

ROAD TRANSPORT INSPECTIONS

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SUMMARY

A growing quantity of waste is being transported to, and processed in, a country other than the country where it was produced. Alongside processing and recovery, transportation forms part of the 'waste chain.' Carrying out inspections of waste in transit is one of the ways in which waste flows can be monitored and illegal shipments intercepted. The organization of transport inspection demands cooperation with other authorities, promotes the mutual exchange of knowledge and expertise. Transport inspections demand careful planning, including the location of the inspection, the methods to be employed, and the action to be taken where illegal practices are identified. Transport inspections have already proven their worth in the Netherlands and have brought many instances of illegal waste transport to light. In addition, they have a deterrent effect as the government demonstrates that the regulations are indeed being enforced.

1 WHY ROAD TRANSPORT INSPECTIONS?

Much of the waste produced in the countries of the European Union is transported across national boundaries. There are several reasons for this: perhaps there are no processing facilities in the country of origin, processing may be less expensive elsewhere, or substances regarded as useless waste in one country may have some usefulness, and hence value, in another. In order to protect the environment and to maintain an overview of the transnational shipment of waste products, European legislation has been put in place, namely Council Regulation (EEC) no. 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community. This regulation is more conveniently known as the Waste Shipments Directive (WSD).

The WSD directive is mandatory for all members of the European Union. It contains procedures relating to a large number of hazardous waste substances, classified according to the 'amber' and 'red' lists. The procedures are designed to ensure that the substances concerned are transported in an appropriate and environmentally safe manner.

Waste is produced, transported and processed. Together, these activities are known as the 'waste chain'. Control of this chain entails control of each of its links. One of those links is transport. Experience has shown that waste substances are frequently transported without the correct procedures being observed or the relevant legislative requirements fulfilled. Moreover, processing is not always undertaken in the most appropriate or environmentally safe manner. Most illegal shipments of waste substances are never identified as being waste at all. Approximately 90% of all waste transported involves substances on the 'green list,' which are therefore not subject to WSD procedures. The method to be employed in processing is not established beforehand through the permit process. The majority of these shipments are not identified as containing waste by means of the regular enforcement practices. Transport inspection is one of the enforcement instruments available to identify and intercept illegal shipments. Such inspections also provide a better understanding of the routing of the waste flows, and have a deterrent effect.

2 HOW ARE ROAD TRANSPORT INSPECTIONS ORGANIZED?

2.1 Preparation

In the Netherlands, road transport inspections are organized in cooperation with various enforcement partners. The Inspectorate of the Ministry of Housing, Spatial Planning and the Environment (VROM Inspectorate) rarely conducts inspections alone. The other authorities involved may include Customs and Excise; local and national police forces; the

Royal Netherlands Military Constabulary; and the Traffic, Transport, and Roads Inspectorate. Joint inspection offers a number of advantages:

- The VROM Inspectorate does not have enough WSD inspectors to conduct regular transport inspections unaided.
- The joint inspections promote the exchange of information and expertise. The partners will then incorporate WSD requirements into their regular inspection activities.
- The enforcement partners are operational departments that are regularly active in the field. In general, they have more frequent contact with transport operators than the VROM Inspectorate, and have many times more inspection staff.
- Each of the various organizations contributes specialist knowledge.
- Because various aspects of legislation can be enforced simultaneously, the burden inspections place on the transporters themselves will be reduced.

Transport inspection is an important means of promoting cooperation between the various partners and of creating and maintaining support for the enforcement of WSD regulations. The form of cooperation between the various partners has been established by means of a covenant.

The promotion of cooperation between the enforcement partners is not confined to the Netherlands, but extends to neighbouring countries as well. Regular border inspections are conducted alongside Belgian and German authorities. The first step in the preparations is to contact the other enforcement partners. The date, time and location of an inspection are then mutually agreed, although one of the partners will often take the lead role in making the necessary arrangements. A written inspection plan is produced in which all details of the planned inspection are recorded: the exact date, time, and location, a list of the various participants with contact telephone numbers, the tasks and responsibilities of each participant, the safety measures to be taken, and the inspection method to be employed.

