



European Union Network for  
the Implementation and Enforcement  
of Environmental Law

**IMPEL-TFS ENFORCEMENT ACTIONS II**

**Enforcement of EU Waste Shipment Regulation**

**“Learning by doing”**

28 April 2011

Final Report







European Union Network for  
the Implementation and Enforcement  
of Environmental Law

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation. Projects in IMPEL's Annual Work Programme are co-financed by the European Commission.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at:

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## **Executive Summary:**

The European Regulation (EC) No 1013/2006 on shipments of waste contains several measures to prevent illegal shipment of waste, including the obligations for Member States to carry out waste shipment inspections, to cooperate in this respect with other MS and to establish appropriate penalties and fines. After the Seaport projects I & II, the Verification projects I & II (all running from 2003 up to June 2006), and the Waste Enforcement Action I project performed from September 2006 to June 2008, the Enforcement Action Project II (2008-2010) has been the sixth inspection project under the umbrella of IMPEL/TFS. It aimed to further promote and improve inspections and enforcement of waste shipments through and out of the European Union under the revised Waste Shipment Regulation 1013/06 which has been applicable since 12 July 2007.

Project objectives included verification of the waste destination and treatment by means of a cooperative approach, knowledge exchange and capacity building in order to harmonize the level of enforcement, knowledge and interpretation within the participating Member States. For this purpose joint activities have been performed – in seven inspection periods from October 2008 through October 2010 by 25 Member States and 7 further European countries. From these 32 countries 29 countries have completed and reported inspection activities. 22 countries participated in 25 exchange activities, with 67 foreign experts having been on mission to the hosting teams.

During the project running time documents for a total of 26,705 transports were checked and 21,670 (roughly 81%) underwent physical inspections. Out of these physically checked transports 18% were related to transfrontier shipments of waste. Transport inspections included mainly road and harbour transport and are a mix of at random and targeted inspections. In 21% of the physically inspected waste transports, violations of the WSR requirements or related national requirements were detected. Thereof 34% constituted illegal transports (offense to notification or export ban), 52% were administrative violations (offense of article 18) and 14 % violations of related national rules. The four most frequent categories of waste where illegal shipments have been observed during the inspections reported within the project are waste of electrical and electronic equipment (WEEE), municipal waste, end-of-life vehicles/vehicle parts and textile wastes. Results are further supplemented by reported ad hoc inspections.

In the same period of time October 2008 – November 2010 further 120 company inspections took place, with 95 additional illegal shipments detected and 3 cases still pending when reported.

It should be noted that all reported figures are exemplary results and do not reflect the overall number of inspections and violations in Europe. Nevertheless results can clearly show that within the Enforcement Action II project major success has been made in terms of active participation

of MS. The numbers of inspections, exchange programs, joint activities and participation of customs and police officers considerably increased, given some indication that enforcement of the EU waste shipment regulation is gaining in importance and priority. The activities of the past two years, however, also clearly showed that there is still considerable effort needed to move towards a level playing field and to close illegal “escape routes” (e.g. by port-hopping) from the Community.

Priority for enforcement of the EU WSR at the high level in many of the MS still needs to be further increased, efforts to further enhance bilateral and multilateral contacts between involved environmental authorities and participation of cooperating enforcement bodies (customs, police) should be continued and particular emphasis should be put on active use, adaptation to national needs and dissemination of available knowledge and enforcement tools within and between participating countries and Member States.

**Disclaimer:**

This report on IMPEL-TFS Enforcement Actions II - Enforcement of EU Waste Shipment Regulation “Learning by doing” is the result of a project within the IMPEL-Network. The content does not necessarily represent the view of the national administrations.

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## FOREWORD

Proper implementation and enforcement of the EU waste shipment regulation is one of the main priorities of the Commission's environmental policy. Illegal shipments of waste have serious negative effects on the environment and public health within and outside the EU, and impede the efficient use of resources. Therefore, I am pleased with the activities of IMPEL to stimulate and assist Member States in organizing waste shipment inspections and exchanging valuable knowledge and expertise.

It is good to hear that the efforts of IMPEL are rewarded with an increasing number of participating countries. Almost all Member States completed waste shipment inspections spread throughout the EU. Besides the cooperation between environmental authorities, the cooperation with police and customs has improved. The assistance of these organizations is important to adequately tackle illegal shipments.

However, the results also make clear that there is still work to do. A high level of violations has been discovered and in some parts of the EU the level of enforcement seems to be insufficient. Therefore, it is important that Member States are stimulated to continue and improve enforcement of the EU waste shipment regulation.

The inspections carried out show that illegal waste shipments are a problem going beyond waste electrical and electronic equipment to other important waste streams, such as municipal waste and end-of-life vehicles. In the recast of the WEEE directive the Commission has already proposed additional rules to avoid illegal exports of WEEE, which have received wide support during the co-decision procedure. The Commission is currently examining new possible EU legal requirements also for inspections of other waste streams.

