

VERIFICATION OF WASTE DESTINATION: A QUESTION OF PRIORITY?

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SUMMARY

The Inspectorate of the Netherlands Ministry of Housing, Spatial Planning and Environment is the competent authority for transboundary waste shipments in the Netherlands. Waste and/or second-hand goods are shipped all over the world for recycling or re-use. In most cases, waste ends up in environmentally-sound processing facilities. However, sometimes shippers merely act in order to make as much profit as possible and seek the way of least resistance by which waste ends up at illegal dumpsites causing environmental and/or human harm. Therefore, the Inspectorates wishes to set up contacts with key officials of competent authorities (e.g. environmental authorities, customs, port authorities) in Asian and African countries to exchange information on a case-by-case basis focusing on waste destination and waste management. In this article authors pose a few questions to these key officials and highly appreciate their contributions.

1 INTRODUCTION

1.1 General

This article provides an overview of the expectations of the Netherlands Environmental Inspectorate underlying the request for contacts with relevant stakeholders in countries outside the European Community either from the government or from (local) NGOs. The Inspectorate wishes to exchange information with these stakeholders, in general and on a case-by-case basis, regarding waste destination and recycling in the waste receiving countries, in order to promote the implementation of the legal procedures for waste trade and to prevent harmful waste shipments. Verification of the final destination, a critical factor in achieving an essential target of waste shipment regulations, ensures that

waste is processed in an environmentally-sound manner, and in accordance with local environmental regulations. By verification as such, enforcement of waste shipment regulations becomes more than a 'dead letter'.

1.2 Background

On 12 July 2007 a new Regulation (EC No 1013/2006) on transboundary shipments of waste came into force in the European Community. This Regulation is the follow-up to the Waste Shipment Regulation (259/1993) and aims to simplify and streamline waste shipment procedures.¹ This paper focuses on article 49, which states in summary:

That the producer, the informant and other parties involved in a shipment of waste and/or its recovery or disposal shall take the necessary steps to ensure that every waste they ship is managed without endangering human health and in an environmentally sound manner (ESM) throughout the whole period of shipment and during its recovery and disposal. In case of export from the EU to third countries of destination, the competent authority of dispatch are responsible for its compliance and shall require information about the shipment and its processing.

Environmentally sound management may be assumed as regards the waste recovery or disposal operation concerned, if the informant or the competent authority in the country of destination can demonstrate that the facility receiving the waste operates in accordance with human health and environmental protection standards comparable to standards established in Community legislation².

Article 49 of the Waste Shipment Regulation requires European authorities to verify that waste leaving Europe is processed in a way that no harm is done to the environment or to human health. Herewith this article is one of the legal bases to prevent dumping of waste in third countries.

Waste is shipped globally due to high demand of secondary material, low processing and disposal costs in the South and European recycling targets. The Netherlands Inspectorate of the Ministry of Housing, Spatial Planning and Environment (which is the competent authority for enforcement of mentioned EU-regulation) is not aiming to hamper legal trade, the Netherlands wishes to prevent environmental damage in other countries and the Inspectorate is seeking ways to manage its responsibilities in a way that benefits both the countries of destination and dispatch.

Additionally, illegal shipments cause false competition between involved companies and ports. The Dutch seaports (Rotterdam, Amsterdam) are the main shipping (transit) ports of European waste. Most of these shipments are legal and the waste will be used as good quality raw materials in the country of destination. Illegal shipments, however, may damage the image of the country and its ports.

In order to improve verification of waste destination the Netherlands Inspectorate initiated two projects concerning shipments and processing of waste leaving

Europe via Netherlands' ports and focus on setting up contacts with concerned competent authorities in Africa and Asia.

2 VERIFICATION

2.1 Definition

Verification of waste destination is defined as a broad check to:

- Determine whether waste arrives and is processed at the indicated destination and whether recovery operations follow requirements of both legal systems of the administration of the country of dispatch and of destination;
- Ensure that waste is processed in an environmentally sound manner in accordance with local environmental regulations and
- Determine if the imported waste and the rest stream after recovery match and if it meets with the relevant environmental (and/or trade) goals.

Apart from an environmental perspective, verification of waste destinations is necessary, in part because:

- Investigations in the Netherlands demonstrate that shippers sometimes present incorrect, false or fictitious companies of destination in the official documents to hide the real destination. Occasionally even names of well-known waste facilities are misused.
- Like other material, waste is regularly resold during shipment. By this, waste ends up in a different company than the one indicated in the original documents. Often this is due to rerouting to a cheaper recycler with fewer facilities, which could possibly cause environmental damage. Occasionally, waste is rerouted for reasons of tax evasion.

By working together, the authorities will be able to follow the waste from cradle to grave. Both countries will gain knowledge about the characteristics of waste trade. For receiving countries this generates better possibilities to prevent environmental damage in their country. Since illegal waste shipments are often linked with other criminal activities, such as import tariffs fraud or trade in stolen goods, collaboration of environmental authorities could also help to get a better grip on these activities.

Effective cooperation will also help to solve problems of completed illegal shipments because procedures for returning such shipments will become easier. The authorities will be better able to tackle illegal shippers and to prevent further environmental damage.