2.2 Form of Inspections

Transport inspections can be organized in various ways. In general, these can be classified as either 'mobile' or 'static,' although hybrid forms are also possible.

Figure 1. Part of the Shipment is Unloaded for Sampling



2.2.1 Mobile Inspections

This method involves the use of clearly identifiable marked vehicles. The occupants, usually police or customs officers accompanied by a WSD expert, patrol the highways or park at some suitable spot (a lay-by or flyover) and select the transport vehicles to be inspected. The trucks are then directed to the nearest parking lot, where the inspection of the

load and the relevant paperwork is undertaken. The advantages of this inspection method are its flexibility and the ability to cover a relatively large area.

2.2.2 Static Inspections

In this method, transport vehicles are selected by officials on motorcycles or in clearly marked vehicles. The trucks are then escorted to a static inspection location, which may be a parking area equipped for the purpose. Here, inspectors working in pairs check the vehicle's load and the relevant paperwork. The advantages of this method are that a large number of vehicles can be inspected within a short period, the inspections bring together people with complementary areas of expertise, the inspections are 'high-profile' and various facilities (such as on-site fax machines) can be organized more easily.

2.3 The Inspection

The inspection session begins and ends with a briefing covering aspects of safety, logistics and the points to which special attention must be devoted. The actual selection of vehicles to be inspected requires expertise in the field of waste substances. The selectors must know which haulage companies regularly carry waste and must be able to identify the vehicles likely to contain waste.

Once a transport vehicle has been selected, the inspection proper can begin. Inspectors check the load against the various documents carried by the driver. This will certainly include scrutiny of WSD documentation. The inspector notes the registration number and operator of the vehicle, together with the type of waste being transported, on a report form. This enables waste transport flows to be monitored over time and any trends to be identified.

Wherever possible, the load is physically inspected. The description of the waste in the documents is compared to the actual load. Samples may be taken for further analysis. The inspectors will also attempt to determine whether the load is destined for a registered waste processor, and whether that company is authorized to accept delivery of the waste substances. If no irregularities are found, the driver is allowed to continue his journey.

2.4 Infractions

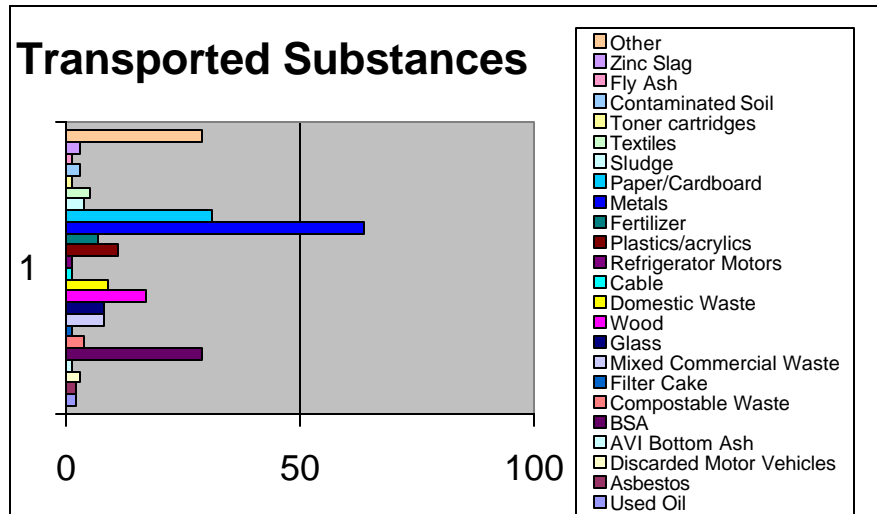
Any breach of the regulations discovered by the inspectors is dealt with under civil (administrative) law or criminal law, depending on the nature of the infraction. The VROM Inspectorate is authorized to implement administrative law proceedings. Customs or police officers usually complete the report required for criminal proceedings. Where an illegal shipment is discovered, the inspector will contact the relevant authorities in the country of origin to arrange its return to that country. In many cases, an official visit to the company producing or processing the waste will be arranged with the relevant authorities.