Besides these legislative improvements the Commission is developing several services to support Member States in implementation and inspection of the EU waste shipment regulation. These include a help-desk and a forum for exchange of information and best-practices open to Member States, stakeholders and the general public. We are also developing new guidelines, for example on shipments of end-of-life vehicles.

We will need to continue working together – the Commission, IMPEL, Member States and stakeholders – in order to effectively prevent illegal waste shipments and ensure a healthy and resource efficient society.



Soledad Blanco  
Director for Sustainable Resources Management, Industry  
and Air  
Directorate-General for the Environment, European  
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## 1 INTRODUCTION

Billion tonnes of waste are produced by the citizen of the European Union of which almost 50 millions are classified as hazardous waste and the amount continue increasing year by year within the Member States of the European Union.

Such quantities of waste when released and inadequately treated can cause severe damage to environment and health. On the other hand rapidly declining reserves in raw material face a dramatic increase in global demand and waste is turning into an important resource. This pressure and globalization lead to an enormous increase in waste transports around the globe.

In order to minimize risks from waste management and to save valuable resources the European Community has set up strict rules for waste management and ambitious targets for recovery. In order to avoid that risks of waste management are transferred to other regions where suitable treatment is not in place, the European Commission in addition is cooperating closely with the Basel Convention and the OECD to establish appropriate control for waste transports and to prevent illegal shipments of waste. The European Regulation (EC) No 1013/2006 on shipments of waste<sup>1</sup> contains a number of measures to prevent illegal shipment of waste, including the obligations for Member States to carry out waste shipment inspections, to cooperate in this respect with other MS and to establish appropriate penalties and fines. The provisions on enforcement in Member States are explicitly set out in Articles 49 and 50 of this Regulation. Besides environmental authorities, active participation is required of all other authorities involved in inspection, control and prosecution such as customs, police services and legal prosecutors.

Currently, the work of IMPEL is grouped into three active clusters, Cluster 2 of them named Transfrontier Shipment of waste (TFS). Since 2003 the IMPEL cluster TFS has carried out several enforcement projects with the overall aim to support effective cross-border control of waste shipments, to target those waste shipments suspected of being illegal, but not to disrupt the business of compliant operators.

The Seaport I & II with the focus on waste shipments via seaports and the Verification I & II Projects with the focus on shipments within Europe ran from 2003 till 2006. The objectives and activities of these projects were continued and combined in Enforcement Actions I project. These projects have shown the need for cross-border collaboration at an operational level in order to effectively implement and enforce the new Waste Shipment Regulation 1013/2006 and prevent illegal waste transports. During these projects valuable

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<sup>1</sup> having replaced the Council Regulation (EEC) No 259/93 and applied since July 2007

experience has already been gained regarding inspection methods, enforcement structures, planning inspections and exchange of staff and information.

Due to the results of Enforcement Action I, the Terms of Reference (ToR) for a follow up project was adopted by the IMPEL plenary. This “IMPEL-TFS Enforcement Action II Project” covers the period of October 2008 to March 2011. The main objectives of this project are to work towards an adequate level of inspections in all Member States and at all exit points of the EU, to introduce complete measures in order to prevent and detect illegal waste shipments and to deter illegal waste exporters, to verify waste destination and the treatment at destination within or outside Europe, to set up training and exchange programmes for inspectors, and to maintain and improve the network and collaboration of front line inspectors and other competent authorities and enforcement.

The Enforcement Actions II project has come to a successful end, after fulfilling eight inspection periods, in March 2011. This report contains the results, conclusions and recommendations of this project.

The results of this Enforcement Actions II project will be distributed to various stakeholders such as the IMPEL network, the European Commission, Member States, IMPEL-TFS National Contact Points, the European Parliament, Waste Shipment Correspondents Group, the Basel Secretariat and NGOs, and also be published on the IMPEL website.



## 2 PROJECT APPROACH, WORKFLOW AND PROGRESS

Within the “IMPEL-TFS Enforcement Action II Project” joint inspections and exchange programs have been executed under Regulation EC (No) 1013/2006. These inspections have ranged over road transport, harbours and railway as well as waste producers and waste management companies.

Internal and external communication via a communication platform, newsletters, press releases and conferences, further development and adjustment of enforcement tools, and the organisation of exchange programmes further supported the inspection work.

The coordinator of the project has been the Dutch Inspectorate of Housing, Spatial Planning and the Environment (VROM-Inspectorate) under the umbrella of the IMPEL-TFS. Funding of a management support has been provided by the European Commission, the VROM-Inspectorate and IMPEL.

