

**IMPEL-TFS SEAPORT PROJECT II:
'INTERNATIONAL COOPERATION IN
ENFORCEMENT HITTING ILLEGAL WASTE
SHIPMENTS'**

PROJECT REPORT SEPTEMBER 2004 - MAY
2006

EUROPEAN UNION NETWORK FOR THE IMPLEMENTATION
AND ENFORCEMENT OF ENVIRONMENTAL LAW (IMPEL)

June 2006

110643/CE6/0M9/000398

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law is an informal network of the environmental authorities of EU Member States, acceding and candidate countries, and Norway. The European Commission is also a member of IMPEL and shares the chairmanship of its Plenary Meetings.

The network is commonly known as the IMPEL Network

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on certain of the technical and regulatory aspects of EU environmental legislation. 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. It promotes the exchange of information and experience and the development of environmental legislation, with special emphasis on Community environmental legislation. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourages the development of enforcement structures and best practices.

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

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

<p>Title report:</p> <ul style="list-style-type: none"> - IMPEL-TFS Seaport Project II; 'International cooperation in enforcement hitting illegal waste shipments', Project report September 2004 – May 2006 	<p>Number report:</p> <p>-</p>
<p>Project manager:</p> <ul style="list-style-type: none"> - Ms. Nancy Isarin, VROM Inspectorate, The Netherlands 	<p>Report adopted at IMPEL Plenary Meeting:</p> <p>-</p>
<p>Authors:</p> <ul style="list-style-type: none"> - Mr. Charles Nijssen, ARCADIS - Ms. Sandra Kraan, ARCADIS 	<p>Number of pages:</p> <ul style="list-style-type: none"> - Report: 32 - Annexes: 98
<p>Country coordinators:</p> <ul style="list-style-type: none"> - Mr. Bart Palmans, OVAM, Belgium - Mr. Frédéric Thomas, OCLAESP, France - Mr. Klaus Willke, State Ministry for Urban Development and Environment, Hamburg, Germany - Mr. Pat Fenton, Ministry for the Environment, Ireland - Ms. Evija Smite, Marine and inland water administration, Latvia - Mr. Kevin Sciberras, MEPA, Malta - Mr. Huib van Westen, VROM Inspectorate, The Netherlands - Ms. Malgorzata Kolodziej-Nowakowska, West Pomeranian Voivodeship, Poland - Ms. Sara Manilha, Inspecção Geral do Ambiente, Portugal - Ms. Marija Urankar, Inspectorate for Environment and Spatial Planning, Slovenia - Mr. Oriol Roselló I Molinaro, Generalitat de Catalunya, Spain - Ms. Lena Pettersson, Länsstyrelsen i Stockholms Län Miljöskyddsmyndigheten, Sweden - Ms. Debbie Eley, Environment Agency, United Kingdom <p>Besides these, many other persons and organisations have been participating.</p>	
<p>Executive summary:</p> <p>This report describes the final project results of the IMPEL-TFS Seaport II project; an enforcement project carried out by 13 EU Member States, aiming at stimulating and unifying inspections, improving cooperation and information exchange on the enforcement of waste shipments within large seaports and with reference to EU Regulation 259/93, on the supervision and control of shipments of waste within, into and out of the European Union.</p> <p>This final report describes the results of the project in terms of improved international cooperation and communication, inspection results of performed inspections and bottlenecks deriving from this. Conclusions and recommendations are given to relevant target groups, such as the European Commission, IMPEL, IMPEL-TFS and the countries and enforcement organisations involved.</p>	
<p>Disclaimer:</p> <p>This report is the result of a project within the IMPEL-Network. The content does not necessarily represent the view of the national administrations or the Commission.</p>	

