



Inspectorate of Housing, Spatial  
Planning and the Environment  
*Ministry of Housing, Spatial Planning and  
the Environment*

# Inspection

Key elements of port controls

July 2, 2009



## Created by:

Marc De Strooper (FLI - Belgium)

Ton Post (VI – Netherlands)

Isaiah Kyengo (NEMA – Kenia)



# Basics for enforcement

- Organisation:
  - Capacity
  - Tools:
    - » knowledge
    - » Competence
    - » Equipment
    - » Legislation



## Building up a network

- Start locally:
  - take small steps
  - built it up by personal contacts:
    - » Exchange of information
    - » Exchange experiences and knowledge
- Create more political and high management support
- Goal: cooperation between authorities national and international (on all levels)
- To formalize the cooperation: memorandum of understanding



## Recurring issues

- Secondhand goods (waste or reusable goods)
- Falsely declared goods
- Non declared goods





## What do we have in common

Basel Convention > has to be implemented in national legislation

Tariccodes > can partial be linked to Baselcodes

Codes annex II and VIII (hazardous waste) Basel Convention

Codes annex IX (non-hazardous waste) Basel Convention

Tariccodes (International nomenclature)



## Focus

- › Electronic-waste
- › ELV
- › Used carparts





## Checks on shipments may take place

- at the point of origin (the producer, holder or notifier);
- at the destination (the consignee or the facility);
- at the frontiers
- during the shipment



## Checks on shipments shall include

- the inspection of documents
- the confirmation of identity
- where appropriate, physical checking of the waste.



## Before arrival: Risk assessment

- Tariccodes
- Description on the manifest (48 hours before arrival, electronic delivery)
- Quantity
- Reputation of the Shipping Company
- Reputation of the country of dispatch
- Reputation of the importer
- Signals or notification from EU (on referall form)
- Previous offenders



# Arrival: Relevant documents

- Documents:

- › Bill of Lading
- › Invoice
- › Contract
- › Data safety sheet
- › Packing list
- › Other transport documents



**MEDITERRANEAN SHIPPING COMPANY S.A.**

40, avenue Eugène Pittard, 1206 GENEVA, Switzerland  
 Tel: +41 22 700 8888 Fax: +41 22 700 8787  
 Website: [www.msc.com](http://www.msc.com)

SOAD Code: MSCU

**BILL OF LADING No. MSCURM839537**  
**NON-NEGOTIABLE COPY**

"To Order" or "Combined Transport" Clause 1)

NO. & SEQUENCE OF ORIGINAL BL's  
**3**

NO. OF RIDER PAGES  
**0 Zero**

SHIPPER: **VTL SHIPPING & FORWARDING B.V.**  
 HEENRAADSSINGEL 188  
 3021 DM ROTTERDAM  
 HOLLAND  
 AS AGENT FOR PETER ASARE, ACCRA

Ref#: 261043

CARRIER'S AGENTS ENDORSEMENTS: (Include Agent(s) at POD)

SHIPPER'S LOAD, COUNT AND SEALED

Example of Bill of Lading

CONSIGNEE: This BL is not negotiable unless marked "To Order" or "To Order of ..." here.  
**PETER AKWASI ASARE**  
 P.O. BOX C 608  
 CANTONMENTS, ACCRA  
 GHANA

Contact:

NOTIFY PARTIES: (No responsibility shall attach to Carrier or to his Agent for failure to notify - see Clause 20)  
**PETER AKWASI ASARE**  
 P.O. BOX C 608  
 CANTONMENTS, ACCRA  
 GHANA

Contact:

PORT OF DISCHARGE AGENT:  
**MSCA (Ghana) Ltd. James Ahladome**  
 Complex  
 Meridian Street  
 P.O. Box 00 9495  
 Tema



VESSEL AND VOYAGE NO (see Clause 1 & 5)  
**MSC ELEONORA - 30A**

PORT OF LOADING  
**Antwerp**

PLACE OF RECEIPT: (Combined Transport ONLY - see Clause 1 & 5.2)  
 XXXXXXXXXXXXXXXXXXXX

BOOKING REF. (or) SHIPPER'S REF.  
**SL6584305 XXXXXXXXXXXXXXXXXXXX**

PORT OF DISCHARGE  
**Tema**

PLACE OF DELIVERY: (Combined Transport ONLY - see Clause 1 & 5.2)  
 XXXXXXXXXXXXXXXXXXXX

**PARTICULARS FURNISHED BY THE SHIPPER - NOT CHECKED BY CARRIER - CARRIER NOT RESPONSIBLE (see Clause 14)**

Container Numbers, Seal Numbers and Marks	Description of Packages and Goods <small>(Continued on attached Bill of Lading Rider pages(s), if applicable)</small>	Gross Cargo Weight	Measurement
<b>CLHU8038168</b> 40' High Cube  Seal Number: <b>5856428</b>	1 Package(s) of ONE LOT USED HOUSEHOLD GOODS / PERSONAL EFFECTS  21 DAYS FREE OF DEMURRAGE  FREIGHT PREPAID The carrier is not responsible for any missing or incorrect R.F.I. number and the responsibility remains with the merchant/Importer. Any fines or penalties levied against the carrier are for the account of the merchant. FCL/FCL	8,000.000 kgs.	58,000 cu. m.
<b>Total</b>		8,000.000 kgs.	58,000 cu. m.