This report covers summary results from October 2008 through October 2010, further details for the different inspection periods are provided in three interim reports:

- IMPEL-TFS Enforcement Actions II. Enforcement of EU Waste Shipment Regulation “Learning by doing”. Interim Project Report, 12 October 2009. ESWI Consortium c/o BiPRO GmbH, München. <http://impeltfs.eu/wp-content/uploads/2009/05/Interim-Report-IMPEL-TFS-EA-II-final-word.pdf> (Inspection Periods 1 – 3)
- IMPEL-TFS Enforcement Actions II. Enforcement of EU Waste Shipment Regulation “Learning by doing”. Interim Project Report II – Preliminary inspection results, 10 February 2010. BiPRO GmbH, München (Inspection Period 4)
- IMPEL-TFS Enforcement Actions II. Enforcement of EU Waste Shipment Regulation “Learning by doing”. Project Report III – Inspection results, 18 February 2011. BiPRO GmbH, München (Inspection Periods 5 – 7)

The project work comprised the organisation of three conferences (in Utrecht, Munich and Belfast)<sup>2</sup>, supplemented by two review meetings serving for the review of interim results,

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<sup>2</sup> For details see conference reports:

IMPEL-TFS Enforcement Actions II Project. Start Conference 16-17 October 2008 Utrecht, The Netherlands.

Conference Report, 21 October 2008. 19 March 2010. ESWI Consortium c/o BiPRO GmbH, München

IMPEL-TFS Enforcement Actions II Project. Interim Conference 10-12 February 2010 Munich, Germany.

Conference Report, 19 March 2010. BiPRO GmbH, München

IMPEL-TFS Enforcement Actions II Project. Final Conference 08 March 2011 Belfast, Northern Ireland (UK).

Conference Report, 17 March 2011. BiPRO GmbH, München

the assessment of achievements and remaining challenges and the planning of further improvements. Furthermore, all planning and result forms as well as further information on the project have continuously been uploaded on a website platform of VIADESK.

A series of 8 newsletters has been prepared and distributed to the project participants and other concerned authorities in EU Member States, disseminating latest results practical experience, and upcoming news.

For each participating state, a country coordinator was appointed responsible for the implementation and coordination of the project. Separate forms have been created for reporting transport and company inspection results, and optimised several times during the project.

### **3 FACTS AND FIGURES**

#### **3.1 The overall developments since 2003**

In the first project of this series, the IMPEL-TFS-Seaport I project, six countries (Belgium, Germany, United Kingdom, Poland, Latvia and the Netherlands) started coordinated actions with harbour inspections. Between September 2003 and March 2004, inspectors checked 1,230 shipments in six European harbours, of which 508 contained waste. Inspectors determined that 103 of those waste shipments were illegal. The number of participating countries and the number of inspections increased during the follow up Seaport II and Verification I & II projects. In the Enforcement Actions I project, from 2006 to 2008, already 25 countries participated, with 17 thereof performing inspections.

Within Enforcement Actions II the number of participating countries could be further increased to 32, thereof 25 EU Member States<sup>3</sup> and 7 further European countries<sup>4</sup>. From the participating 32 countries 29 countries conducted and reported concrete inspection activities.

Road transport inspections have been the most common type of inspections carried out within this project, followed by seaport inspections. The total amount of company inspections was comparatively small, but increased during the inspection phases. All in all, 15 countries apart from transport inspections reported about company inspections (at least one). Often company inspections take place as verification activity.

The number of inspections as reported under EA II was highly unevenly distributed in the early phases of this project, but a more balanced set of reported controls with additional activities in less experienced countries could be achieved throughout the project running time.

#### **3.2 General considerations regarding interpretation of reported data**

It should be emphasised that IMPEL-TFS Enforcement Actions II was not aiming and was not designed to provide a complete picture of TFS inspections performed by participating countries in that time period, and that non-participation in this project does not mean that inspections did not take place.

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<sup>3</sup> All except Greece and Luxembourg

<sup>4</sup> Croatia, Norway, Serbia, Switzerland, FYR Macedonia, Turkey, Iceland

The focus of the project has been on transport inspections. Company inspections were introduced for verification purposes and for authorities that have limited possibilities for transport inspections.

The overall objective and aim is the comparability of approaches and results and bilateral or multilateral cooperation. This is reflected by the restriction to 3 inspection days per period within each participating country as a maximum of reporting in 2010.

In several countries further activities – on a routine basis or on special occasions – have taken place without being reported at this point, such as routine controls usually carried out by customs or police services. Thus, the quantitative shares of inspections and single cases reported here and in more detail in the interim reports (see Chapter 5) do not always allow direct conclusions whether several countries were in total more or less active in the enforcement of the Waste Shipment Regulation than others.

On the other hand the considerable number of inspections performed allows some conclusions about priority waste streams and destinations and about the average share of violations. In addition the fact that a number of participating countries provided limited data only is an indication for an uneven level playing field.

### **3.3 Number of inspections**

The analysis and statistics of inspections closely followed the systematic applied during the preceding IMPEL-TFS Enforcement Actions I project in order to guarantee comparability of results and development. The reporting forms however, have been updated beginning of 2010 in order to eliminate observed deficits and to increase the comparability and detail of results.

Therefore, some tabulations can only be reported for 2010 (e.g. some more detailed analysis of company inspections), whereas others have not been continued after 2009 since they did not allow clear evidence.

