

10. Training course with representatives from Czech Republic

“One of the goals of our visit to Prague on 23 March 2005 was to give detailed training to relevant civil servants about the enforcement of EU Regulation 259/93. Representatives of customs, police, the Slovakian authorities and different regions of the Czech Inspectorate attended the training. The course was set up amongst the following issues: the history of EU Regulation 259/93, the legal framework of the Regulation, the difference between “waste” and “no waste”, responsibility for the shipment, recognition of waste on documents, recognition of transports (trucks, trailers, containers etc.) with waste, cooperation with other authorities and finally car wrecks. The training was quite theoretical, but nevertheless we tried to give some practical tools for day-job activities. As we found out, the course was appreciated by the members. It was quite an experience for us and likely for them too.” For more information: ton.post@minvrom.nl, kees.vanhees@minvrom.nl or klasterkova@cizp.cz

11. IMPEL-TFS Management meeting: “The iron is hot now, and we have to strike it”

On 16, 17 and 18 March, a meeting was held in Prague (Czech Republic) with managers responsible for the enforcement of TFS regulations. Representatives of 20 Member States and Switzerland, the Secretariat of the Basel Convention, Interpol and Police attended the meeting. Shocked by (recent) cases of illegal shipments of waste from Europe to China and India and insight into the consequences of Member States in cases of lack of capacity for enforcement, it was the right time to discuss bottlenecks and to reach agreement on fundamental improvement of the network and enforcement of TFS regulations.

Some important outcomes:

There was unanimous support for all improvement actions; commitments have been given by various countries about personal capacity and finances;

- The European Commission stressed the importance of the TFS networks in combating illegal movements of wastes. TFS is a priority of the Commission in 2005;
- A permanent secretariat will be established. This secretariat, consisting of 3 till 5 Full Time Equivalents, will structure and organise the information exchange on enforcement matters concerning TFS;
- A website will be built on TFS to share information more adequately;
- A steering group, consisting of representatives from Germany, Ireland, The Netherlands, Poland and the United Kingdom, will set up a concise strategy for the network. This strategy will include target percentages. The steering group will also give supervise on the permanent secretariat and will control the progress of the various enforcement projects within IMPEL-TFS.

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12. Other things worth knowing

- As agreed during the Berlin conference, the first transport control will be carried out on short term. It would be recommended if the country coordinators could inform the project management about their progress in the organisation of these inspections, by sending an e-mail to niekol.dols@minvrom.nl. See also the planning form on Viadesk.
- The second newsletter will be distributed around September 2005, and will contain (your!) experiences with the inspections done so far. The editors would appreciate to receive any articles on this, preferably accompanied by photos!

Colophon

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Newsletter IMPEL-TFS

Verification – 2 Project

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1. Introduction

During Autumn 2004 the second IMPEL-TFS project on the verification of waste, abbreviated to “IMPEL-TFS Verification 2 project” started. By means of this newsletter the project management informs all their contacts about the progress and findings of the project so far. Within Verification – 2, four newsletters will be published.

This first newsletter gives you some general information about the IMPEL-TFS network, the outcomes of the first Verification project, the aim of the IMPEL-TFS Verification 2 project, and other various issues deriving from this project. It also provides an overview of the most important outcomes of the conference on this project, which was held in February 2005 in Berlin, Germany. Following newsletters will highlight the results of all joint enforcement actions.

2. IMPEL-TFS network

IMPEL-TFS is a network of representatives from enforcement authorities of EU Member States and other European countries dealing with matters on Transfrontier Shipments (TFS) of Waste. The IMPEL-TFS network was set up in 1992 in order to harmonise the enforcement of EC Regulation 259/93 (replacing EC Directive 84/631) on TFS with regard to the supervision and control of waste shipments into, out of and through the European Union. Differences in enforcement levels within European countries often lead to bottlenecks in transboundary cooperation and therefore not to a European level playing field. This means that, if a real influence of enforcement on the destinations of these waste streams is desired, enforcement authorities in the European countries have to cooperate in order to align their enforcement activities. More information can be found at the website of IMPEL:

<http://europa.eu.int/comm/environment/impel>

3. Outcomes of the first IMPEL-TFS Verification project

Between October 2003 and November 2004 the first IMPEL-TFS Verification project was carried out between seven EU countries. The project turned out to be a success: shipments have been monitored “from cradle to grave”, a network has been built, illegal shipments were detected and the project stressed the need for a European wide approach on the verification of waste shipments.

One important recommendation was that the project should be enlarged with more European countries and to focus not only on notified, but also on green listed – and non-notified wastes; the IMPEL-TFS Verification – 2 project was born.