Contents

Preface

Summary	9
----------------	----------

1 Introduction and project description	13
---	-----------

1.1 Project background and –definition	13
--	----

1.2 Project aims and priorities	14
---------------------------------	----

1.3 Project set up	15
--------------------	----

1.4 Participating countries and seaports	16
--	----

1.5 Relation with IMPEL and IMPEL-TFS	17
---------------------------------------	----

1.6 Target groups of this final report	17
--	----

1.7 Set up of this report	18
---------------------------	----

2 Project results	19
--------------------------	-----------

2.1 Enforcement activities and inspection results	19
---	----

2.2 Established cooperation and exchange of knowledge	21
---	----

2.3 National enforcement structures	22
-------------------------------------	----

2.4 Side effects of the project	23
---------------------------------	----

3 Conclusions and recommendations	25
--	-----------

3.1 Conclusions	25
-----------------	----

3.1.1 Successful outcomes	25
---------------------------	----

3.1.2 Critical factors	28
------------------------	----

3.2 Recommendations	29
---------------------	----

3.2.1 European Commission	29
---------------------------	----

3.2.2 IMPEL-TFS	30
-----------------	----

3.2.3 European Commission and IMPEL-TFS	30
---	----

3.2.4 National enforcement organisations	30
--	----

Annex 1 Participating countries and contact persons

Annex 2 Enforcement activities and inspection results

Annex 3 Established cooperation and exchange of knowledge

Annex 4 Side effects

Annex 5 National enforcement structures

Colophon

Preface

This is the final report of the IMPEL-TFS Seaport II project. The project's aim has been to promote enforcement of the European legislation laid down in Council Regulation No 259/93 on transfrontier shipment of waste. Enforcement is important, notably in ports, because many waste streams are exported through them to destinations outside Europe. There, standards for waste processing are often much lower than in Europe.

This project is the successor to the IMPEL-TFS Seaport I project carried out in 2003–2004. One out of every five waste shipments inspected in 6 European seaports in the 2003–2004 period turned out to be illegal. In the second project, 13 Member States took on joint inspections of waste shipments in 25 seaports. Besides inspections, much has also been invested in exchanges of operational information, knowledge and experience between inspectors.

This second seaport project again led to the discovery of many illegal shipments. Obstacles to effective enforcement have also come to light. Enforcement agencies do not cooperate systematically; inspectors lack the powers needed to do proper inspections; the legislation is not always clear and is sometimes even contradictory. Verifying where the waste is headed to and how it has actually been processed is very difficult, due to lack of contacts in the countries of destination. There is little likelihood of detection and fines are low in the various countries.

The market for waste has grown sharply in recent years and become a global market. This project clearly shows that enforcement structures in the member states have not kept pace with these developments. WSR compliance can only be improved if enforcement agencies work together systematically and intensively at European level. A uniform interpretation of the legislation also demands more attention and concerted action. Competition in Europe will also be enhanced as a result. This is a major challenge, in the first place for the Member States, but also for the European Commission and the IMPEL-TFS network.

I would like to congratulate the project team, the participating countries and Europe on the results achieved and on pinpointing shortcomings and call them to continue with their activities. European policy is strengthened when operational partnerships like this one show what is really happening with the waste shipped through our ports and on our roads. This is a good foundation for ongoing, coordinated work.



Pieter van Geel
State Secretary for Housing, Spatial Planning and the Environment
The Netherlands

Executive summary

About this report

This project report presents the main outcomes of an enforcement project (IMPEL-TFS Seaport II project) carried out by 13 European countries, representing 30 seaports, focussing on the enforcement of waste shipment regulations (EU regulation 259/93 and the Basel Convention). Participating countries were Belgium, France, Germany, Ireland, Latvia, Malta, The Netherlands, Poland, Portugal, Slovenia, Spain, Sweden and the United Kingdom. The project was carried out from September 2004 till May 2006, and was executed under the umbrella of the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL).

The outcomes of the first enforcement project (IMPEL-TFS Seaport I), carried out in 2003 and 2004, with 6 European countries showed the need to enlarge the network for an (improved and effective) enforcement of waste shipment regulations; about 20% of all inspected waste shipments were found to be illegal.

Project aims, –priorities and –set up (see for details: chapter 1)

Main aim of the IMPEL-TFS Seaport II project is to improve inspections and the enforcement of regulations on the transfrontier shipments of waste, and to align enforcement actions between seaports, organisations and countries involved. The project also aims to stimulate cooperation and information exchange on national and international scale, to set up a network of European contacts, to identify specific seaport enforcement problems, and to raise awareness at the general public of the need to enforce this kind of environmental regulations.