Within the timeframe of the project eight inspection periods (IP) were organized. The data of seven inspection periods is analyzed. The eighth period was organized just before the end the project to continue the operational activities. However the data could not be gathered in time to include it in the final results.

The development of results of transport inspections is shown in Figure 3-1:

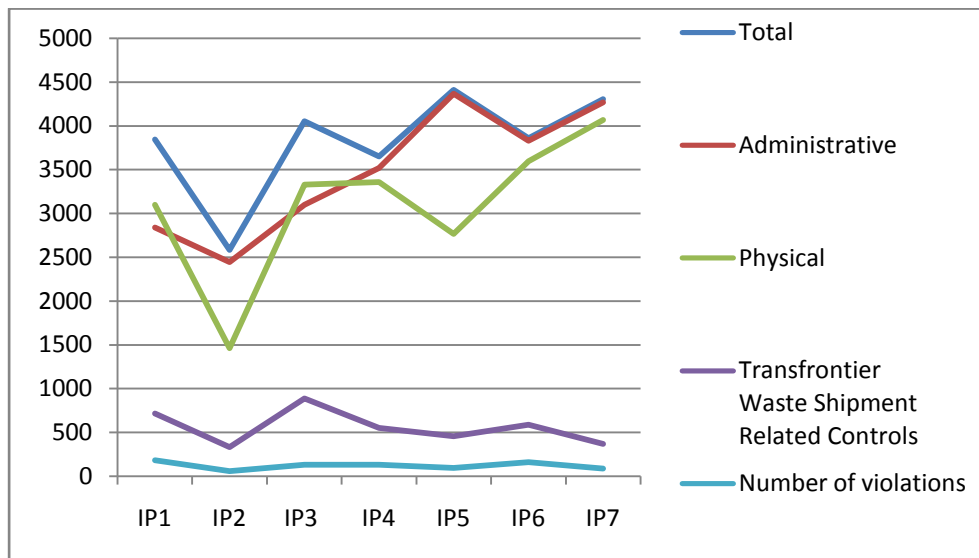


Figure 3-1: Single inspection cases during the seven inspection periods of IMPEL-TFS Enforcement Actions II

On the basis of the compiled results the following conclusions can be drawn:

- During the overall phase of seven inspection periods (i.e. October 2008 to November 2010) a total number of 26,705 transports were inspected, this comprises the inspection of containers, trucks, trains and all relevant documents.
- Of these overall inspections reported, in 24,352 cases (91 %) an administrative check of documents and in 21,670 cases (81 %) also physical inspections of cars, trains, containers or storage locations have taken place.
- Out of these physical inspections, 3,897 transports, i.e. 18%, concerned transfrontier shipments of waste. There has been a decrease of this share from 23-27% in the first three inspection periods over 16-17% in IP 4-6 and 9% in Inspection Period 7.
- All in all, 833 of the inspected waste shipments, this means slightly above 21%, turned out to be in violation of the WSR requirements or related national requirements. This share of violations fluctuated between 14% in Inspection Period 3 (March-May 2009) and 27 % in Inspection Period 6 (May –July 2010) without a continuous time trend.
- In the results of 2010 a differentiations was made in at random, on site selection and intelligence led inspections. This showed that the chance to select a waste shipment was much higher in intelligence led inspections (61.5%) than at random inspections (8.1%). However the violation rate of the inspected waste transports was about the same (~25%).

Table 3-1: Reported numbers of inspected transports and violation rate from October 2008 – November 2010

Participant	Total	Admin.	Physical	Waste Inspections	%	violations	%
Austria	2,453	2,453	2,283	179	7.8	33	18.4
Belgium	1,242	1,106	1,190	293	24.6	108	36.9
Bulgaria	13 <sup>1)</sup>	13 <sup>1)</sup>	13 <sup>1)</sup>	13 <sup>1)</sup>	100.0	13 <sup>1)</sup>	100.0
Croatia	61	60	61	60	98.4	5	8.3
Cyprus	13	13	13	13	100.0	7	53.8
Czech Republic	1,751	1,751	1,751	19	1.1	9	47.4
Denmark	467	355	438	110	25.1	34	30.9
Estonia	205	175	205	7	3.4	4	57.1
Finland	353	346	323	20	6.2	7	35.0
France	26	26	24	26	100.0 <sup>2)</sup>	13	50.0
Germany <sup>3)</sup>	3,722	3,697	3,722	669	18.0	105	15.7
Hungary	639	639	216	13	6.0	9	69.2
Ireland	829	340	542	656	79.1 <sup>2)</sup>	181	27.6
Lithuania	180	180	180	1	0.6	1	100.0
The Netherlands	1,366	918	1,213	446	36.8	91	20.4
Norway	125	125	125	125	100.0	51	40.8
Poland	4,264	4,264	3,391	196	5.8	29	14.8
Portugal	5,541	4,555	3,734	272	7.3	47	17.3
Romania	Joint transport inspections were reported by Hungary						
Serbia	308	308	308	303	98.4	6	2.0
Slovakia	595	595	595	6	1.0	2	33.3
Slovenia	909	880	249	49	19.7	8	16.3
Spain	Joint transport inspections were reported by Portugal						
Sweden	216	184	216	13	6.0	11	84.6
Switzerland	69	69	69	69	100.0	3	4.3
Turkey	6	6	6	6	100.0	0	0.0
UK / England and Wales	24	24	19	24	100.0 <sup>2)</sup>	22	91.7
UK / Northern Ireland	1,157	1,099	754	308	40.8	33	10.7