## Relevant information

- Description of the goods
- Hazardous or non hazardous
- Value of the goods
- Quantity
- Origine
- Destiny
- Delivery conditions
- Parties involved and their role



## Start of the physical inspection: SAFETY

Beware of:

- Other traffic on the terminal
- Other cargo that is stored in the neighbourhood
- Gasses
- Cargo which is not properly stowed/packed
- Leaking cargo
- Radioactive or other hazardous cargo
- Sharp objects





# Safety tools

## In advance

notify your:

- own organisation
- the port authorities
- the owner of the terminal

## During the inspection

- use your personal safety equipment
- follow the safety instructions of the terminal
- do not enter an enclosed space unless it has been checked on:
  - > oxygen
  - > dangerous gasses



## Physical inspection

- Use your senses:
  - smell
  - observe
- Look behind the first row(s) (sandwich construction)
- Testing or sampling
- If the owner is around: ask for information



## Questions

- Waste or product

- Waste:

- » What is the origin (proces)
    - » Intension: recovery or disposal
    - » Harzardous waste or not
    - » Are all the necessary documents available
    - » Are all the documents filled in properly
    - » Do all the documents provide the same information
    - » Is the shipment conform the description on the documents
    - » Who is responsible for the shipment
    - » Destined for a proper facility

- According to legislation: Legal or illegal



## Importance of cooperation

Waste is often not only a local, or a national problem, but a global problem

Therefore it is necessary to cooperate:

- Exchange of knowledge
- Exchange of information
- Verification inspections (in country of origine or destination)
- Criminal investigations
- Send back illigal shipments to the country of origine



## ELV

- It is not roadworthy or
- It is not capable of being repaired and used for its original purpose

Indications that you are dealing with an ELV:

- The age of the car
- It is not in working condition:
  - Essential parts are missing
  - The chassis is badly corroded
  - The car is badly damaged



## ELV: hazardous or non hazardous waste

- Hazardous waste: still containing fluid and other hazardous components, such as:
  - » batteries
  - » oil, gasoline, windscreen fluid
  - » airbags
  - » brake lining containing asbestos
  - » airco fluid



## ELV: hazardous waste





## Physical inspection carparts

Carparts can be considered as waste if they are:

- not disassembled properly
- not in a proper condition
- if the components are not directly versatile without a preliminary treatment





## The carparts haven't been disassambled properly

if the components are:

- broken
- simply cut off from the chassis
- still furnished with:
  - › cut off pipes,
  - › cut off cable or
  - › cut off wire



## The carparts are not in a proper condition

if the components cannot function properly because they are :

- damaged
- corroded



## Carparts: hazardous waste





## Used electronics can be considered as waste

if the apparatus is not working properly because :

- the housing of the apparatus is damaged;
- the apparatus is lacking a flex or a plug
- the apparatus does not give a signal when tested





## Used electronics: hazardous or non hazardous

- Hazardous waste if containing hazardous components:

- › Unsorted waste batteries
- › Accumalotors
- › Mercury-switches
- › Activated Glass
- › PCB-capacitors



- Hazardous (separate) components:

- › Glass waste from cathode-ray tubes and other activated glass



## Responsibilities

- Which party is responsible for the illegal shipment?
  - The receiver
  - The shipper



## Block the cargo

Notify the:

- Terminal
- Port authority
- Owner
- Basel secretary (if necessary)
- The competent authority of the country of dispatch (if necessary)



## Decision

- Criminal action:
  - Warning or
  - Protocol (prosecution) or
  - Prosecution in country of dispatch
  
- Administrative action:
  - Send the waste back to country of dispatch or
  - Handle the waste in a proper facility



## Send the waste back to country of dispatch

Is according to the:

- » Basel Convention
- » Waste Shipment Regulation

Advantage:

- The responsible shipper has to solve the problem in a legal way
- Strong signal to the country of dispatch
- Strong signal to (potential) offender(s)



## Record

- pictures (global and detailed)
- a detailed description of the findings
- copies of the relevant documents
- copies of all the relevant correspondence
- violation
- parties involved and their role
- make notes of all steps you have taken



THE END

THANK YOU FOR YOUR ATTENTION