The project was divided into a number of phases and meetings. The project started directly after a first conference which was held in Riga (Latvia), on 13 – 15 September 2004. During the operational phase participating organisations carried out joint and coordinated inspections and exchanged information on (illegal) waste shipments. Cooperation was established or intensified between environmental inspectorates, police and custom networks. Besides, simultaneous checks were carried out during three European inspection weeks. During an interim meeting (held in Sweden on 18 and 19 April 2005), delegates of participating countries discussed interim results, successes, bottlenecks and planned inspections for the second half of the operational phase. At a final conference (held on 20 – 22 March 2006 in Liverpool, United Kingdom) overall results, conclusions and recommendations were discussed and agreed upon.

Project results (see for details: chapter 2)

The main results of the project illustrate that the initial aims of the project have been reached by means of:

- Execution of joint inspections and tracking down illegal transfrontier waste shipments or waste shipments with infractions;
- Intensified international and national cooperation and exchange of knowledge and experiences;
- Identification of the relevant national enforcement structures, responsible for the enforcement of waste shipment regulations, including (wide spread) tasks and responsibilities, legal powers and bottlenecks;

- And last but not least, the project “caused” some side effects on international and national scale.

Conclusions and recommendations (see for details: chapter 3.1 and 3.2)

1. Achievement of project aims

The main aims of the project have been reached:

- Joint inspections of waste shipments have been carried out;
- A network of contacts has been established and enlarged;
- National and international cooperation between involved authorities has been intensified;
- Insight into specific seaport problems has been gained, resulted from performed inspections;
- Information, signals and experiences on the enforcement of transfrontier waste shipments have been exchanged;
- An active PR increased public and political attention and awareness;

Important steps are being made to work on an EU wide level playing field, but there is still some way to go on this.

2. Enforcement results of joint inspections and the need for continuation

Participating countries carried out 175 (focussed) inspections, related to (combined) custom documents checks (97), inspections of storage locations (60), traffic inspections (68), or the inspection of container vessels (27). In total, 24.052 administrative/ document checks and 4.198 physical checks have been carried out of which 1.103 shipments turned out to be containing waste. 564 of these shipments were found to be illegal (51%). 473 shipments were detected with infractions (43%), like missing or incomplete information with respect to article 11 of the Regulation ¹.

The selections of inspections were based on priorities, such as wastes declared as green list (e.g. cable waste, electronic waste), second hand goods (e.g. refrigerators, TV's, End of Life vehicles) and wastes declared as goods (like plastics, compressors, etc.). Follow up actions were taken in these circumstances, like returning illegal shipments to the country of origin. Besides, a number of illegal transfrontier waste shipments were possibly related to other types of illegal activities, such as money laundering and drugs.

Therefore, inspections and enforcement of waste shipment regulations have to continue in future. However, performing inspections and enforcing transfrontier waste shipment regulations are not enough to prevent illegal movements of waste: it is also necessary to emphasise the responsibility of waste dispatcher(s) “up the chain”.

RECOMMENDATION

It is recommended that individual countries/involved organisations organise and integrate Seaport inspection activities in their daily job activities. Regional networks should also be involved in port hopping issues. Authorities also should promote awareness raising about the need to prevent illegal (transfrontier) shipments of waste to all those involved in the waste chain.

3. Necessity of a European-wide coordinated approach

There has been an intensified communication and - cooperation on international and national level. Insight has been gained into the enforcement structures of participating countries and organisations: their tasks and responsibilities, jurisdictions, and bottlenecks.

¹ It should be mentioned that a number of illegal shipments were designated as a part of shipments with infractions.

It can be concluded that information exchange, intelligence and international coordination is essential for better enforcement, and that joint international inspections can help to prevent port hopping². The participation of inspectors in project and meetings was found to be an essential element of success as well. Education and training should be improved, not only for environmental inspectorates, but also for other involved networks (customs, police). In parallel, contacts with (Competent Authorities of) non-OECD countries should be enlarged. Coordination at European level improves the effectiveness and uniformity of the enforcement of waste shipments.

RECOMMENDATIONS

It is therefore recommended that the [European Commission](#) takes the initiative to:

- Raise awareness and to promote the need to prevent illegal (transfrontier) shipments of waste to all those involved in the waste chain;
- Take into account practical information, provided by the project, in the discussion on the revision of the Waste Framework Directive 75/442;
- Raise awareness and to promote the involvement of customs and police organisations in the enforcement of the Regulation;
- Facilitate a more uniform interpretation of areas of EU Regulation 259/93;
- Have an active involvement in IMPEL-TFS projects and -meetings.