Participant	Total	Admin.	Physical	Waste Inspections	%	violations	%
UK / Scotland	171	171	30	1	3.3	1	100.0
Overall total	26,705	24,352	21,670	3,897	18.0	833	21.4

<sup>1)</sup> Mission reports provided disclose only violation cases, not total figures of inspections.

<sup>2)</sup> Share transfrontier waste shipment related controls of total inspections

<sup>3)</sup> In addition results of a joint inspection were reported by Switzerland.

Table 3-1 shows the results of transport inspections, including the number of violations detected, broken down country by country. Not all of the countries did actively participate in all of the seven inspection periods.

Malta has reported three transport inspections after the closing date of the project, in which 12 containers were checked at storage and sorting facilities. The details of these inspections could not be integrated in the total results anymore.

As already found out in the interim reports, the ratio of transfrontier waste transports identified during inspections (usually related to physical inspections) varies largely from 1% to 100% from one country to another and has even been zero in some single actions. This range results both from differences in reporting, is largely influenced by the type of inspection activities and connected with this the way of selection which transports to control. The same holds for the percentage of violations, ranging also from 0% to 100% and reaching the extreme values in countries with a very small total number of transfrontier waste transports over the period of the project.

Statistics of violations have also been broken down by countries of dispatch (location of the sender or notifier) and destination (location of the consignee) of the waste shipments. Figure 3-2 shows the results of an aggregated look whether transfrontier waste shipments in violation of the Waste Shipment Regulation stem from and have been bound to countries inside or outside of the European Union or from and to other OECD and non-OECD countries, both inside and outside of Europe. This shows that waste imports from outside of Europe (OECD and non-OECD) plays a negligible role, and there has been only one case of a waste transit<sup>5</sup>. However, waste exports to non-OECD countries outside of Europe (mainly illegal waste electrical and electronic equipment and end-of-life vehicles to African and Asian countries) make still one third of all waste transports in violation. As highlighted for the

<sup>5</sup> It should be noticed that shipments to other member states, especially those with main seaports, could also be transit, but are often not described as such.

more detailed and country-specific results in the interim reports, the results are dependent on the distribution of inspection sites.

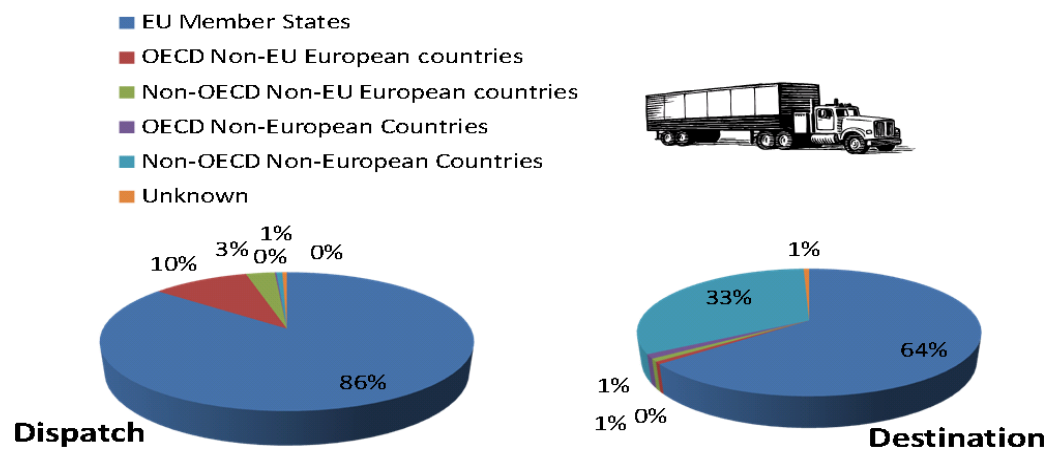


Figure 3-2: Violations related to dispatch and destination countries inside and outside of the EU and Europe

With regard to the underlying offence, the distinction of three types of violation has been made<sup>6</sup>:

- Administrative violations of the WSR have been identified over the total project phase in 340 cases = 52 % of all violations.
- Illegal shipments due to WSR have been identified in 225 cases = 34 % of all violations.
- Other waste shipment related violations have been identified in 92 cases = 14 % of all violations.

Moreover, an evaluation has also been made with regard to the frequency of certain waste types involved in violations. This distribution is shown in Figure 3-3.