The project report of the first project can be found on Internet via http://europa.eu.int/comm/environment/impel/tfs_notified_waste.htm

4. Project aims and participating countries

The main aims of the IMPEL-TFS Verification 2 project are to:

- Acquire insight and improve compliance with the EU Regulation 259/93 and the Basel Convention with an eye on verifying the end destination and processing of waste materials;
- Set up chain enforcement “from cradle to grave” at international level;
- Enhance European cooperation between the involved competent authorities at operational level;
- Exchange practical experiences and knowledge;
- Increase the risk of being caught as regards illegal shipments and processing by transporters and other actors in the total waste chain.

Until present, 12 countries have indicated to participate in this project: Austria, Belgium, Croatia, Czech Republic, Denmark, Finland, Germany (the Federal States of Northrhine-Westfalia and Baden-Wurttemberg), Greece, Ireland, Malta, Slovakia and The Netherlands. The Netherlands provides the project management and project secretariat. Poland, Portugal Switzerland and Italy have shown serious interest, and will hopefully decide on their participation on short term.

5. Outcomes of the Berlin conference

On 23, 24 and 25 February 2005 a starting conference on the IMPEL-TFS Verification – 2 project was held in Berlin (Germany).

Representatives of environmental inspectorates, responsible for enforcement of TFS shipments, discussed the outcomes of the first project, made agreements on the project plan for the second project, and agreed on a number of joint enforcement actions for the operational phase (March 2005 – April 2006) of the project.



Participants at the Berlin conference

Most important agreements made were:

- Countries will start their checks by performing transport inspections at strategic points and/or site visits, followed by checking the final destination and processing of the shipments and – if needed – its composition at the country of dispatch;
- Inspections will be carried out and data will be exchanged according to a uniform working method;
- Special attention will be paid to waste streams which are shipped between the various participating countries, with a special focus on waste streams that cause environmental hazards and/or are shipped in large amounts;
- All countries will commonly plan inspections within certain periods. During these periods simultaneous, synchronised inspections will be carried out.

6. Impression on the outcomes of the starting conference

"After weeks of preparation, it finally happened, the conference about the second verification project. It was good to see that several participants knew each other from the first verification project. What I saw was that the knowledge levels between "new" and "old" countries vanished directly at the beginning. During the discussions, it was quite obvious that people really felt very much involved with the issue at hand. I found it amazing to see how quickly several solutions and points of improvement were proposed. Also it was remarkable to see that many countries are dealing with more or less the same problematic waste streams, such as electronic waste and end of life vehicles. Therefore, the secret of our success lies within our ability to cooperate with each other to combat these common environmental treats.

It was quite a positive experience to see people really participate actively with the process. Getting to know each other truly makes you understand each other's difficulties or possibilities. Also the informal occasions during the programme, such as the walking tour in beautiful Berlin, allowed us to get to know each other more intensively.

The first steps have been taken and common actions have been agreed upon. We now have to get on with it. Real cooperation and enforcement starts now, and remember: cooperation is the secret of our success..."

By Ms Jolanda Roelofs, VROM Inspectorate, The Netherlands,
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7. Experiences with the project from Belgium

"OVAM is the Flemish competent authority for the inspection of international waste transports that originate in Flanders, or are being exported out of Flanders. When the first IMPEL-TFS Verification project was launched at the IMPEL-TFS conference in Prague in 2003, OVAM was immediately interested because of the possibilities of checking international waste transports abroad, outside Flanders.

During the first phase of the project OVAM has carried out inspections on four different waste streams coming from the Netherlands: cable lead, lead batteries, polluted drums and sulphuric acid. These transports were inspected at the company of arrival, although it wasn't always possible to engage enough staff to ensure the interception of the transport at the moment of arrival. In any way we are pretty sure that these transports arrived at the place of destination. On the other hand it turned out to be very difficult to know whether these shipments were actually processed at the place of arrival: most waste is being stored and mixed with similar waste streams for several months before processing. This is also the major reason why companies are not always able or willing to accomplish the post-notification procedure in accordance with the EU regulation 259/93: they don't always know exactly when a particular batch will be processed. For this reason the loose adoption of the administrative obligations was the most common infraction that we encountered during these company inspections.

A second reason why OVAM participated in this project was the possibility of inspecting transports of Flemish waste that are dumped abroad. In fact a considerable stream of pre-sorted mixed industrial waste is exported from Flanders to Germany, for further sorting into a recyclable portion and another part intended to be shot at dumping sites. The latter part is subject to (Flemish) environmental taxes. There is one problem: OVAM never knows exactly the amount that has been dumped, unless we can rely on the assistance of colleagues from other competent authorities.