3 WHAT HAS BEEN THE OUTCOME OF THE INSPECTIONS?

An average of 10% to 15% of waste shipments are found to be in contravention of the regulations. The infractions are diverse in nature. Many relate to shipments claimed to consist solely of substances on the 'green list', which do not require a permit. However, such shipments are then found to contain substances on the 'amber' and 'red' lists, which are therefore being transported illegally. In other cases, waste substances are listed as being 'products' in an attempt to circumvent the relevant legislation.

In the Netherlands, nationwide transport inspections have been held, with inspectors at work at various locations simultaneously. Such inspections have a high deterrent value. Figure 2 presents an overview of the various waste substances discovered during these inspections.

Figure 2. Waste Substances Discovered during Nationwide Transport Inspections in 2003



Such transport inspections have discovered many illegal waste flows over the years. In many cases, a criminal enquiry is then instituted. Examples of illegal flows include household waste being transported as 'building or demolition waste'. Coal tar pitch (classified as hazardous waste) was transported without the proper documentation for many years, while generators containing PCBs were imported to an unauthorized processing plant. Refrigerators containing CFCs have been exported to several African countries, while sewage sludge was landfilled in disused mines without the necessary permits. Waste from the Dutch electronics industry is often illegally exported to Asian and African countries, where it is then processed in a manner that causes adverse effects to both the environment and human health.

4 EUROPEAN ENFORCEMENT PROJECTS

International cooperation is necessary because the level of enforcement of European legislation varies greatly from country to country. Moreover, some essential terms such as 'useful re-use' and 'permanent removal' are subject to different interpretations. The private sector itself suffers because the burden of enforcement differs between member states. These factors have prompted three major international enforcement projects to be conducted under the auspices of The European Union Network for the Implementation and Enforcement of Environmental Law Trans-Frontier Shipping Network (IMPEL-TFS), a network of enforcement authorities of the member states and a number of other European countries that deals with the transnational shipment of waste. One such project is the TFS Seaport project, the background and results of which are described in the paper IMPEL-TFS Seaport Project: European Enforcement Initiative To Detect Illegal Waste.'

Another IMPEL-TFS enforcement project is 'Verification of Waste Destinations,' conducted between October 2003 and November 2004. The project involved Austria, Ireland, Belgium, the Czech Republic, Malta, and Finland, with the Netherlands acting as project manager. This project focused on permitted processing of waste flows between the countries taking part, and on verifying that waste shipments were indeed being transported to the destination stated on the permit. The results are described in a report that can be downloaded at <http://www.europa.eu.int/comm/environment/impel/report>.

Based on the evaluation of the Verification of Waste Destinations project presented at the TFS Conference held in Malta in June 2004, it was decided to commence a follow-up project to involve a greater number of countries and to cover the exported waste flows on the 'green list', which do not require a permit. This project is entitled 'Verification of waste

destinations: a second step towards chain enforcement' and has now commenced. Twelve countries, including a number of new EU members, are taking part. During the project, simultaneous inspections will be held on various major transport routes throughout Europe, at or near national borders, whereby neighbouring countries will cooperate directly with each other. In the week following the inspections, authorities in the destination country will ascertain whether the waste shipments have indeed arrived at their stated destination and whether they are being processed in the authorized manner. A handbook for the organization of road transport inspections has been produced for this project and will be made generally available in due course.

These projects attempt to ensure that waste substances from all European member states are processed in an environmentally responsible manner and that a comparable burden of enforcement exists throughout the European Union.