<sup>6</sup> Administrative violations comprise violations of the Regulation related to Art. 18, mostly a missing, incomplete or wrongly filled in Annex VII document. Illegal shipments are mostly violations related to export ban or a missing notification or deficits in notification documents, such as lacking permits. Other violations in most cases include those of national and regional legislation.



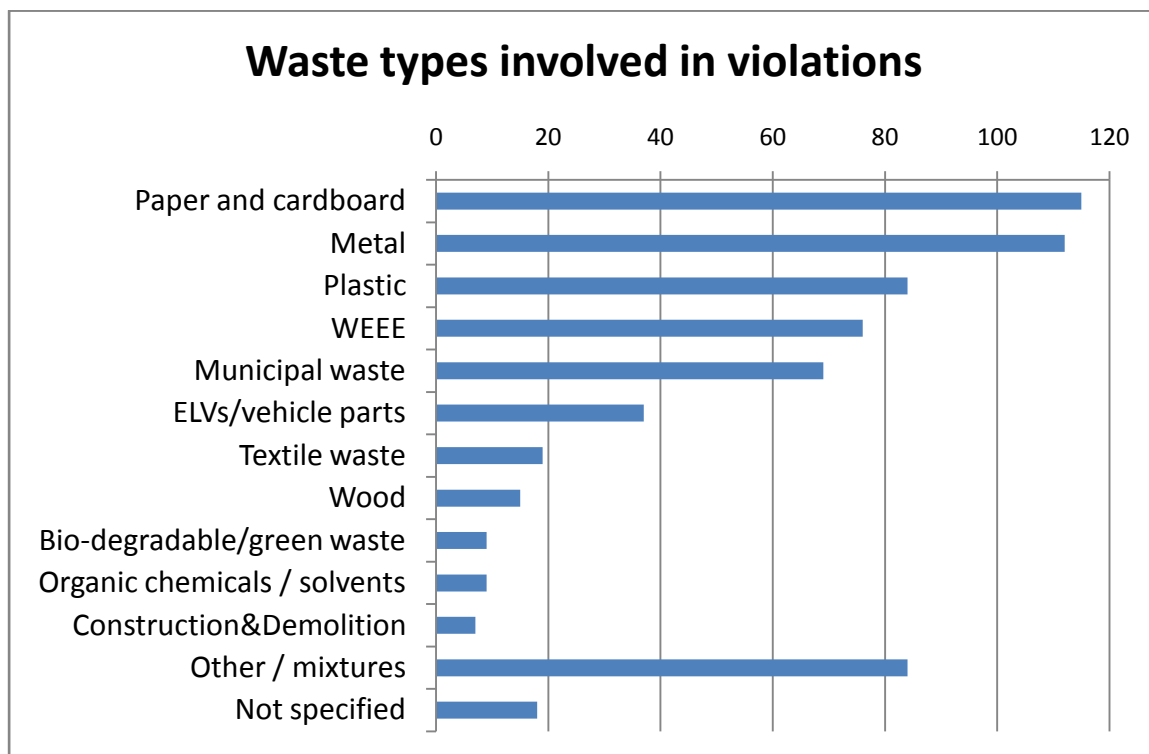


Figure 3-3: Overview of types of waste involved in shipments that were in violation of the WSR

In addition to the absolute figures of violations discovered one has to take into respect that between the waste streams there have been different weightings of illegal shipments, administrative and other violations. The offences of the most frequent categories of waste (paper and cardboard, metal and plastic waste) are predominantly Annex VII violations. WEEE, municipal waste, ELVs and textile waste are mostly illegal transports; therefore these categories are qualitatively the more important. This is shown in Table 3-2. It has been noticed that the waste types that have a high score in WSR violations are waste types for which also extended producer responsibility legislation is applicable (WEEE, Packaging and ELV directive).

Table 3-2: Overview of main types of waste involved in shipments and their typical and frequent types of violation (orange categories: illegal shipments dominating)

Waste type	Most frequent violations
Paper and cardboard	Art. 18 Annex VII document missing or incomplete; contamination, waste poorly sorted
Metal waste	Art. 18 Annex VII document; contamination
Plastic waste	Art. 18 Annex VII document incomplete or missing; national regulations; export prohibited (China, Malaysia); no notification
Waste electrical and electronic equipment	Export ban (Art. 36/37/2.35), Art. 18 Annex VII document incomplete, national regulation
Municipal waste	Transports lacking notification or consignment; export ban
End-of-life vehicles / vehicle parts	Illegal export (Art. 2.35 or due to national regulation), contamination, no notification, worn out tyres
Textile waste	Illegal shipment without notification; Art. 18 Annex VII document
Wood	Art. 18 Annex V document
Other / Mixtures	Art. 18 Annex VII document; national transport document, illegal shipment (not 3 days announced, mixture exported under green list or not as stated in notification documents, incorrect transport date)

For company inspections, separate company inspection result forms have been used and cases reported individually in 2008/2009. In 2010, reporting was improved due to the generation of total result forms with a structure similar to transport inspection forms, thus enabling a more detailed analysis of company inspections as well, e.g. broken down by results for companies being the sender, trader or consignee of the waste and on which occasion the inspection has been induced.

