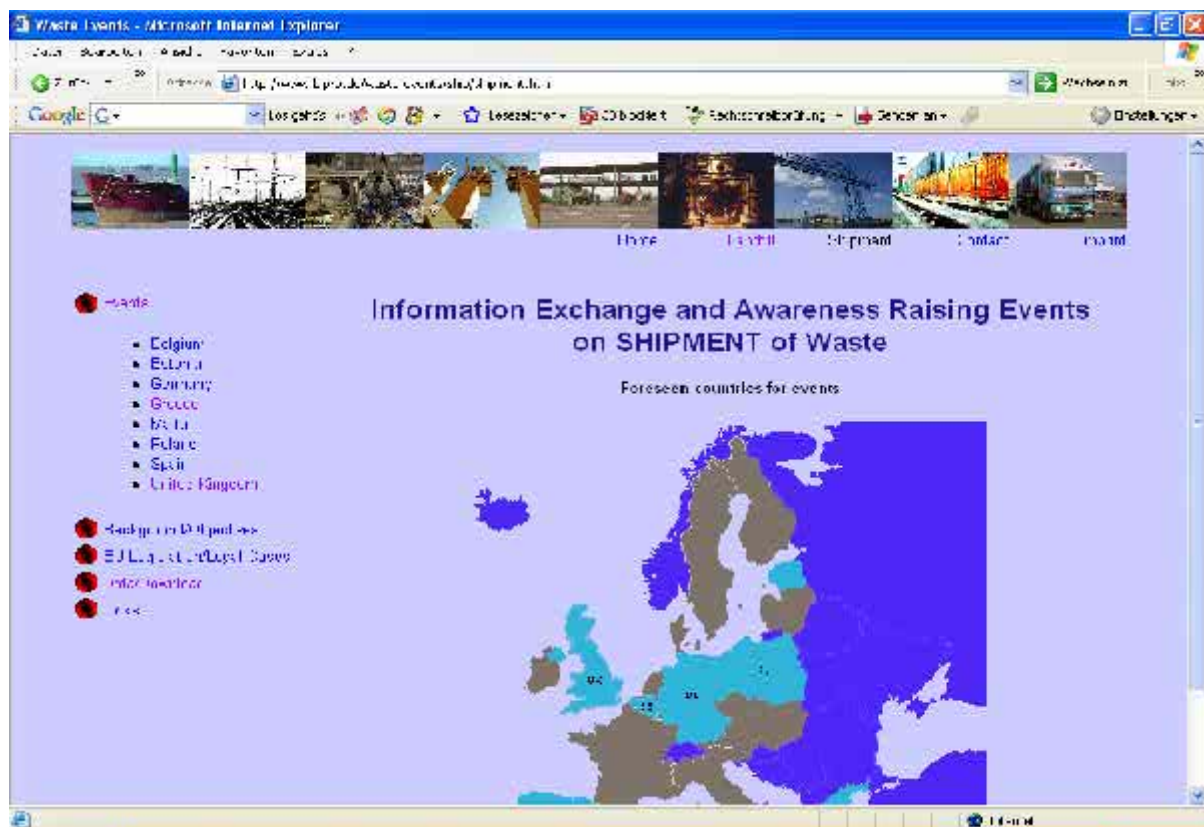


Figure 8-1: Capture of Shipment Homepage (Entrance page)