To the [European Commission](#) and [IMPEL-TFS](#) it is recommended to:

- Establish a secretariat which supports and facilitates the IMPEL-TFS activities and which acts as a central point of information and contact.

It is recommended that [IMPEL-TFS](#) takes the lead in the continuation of enforcement activities, and should therein include, amongst others, elements as:

- Joint inspections/inspection weeks;
- Maintain and enlarge the network with other countries and seaports;
- Focus on certain problematic waste streams and/or countries of destination (non-OECD countries);
- Exchange of inspectors;
- Inspection methods;
- Enlarge contacts with non OECD countries.

Besides, [IMPEL-TFS](#) should maintain, facilitate and intensify coordination on European level by means of:

- Maintain the current state of art;
- Improve relationships with other networks (like Eurojust, Interpol, Basel secretariat, Asian networks, NGO's);
- Take care of information dissemination and coordination of EU best practices;
- Continual focus on awareness raising (promotion, press releases, media);
- Facilitation of training (programmes for) inspectors.

[Individual countries](#) and organisations involved are recommended to:

- Give input to the European Commission regarding the measures which could be taken to clarify the distinction between waste and non-waste ("start" of waste and "end" of waste), in the revision of the Waste Framework Directive.

4. Face critical factors on national level

Current national enforcement structures are sometimes barriers for effective enforcement, and cooperation with police and customs is in some countries still problematic. The project

² Port hopping: when exporters choose a seaport to export the waste, where they expect the least chance of being caught and/or where lower fines occur.

identified a number of loopholes in regulations of Member States that form a threshold in effective enforcement of waste shipment regulations. Moreover, countries face a lack of capacity and recourses for adequate enforcement: almost all enforcement activities are reactive, instead of proactive.

RECOMMENDATIONS

It is therefore recommended that national organisations involved should take advantage of the legal implementation procedure in relation to the revised Waste Shipment Regulation, in order to:

- Identify and clear the loopholes (e.g. currently missing competences, what is defined as an offence of the Regulation, penalty clauses);
- Build a framework for cooperation between inspectorates, customs and police. Cooperation between those inspectorates could be more formalised by e.g. Memoranda of Understandings (MoU's).
- Promote awareness raising;
- Besides, national organisations should work on structural capacity building and training, combined with awareness raising to face the lack of capacity for adequate enforcement. Furthermore capacity should be reserved to participate in projects at European Level.

5. Side effects of the project

Last but not least: the project gained a number of side effects, like:

- It gave input for improvement of EU legislation;
- It catalysed and increased the need for enforcement and execution of inspections on national level.

CHAPTER

1 Introduction and project description

1.1

PROJECT BACKGROUND AND –DEFINITION

This project report describes the background and final project results of the IMPEL-TFS Seaport II project, which started in September 2004 and has ended in May 2006. An interim report of the IMPEL-TFS Seaport II project was published in May 2005, describing the results so far. The project is a concrete follow up of the IMPEL-TFS Seaport (I) project, which was executed from June 2003 till May 2004 (see paragraph below).

THE IMPEL-TFS SEAPORT I PROJECT IN A NUTSHELL

Participating countries/seaports were Belgium (Antwerp), Germany (Hamburg), Latvia (Riga), The Netherlands (Rotterdam), Poland (Gdansk) and United Kingdom (Felixstowe). About 20% of the inspected waste shipments were found to be illegal. Follow up actions were taken in these circumstances, like returning illegal shipments to the country of origin. The project had a positive influence on the established cooperation on both national and international level, although some serious bottlenecks were identified as well which form a threshold in effective enforcement.

The following main conclusions were drawn from the project:

- The outcomes of the project emphasised that enforcement and cooperation on practical level is needed to protect the environment;
- Many illegal shipments and infractions were identified;
- Enforcement of waste shipment regulations have been aligned and improved by getting insight into national enforcement structures and the development and practical application of a uniform enforcement approach/method.