Figure 3-4 shows the involvement of countries participating in company inspections. All in all, 15 of the countries performed company inspections.<sup>7</sup> The small number of company inspections (120 in the sum over the seven inspection periods) does not allow making generalisations, especially since the share of violations showed a large variation between countries. However, the few examples of company inspections show that within the branch of commercial waste treatment there is still a necessity for further information and awareness raising with regard to legal compliance.

<sup>7</sup> Malta has reported one company inspection after the closing date of the project. The details could not be integrated in the total results anymore.



Figure 3-4: Number of companies inspected by participating countries

In addition to the coordinated actions during the inspection months, as envisaged also a number of so-called ad-hoc inspections may take place. These results are not based on inspections planned specifically for Enforcement Actions II, but concrete enquiry calls with regard to waste-related cases stemming from the daily controls of customs and police. In such cases of enquiry customs or police have usually assessed an initial suspicion. Within the reporting phase of IMPEL-TFS Enforcement Actions II, such inspections have repeatedly been reported from the Netherlands, Switzerland, Norway, England, Sweden and Hesse (Germany). Also single inspections from Denmark, Cyprus and Bulgaria were counted as ad-hoc inspections because they took place outside of the time frame set for the inspection periods.

### 3.4 Participating countries

As illustrated in Table 3-3, 25 EU Member States (all except Greece and Luxembourg) and seven further European countries (Croatia, Iceland, Macedonia, Norway, Serbia, Switzerland and Turkey) participated in this Enforcement Actions II project.

Table 3-3: Participating countries

1. Austria (AT)	12. Hungary (HU)	23. Portugal (PT)
2. Belgium (BE)	13. Iceland (IS)	24. Romania (RO)
3. Bulgaria (BG)	14. Ireland (IE)	25. Serbia (RS)
4. Croatia (HR)	15. Italy (IT)	26. Slovakia (SK)
5. Cyprus (CY)	16. Latvia (LV)	27. Slovenia (SI)
6. Czech Republic (CZ)	17. Lithuania (LT)	28. Spain (ES)
7. Denmark (DK)	18. Macedonia (MK)	29. Sweden (SE)
8. Estonia (EE)	19. Malta (MT)	30. Switzerland (CH)
9. Finland (FI)	20. The Netherlands (NL)	31. Turkey (TR)
10. France (FR)	21. Norway (NO)	32. United Kingdom (UK)
11. Germany (DE)	22. Poland (PL)	

*Countries highlighted in red did not report inspection results.*

Cooperation by organising joint inspections was another objective of this project that could be realised to not only a continuous but a growing degree. This pertains both to different enforcement institutions cooperating within one country and to institutions of different countries working together. In general, the environmental inspectorate of one country was the responsible organiser of the inspection. The actions were usually assisted on the national, regional and local level by the authorities mentioned in the following. The participation of regional, county or local authority units varies due to the different federal and hierarchical structures of the Member States, but usually the inspection activities were accompanied and supported by different political authorities on different ministry or subordinate executive levels:

- Environmental Protection/Inspection Agencies or Ministries for the Environment, Spatial Planning etc.
- National or regional police authority (transport, criminal, maritime, environmental, etc.) / Ministry of Interior
- Customs / Ministry of Finance
- Other regulatory authorities on the national level (e.g. transport inspectorates)

- Further local or regional authorities/municipalities

A cooperation of different authorities at least on the national level has been the case for nearly all transport inspections and also for a minor part of the company inspections. The share of inspections with international cooperation has been considerably higher in the inspection periods of 2010 than in the phases before. Table 3-4 gives an overview on the number of countries in inspections and the number of inspections with national and international cooperation during the Enforcement Actions II project.

Table 3-4: Overview of national and international cooperation over the three inspection periods (based on information of total results transport inspection forms and company inspection forms)

Type of action	IP 1	IP 2	IP 3	IP 4	IP 5	IP 6	IP 7	Total
Countries organizing inspections	12	13	17	13	22	21	20	29 <sup>1)</sup>
Number of inspections	32	19	45	71	45	56	55	323
Days of participation (per country, reported)	37	29	58	62	34	72	57	349
Inspections with cooperation between different national enforcement bodies	25	16	42	40	38	42	45	248
International cooperations	7	8	13	17	19	24	20	108

<sup>1)</sup> Since several countries participated in more than one inspection period, the total number of countries does not add up.

On the basis of the reported data it can be concluded that:

- Between 12 – 22 countries per inspection period organised inspections, with an increasing tendency towards the end of the project;
- Waste shipment inspections in general (in average 77%) were performed on the basis of a cooperation of different authorities at national level. This share has typically been higher for transport inspections than for company inspections.
- In one third of the activities (33%) international cooperation – in terms of joint border controls but also attendance of experts in a foreign country – could be achieved.