2.2 Verification in Africa

Export of waste to African countries (non-OECD) is allowed when the importing country has explicitly communicated to the EU the specifications of the waste they wish to receive (third countries regulation^{2,3}).

In practice, the interpretation and execution of this rule is more complicated:

- Is waste or non-waste at issue (especially difficult in the case of second hand goods)?
- The gap between 'paper' and 'practice': do the documents really cover the content of the transport?
- Will recycling be completed in a licensed facility?
- What is meant by the national standards of receiving country as stated in Column D of the regulation (EC) No 1418/2007?³

It is of utmost importance for the competent authorities in the Netherlands, and in other EU-member states, to have relevant contacts in "receiving" countries to facilitate verification of the above-mentioned at their disposal. Only then, will Dutch and other European national authorities be able to take immediate action in case of doubts as a result of inspections of goods or waste ready for transportation. For importing countries, it is also particularly important to provide the competent authorities in the exporting countries with relevant information, to ensure that their standards are taken into account during inspections or in the preparations and issuing of export-permits.

In general it is assumed that a structural cooperation will facilitate enforcement of the regulations in both the exporting and the importing countries.

For the Netherlands the following African destinations are currently important:

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|---------------|----------------|
| - Benin | - Egypt |
| - Ethiopia | - Ghana |
| - Ivory Coast | - Kenya |
| - Nigeria | - South Africa |

In order to further improve the process of verification of waste destinations for both the exporting country and the importing African countries, the following information would be helpful:

1. Figures on waste and/or second hand goods import into these countries from The Netherlands / Europe / developed countries in general.

2. The extent to which African countries consider the import of waste from 'developed countries' a problem, and the concrete nature/magnitude of such problems.
3. Names, functions and (email) addresses of key officials of the competent authorities of the countries of destination (Environmental Authorities, Transport- or Trade – related authorities, Customs, etc.).
4. The existence of specific waste regulations other than mentioned in column D of the green list regulation (see endnote 3) and general environmental regulations in these countries?

2.3 Verification in Asia

In general it is very important that authorities of shipping and receiving countries have regular contact to know and understand the main features of each other's national legislation. Through this process, countries learn to understand and respect the specific strict rules that are sometimes applicable. Because of lack of recovery capacity, some countries ban more (non-) hazardous waste streams than others. Also, several countries imposed a ban on the import of all second hand abandoned electronics because of proven environmental damage of e-waste processing practices.

For the Netherlands the following Asian destinations are important:

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| - P.R. China (cooperation has begun) | - India |
| - Vietnam | - Malaysia |
| - Philippines | - Indonesia |
| - Bangladesh | - Sri Lanka |
| | - Pakistan |

In order to further facilitate the process of verification of waste destinations for both exporting country and the importing Asian countries, the following information would be helpful.

1. The extent to which imported waste causes problems and the nature of such waste problems. Information on (cases with) involvement of shippers from The Netherlands.
2. The way in which countries are dealing with recurring questions (*such as definitions with respect to waste/non-waste, hazardous/non-hazardous, allowed/not-allowed*).
3. The existence of recycling facilities and their legal possibilities to receive waste.

4. Information regarding the correspondence of the recycling method with the information in the export documents.
5. Information on actual (environmentally sound) recycling of waste.

3 VERIFICATION: A MATTER OF PRIORITY

Verification is not a question, but a matter of priority, since it is an essential element of sound management and enforcement of international waste streams. The authors hope that authorities concerned in both the countries of dispatch and destination find further ways and means to join forces in order to strengthen approaches and activities for verification of waste destinations and in the end both benefit from it. The authors highly welcome observations and comments on this paper.

The authors appreciate to learn from environmental authorities, customs and other relevant organisations in the above mention African and Asian:

- names, functions and (email) addresses of their key officials;
- figures on waste and/of second hand goods imports from Holland/Europe;
- relevant regulations regarding import and processing of waste;
- 'problematic' transboundary shipments of waste from Holland; and
- other items mentioned in § 2.2 and § 2.3.

The authors would like to stress the importance of your contribution to make verification of waste destination a matter of priority.

Please contact the Inspectorates Waste Shipment incident room via email: meldkamerevoa@minvrom.nl or contact directly Mr. Anno Loonstra for African countries or Mr. Carl Huijbregts for Asian countries via above mentioned email address.

4 REFERENCES

Website: IMPEL-TFS final report on Verification of waste destination, 'What you see is what you get?' published by IMPEL, June 2006, and project newsletters website: http://ec.europa.eu/environment/impel/tfs_projects.htm#verification

5 ENDNOTES

¹ The Waste Shipment Regulation formalizes the control procedures for transporting waste within, into and out of the EU. The aim is to ensure a high

level of environmental and human health protection, while at the same time safeguarding trading rights. This Regulation integrates the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the OECD Decision on Control of transfrontier movements of wastes destined for recovery operations. The Regulation covers shipments of all types of waste, for final disposal or for recovery. Among waste for recovery, the non-hazardous waste (so-called “green list waste” represents a useful secondary source raw material for EU and non-EU trading partners.

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