Main important recommendations given to European Commission, IMPEL, IMPEL-TFS and the national involved organisations were:

- Develop and approve an enforcement strategy for TFS regulations;
- European Commission is asked to participate actively in future activities of the project;
- Develop an IMPEL-TFS website with extensive information;
- Identify barriers for data sharing;
- Work on cooperation, capacity and network building, formal and informal;
- Fine tune the manual and add an inspection method on vessels;
- Upscale the project to other countries/seaports/organisations.

The final report of the project can be downloaded via internet:

http://europe.eu.int/comm/environment/impel/pdf/seaport_1_report.pdf

Because of the surplus value and the results of the first joint enforcement project, IMPEL-TFS agreed on a follow-up. In autumn 2004 the second IMPEL-TFS Seaport project started. Within this project, the established cooperation is scaled up from 6 to 13 EU countries and relevant seaports.

This report gives insight in the results established during the IMPEL-TFS Seaport II project and will also provide recommendations for improving enforcement actions after this project.

FROM AMBITION TO ACTION

One of the main purposes of the European waste shipment regulation is to prevent shipments of environmentally harmful waste to countries that do not have the provisions to cope with these wastes. Even if they fully comply with existing regulations, the companies that are involved in these shipments have proven to be very sensitive to enforcement activities. If the enforcement pressure in one port increases, these companies quickly move their export activities to an adjacent port in another European country (also called port hopping). Differences in enforcement structures and enforcement between Member States will not lead to a European level playing field.

Inspections and enforcement are key elements to ensure that waste is disposed or recycled in an appropriate and environmentally sound manner. Cooperation on international level is therefore desired, moreover because a huge amount of waste exports out of European countries are shipped via seaports.

Provisions of EU Regulations are directly applicable in all Member States. Nevertheless the enforcement of the waste shipment regulations is a competence of individual Member States. For an effective and efficient enforcement, organisations have to cooperate over their national borders because of the simple fact that transboundary movements of wastes exceeds these borders. Besides, according to article 30 of the Regulation, Member States have to take the necessary initiatives to check the provisions of this piece of environmental legislation (see below).

ARTICLE 30 OF THE REGULATION

1. Member States shall take the measures needed to ensure that waste is shipped in accordance with the provisions of this Regulation. Such measures may include inspections of establishments and undertakings, in accordance with (...), and spot checks of shipments.
2. Checks may take place in particular:
 - at the point of origin, carried out with the producer, holder or notifier;
 - at the destination, carried out with the final consignee;
 - at the external frontiers of the community;
 - during the shipment within the community.
3. Checks may include the inspection of documents, the confirmation of identity and, if appropriate, the physical control of the waste.

1.2

PROJECT AIMS AND PRIORITIES

Project aims

The main aim of the IMPEL-TFS Seaport project II is to improve the enforcement of European waste shipment regulations and to align control and inspections in and between the participating countries and seaports. Enforcement structures in the seaports concerned therefore have been identified more intensive, and uniformed and coordinated controls have been carried out during the operational phase of the project (September 2004 – February 2006). Experiences and practical knowledge about the execution and enforcement of TFS Regulations have been expanded and shared with all countries involved.

Other aims of the project are to:

- Carry out (joint) inspections on waste shipments;
- Set up a network of contacts between front line inspectors;

- Stimulate national and international cooperation between involved authorities;
- Describe specific seaport problems, encountered during the enforcement actions;
- Develop a structure for exchanging information, signals and experiences;
- Raise awareness at the general public of the need for enforcement of this kind of regulation and higher the profile of enforcement actions.

Project priorities

A number of priorities have been set within the project in order to specify the broad range of possible enforcement actions.

Inspections have been focussed on waste shipments exported to non-OECD countries and import into recent new EU Member States. The following waste streams have been earmarked as important:

- Wastes declared as green listed wastes (e.g.: cable waste, electronic waste, etc.);
- Wastes declared as second hand goods (e.g.: refrigerators, TV's, end of life vehicles, used tires, motor parts etc);
- Wastes declared as goods: plastic, metals and compressors.

However, these priorities did not exclude inspections of other waste streams. Signals and information on these and other waste streams have been exchanged between involved countries.

1.3

PROJECT SET UP

A description of the project set up is summarised below. The project is divided in several phases and is concentrated around two conferences and one interim meeting.

Preparation phase

In June 2004, during the annual IMPEL-TFS conference, countries were invited to join the second Seaport project.