Joint international activities have mainly been performed at the land borders between a series of European countries, but also within exchange activities.

### 3.5 Exchange of inspectors

One further element of the project enriching the experience was the continuous programme aiming at an exchange of inspectors, i.e. of experts in order to share experiences and best practices. This has proved as an efficient accompanying means to improve inspections of transboundary movements of wastes. In general less experienced member states are trained by more experienced member states. Other exchanges are between member states with the same logistic situation (e.g. important international seaports) or same enforcement issues (e.g. end of life vehicles and waste electrical and electronic equipment sent to Africa). Waste shipment authorities of different level of experience and federal hierarchy, as well as police and customs participated in the exchanges.

Over the time frame of this project, there have been 25 official exchanges of inspectors financed by IMPEL, with a participation of 22 countries and 67 foreign experts in addition to the hosting teams. The largest event of this type was the Baltic Exchange, taking part during four days with participation from six countries (Figure 3-5). The main focus of this event (but also of several other exchange events) has been on border, harbour and company inspections, recycling, collection, reuse and recovery systems, cooperation with customs, international cooperation and training.



Figure 3-5: On site training during Baltic exchange

There are several concrete results of the exchanges. For example countries changed national legislation to improve the legal powers of the inspectors. Several countries purchased better personal protection equipment to carry out inspection more safely or copied the facilities of an inspection vehicle. Since the start of the exchanges in the previous projects a snowball effect has taken place.

Inspectors of several countries, who have been trained before, acted as experts to train less experienced inspectors in this project. In general experts who have carried out inspections together are also willing to assist each other in activities outside the project.

## 4 CONCLUSIONS AND RECOMMENDATIONS

The development in 2010 showed a further confirmation that the Enforcement Action II project has been very successful and further contributed to the overall objective of improved enforcement of the EU Shipment Regulation both in number and quality of inspections performed as well as in level of knowledge and expertise.

Throughout Enforcement Actions Project II the number of participating countries increased to 32<sup>8</sup> with 29 actively participating in inspections and 25 being involved in exchange activities.

During the two years of project work roughly 26,000 transports have been investigated in the framework of coordinated action. From roughly 4,000 waste shipments identified 800 have been in violation to the WSR.

Comparing the participation of countries in joint inspections and exchanges over the past 7 years it can be concluded that the international knowledge exchange and the communication on “expert” level has been considerably increased, meeting another of the objectives set in the project ToR. An important aspect in this respect is the inclusion of a number of additional borders and harbours in the Mediterranean and Black sea region and an expansion of activities in the UK and the middle European region (Portugal, Belgium and the Netherlands already carried out inspections).

However it needs to be clearly stated that although considerable improvements in participation have been made, not all European countries carried out inspections and/or exchanged results in this project. The lack of exchange of inspection results of some countries means that the objective of bilateral and multilateral collaboration remains a problem in certain regions. The effect is that the waste shipment regulation is not completely implemented and an unequal level playing field of waste shipment controls still exists and illegal trafficking within the European or port hopping remains an ongoing challenge and risk.

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<sup>8</sup> 25 EU Member States and 7 other European countries

Based on the project results the following recommendations for future joint enforcement actions and follow-up projects can be given for future project work:

1. Continue joint actions, exchange of best practices and sharing of results via a follow up enforcement actions project.
2. Continue and further intensify cooperation with customs and police and other regulatory authorities (e.g. transport authorities) via e.g. formal agreements in order to keep the benefits achieved.
3. Expand and further strengthen bilateral cooperation and regional capacity building, and information exchange.
4. Continue efforts to achieve more consistent participation and contribution to the IMPEL TFS enforcement activities and high level support in order to establish a level playing field.
5. Active support by the European Commission is further needed to improve participation and involvement of countries not yet sharing inspection practice and results.
6. Elaborate new strategies to achieve sufficient publicity and interest for negative effects of illegal waste shipments, for example by using press and media for showing results.
7. Increase effectiveness of European cooperation via more collaboration on global level (e.g. via cooperation with projects under INECE).
8. Continue use of exchange platforms via electronic forums and physical meetings.
9. Promote and further facilitate a chain approach and verification of origin and destination of waste shipments, for example by linking to enforcement of extended producer responsibility (EPR) legislation.
10. Intensify efforts for a better knowledge transfer and communication with judiciary in order to increase their understanding of impacts and implications of illegal movement of waste and of practical aspects of inspection work and to stimulate an equal level of prosecution and penalties in Europe.
11. Focus efforts and inspections on waste shipments to non-OECD countries and illegal shipments.
12. Further promote and develop intelligence led inspections using risk profiling and threat assessment.
13. Use outcomes from other waste related IMPEL, Basel, OECD and EU projects (e.g. WEEE) to identify priorities and targets.
14. Consider joint inspection activities on specific waste streams.



## 5 LITERATURE AND REFERENCES

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