In 2004 OVAM participated in the two large traffic inspections at Venlo (The Netherlands), organised by the VROM-Inspectorate. Our main interest was the interception of mixed industrial waste streams. We were able to inspect two involved trailers (with notification) and we suggested sending them back because it was clear that there hadn't been done any pre-sorting on these shipments (as should have been according to the notification file). We consequently carried out an inspection at the Flemish exporting company. The notification was withdrawn based on article 28 of the Regulation. At the same time one of our inspectors carried out a joint inspection with a German colleague at the company of destination. After a few months of investigating the companies' balance it turned out that the quantity of waste that had been dumped was far bigger than we assumed. An additional claim for overdue taxes was sent to the notifier.

OVAM also joins the second IMPEL-TFS Verification project, especially because the main point has been shifted from company inspections to traffic inspections, with a bigger chance of finding irregularities." For more information: bart.palmans@ovam.be.

8. Problematic waste streams

Wood waste

Many countries indicated that they have doubts about international streams of wood waste. This is a rather big stream between and through Europe. According to the transport documents most of this wood is used for energy recovery or to make chipboard. Some of the wood is painted, or impregnated with creosote oil or salts containing heavy metals. If this treated wood is shredded very fine, it looks untreated. Some companies use this strategy to ship treated wood as green listed waste. Especially the impregnated wood can cause environmental damage when it is recovered in an insufficient way. By exchanging information within this verification project we can get more information about the quality and quantities of these waste streams and have more possibilities to stop illegal shipments.

Electronic waste

Another problematic waste stream indicated at the Berlin conference was electronic waste. Many countries raised the question how to deal with monitors and television screens. The old types of television monitors use a Cathode Ray Tube (CRT). The glass (screen) of this CRT contains a lot of carcinogenic heavy metals and fluorescence powder. For this reason glass of cathode ray tubes is amber listed (AB040). It is hazardous waste according to the Basel Convention and forbidden to ship it to non-OECD countries (article 16 of EU Regulation 259/93); therefore notification is required.



Inspection of monitors, destined for India, at a Dutch trader

In 2004, The Netherlands investigated electronic waste streams, and concluded that a lot of televisions and monitors were shipped to Eastern Europe, Africa and Asia. Mostly it is shipped as second hand goods, but tests proofed that 50% till 90% of the screens were broken. The conclusion was that these were illegal waste shipments. The investigation is followed up in 2005. In this view it is also worthwhile to mention EU regulation 105/2005: it contains the request of China to treat GC010 en GC020 as red listed.

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9. Annual Employees' day

A workshop was held in The Netherlands on the first verification project for Inspectorate employees within the framework of the annual employees' day on 3 February 2005. The idea was to look at projects

from another perspective by inviting participants from outside. The workshop was attended by 25 employees. Speakers were representatives of various ministries (Belgium, The Netherlands) and industries. Some impressions:

Interesting points of view from OVAM, by Mr Bart Palmans

"Because The VROM Inspectorate had never asked, we were not aware of the fact that the OVAM had a conscious objective in participating in the project, said Ms Niekol Dols. International enforcement gave the Belgians the opportunity and the legitimacy to investigate the end treatment of flows in Germany. They were also able to carry out a specific investigation into the amount of waste definitively disposed of in Germany, in order to determine the actual amount of the dumping tax. This led to additional levies being retrospectively imposed in a number of cases."



Interesting standpoints from FEAD, by Mr Eric Waeyenberg, Scoribel SA, on behalf of the European Federation of Waste Management and Environmental Services (FEAD)

"It seems that Regulation 259/93 is also a difficult regulation for trade and industry, because of its highly procedural nature and the large amount of red tape it entails. There are similarities in the problems facing the business community and the government, such as the disagreement on the interpretation of waste/ product and useful purpose versus final disposal, the bandwidth regarding the composition of waste, how to act in the event of freight being refused (there is no fast, easy procedure), etc.

The verification project showed that it was difficult to use the three days prior notification of a transport as a starting point for the verification, because of the internal logistics between licensing authority and enforcer. On the other hand, the period of three days was too long for the decisiveness of trade and industry, and it thus formed an impediment. This is particularly the case for companies where large quantities of waste are treated in critical processes.

Finally, it was recommended that the government work with a provision in the export licence so that a mass balance can be set up for the various flows, to enable the easy checking of quantities exported and to guarantee that the processing method corresponds with what was foreseen in the notification. This is a part of the verification.

Unfortunately, there is no prescribed form for the export licence for member countries and there is no standard package of conditions. Moreover, the inspection pressure could be better distributed across Europe." For more information: niekol.dols@minvrom.nl