First conference in Riga (Latvia)

The participants made further agreements about the project and enforcement actions at the conference in Riga, Latvia which was held on 13-15 September 2004. During this conference agreements were made regarding the project plan and its aims, priorities, planning and number of inspections, type of inspections and the exchange of inspectors, information and experiences.

Operational phase

The operational phase of the project started directly after the Riga conference and was finished in February 2006. Within this period a number of (coordinated) inspections on waste shipments took place. Enforcement authorities actively cooperated during a number of EU broad inspection weeks and several moments were used to learn from other countries by exchanging inspectors, exchange of information via an internet website, newsletters, etc.

Interim meeting in Stockholm (Sweden)

On 18 and 19 April 2005 delegates of the participating countries met in Stockholm, Sweden. Participants discussed their enforcement actions, successes and bottlenecks faced so far. Also a draft version of the interim report was discussed. New ambitions for the second half of the operational phase of the project have been formulated at the interim meeting as well. Also agreements have been made about the exchange of inspectors.

Final conference in Liverpool (United Kingdom)

The overall results of the project and the conclusions and recommendations were discussed at a final conference, which was held from 20 to 22 March 2006, in Liverpool (United

Kingdom). And last but not least, participating countries discussed the way in which enforcement actions could be integrated into their daily practice.



Photo 1.1 Participants at the final "Liverpool"-conference

Reporting phase

Mainly based on the conclusions and recommendations discussed at the final conference, the final report was completed and sent to the target groups as mentioned in section 1.6.

1.4

PARTICIPATING COUNTRIES AND SEAPORTS

Thirteen countries have been participating in the IMPEL-TFS Seaport II project, namely:

<i>Country</i>	<i>Seaport(s)</i>
Belgium	Antwerp, Zeebrugge, Ghent and Ostend;
France ³	Le Havre;
Germany	Bremen and Hamburg;
Ireland	Cork and Dublin;
Latvia	Riga;
Malta	Malta Freeport and Grand Harbour in Valletta;
Netherlands	Rotterdam, Amsterdam, Delfzijl, Moerdijk and Vlissingen;
Poland	Szczecin, Swinoujscie and Gdynia;
Portugal	Lisboa and Setúbal;
Slovenia	Koper;
Spain	Barcelona;
Sweden	Stockholm, Gothenburg and Södertälje;
United Kingdom	Felixstowe, Southampton and Thamesport.

Contact information of the country coordinators of these countries is enclosed in annex 1.

The Netherlands supplied the project manager and provided funding for the project. The project was supported by consultants from ARCADIS.

³ France joined the project in December 2004.

1.5

RELATION WITH IMPEL AND IMPEL-TFS

The project is carried out under the umbrella of the IMPEL-TFS network. This IMPEL-TFS network is a network of representatives from enforcement authorities of the Member States and some other European countries dealing with matters on waste shipment regulations. In 1992 the IMPEL-TFS network was set up in order to harmonise the enforcement of Regulation 259/93 on Transfrontier Shipments of Waste with regard to the supervision and control of waste shipments into, out of and through the EU.

IMPEL-TFS is a cluster of the European Network IMPEL. The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an informal network of the environmental authorities of EU Member States, acceding and candidate countries, and Norway. The European Commission is also a member of IMPEL and shares the chairmanship of its Plenary Meetings. The network is commonly known as the IMPEL Network.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on certain of the technical and regulatory aspects of EU environmental legislation. 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. It promotes the exchange of information and experience and the development of environmental legislation, with special emphasis on Community environmental legislation. It provides a framework for policy makers, environmental inspectors and enforcement officers to exchange ideas, and encourages the development of enforcement structures and best practices.

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

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

1.6

TARGET GROUPS OF THIS FINAL REPORT

The report is addressed to:

- The European Commission;
- IMPEL;
- IMPEL-TFS;
- IMPEL-TFS Seaport Project II participants and their own organisations;
- Organisations involved in and responsible for enforcement of waste shipment regulations in the participating countries;
- Other relevant organisations on national and international scale, such as UNEP, INECE, Basel Convention Secretariat, etc.

1.7

SET UP OF THIS REPORT

Chapter 2 describes the main project results.

Chapter 3 describes the conclusions and recommendations of the project.

The annexes contain the following background and detailed information:

- Annex 1: Overview of contact persons of participating countries;
- Annex 2: Enforcement activities and inspection results;
- Annex 3: Established cooperation and exchange of knowledge;
- Annex 4: Side effects of the project;
- Annex 5: National enforcement structures.

CHAPTER

2 Project results

2.1

ENFORCEMENT ACTIVITIES AND INSPECTION RESULTS

Types of inspections

Four inspection methods were applied during the IMPEL-TFS Seaport II project, namely:

- Inspection of custom documents;
- Inspection of storage locations and warehouses;
- Traffic inspections;
- Inspection of vessels.

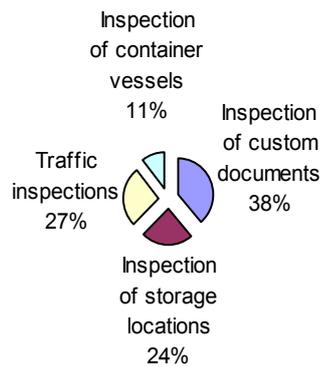
A description of these methods is enclosed in annex 2.



Photo 2.1 Inspection at a container terminal

Inspection results

On the basis of reported figures, the following conclusions can be drawn.



Participating countries carried out 175 (focussed) inspections, related to (combined) custom documents checks (97), inspections of storage locations (60), traffic inspections (68), or the inspection of container vessels (27). Most type of inspections performed concerned therefore the inspection of custom documents (38%), followed by traffic inspections (27%).

In total, 24.052 administrative/ document checks and 4.198 physical checks have been carried out. During these physical checks, 1.103 shipments of waste were identified. 564 of these shipments were found to be illegal (51%). 473 shipments were detected with infractions (43%), like missing or incomplete information with respect to article 11 of the Regulation ⁴. Follow up actions were taken in these circumstances, like returning illegal shipments to the country of origin.

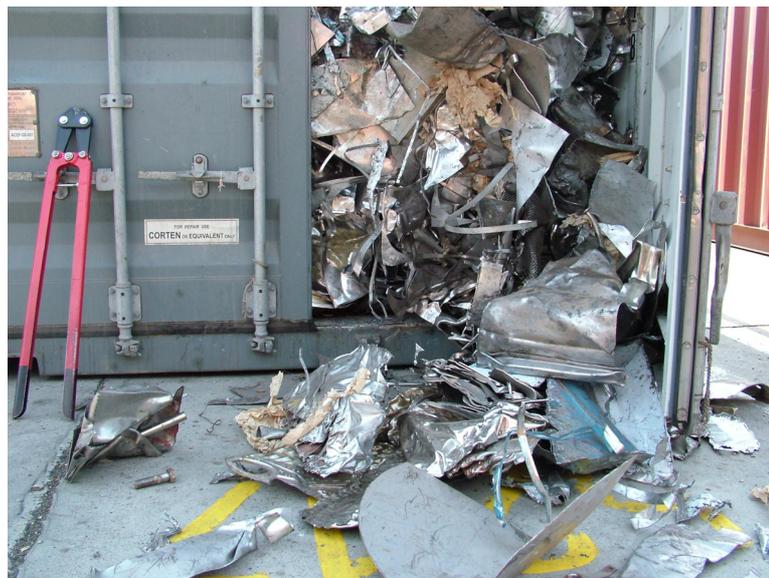


Photo 2.2 Iron or steel scrap from Poland to South Korea

Detailed and country specific inspection results are enclosed in annex 2.

Three European inspection weeks

In addition to inspections planned and carried out by the individual project participants, three European inspection weeks were organised. Within these inspection weeks, large numbers of countries and organisations prepared and executed inspections in various seaports at the same time. The main outcomes and results of these three inspection weeks are enclosed in annex 2 as well.

⁴ It should be mentioned that a number of illegal shipments were designated by some countries as a part of shipments with infractions.

2.2

ESTABLISHED COOPERATION AND EXCHANGE OF KNOWLEDGE

Improved national and international cooperation

The exchange of information on international level was facilitated by providing an Internet website called "Viadesk", which was only accessible via a username and password.

The project strengthened the information exchange and cooperation between the involved countries. Nevertheless, not all European countries with seaports within their jurisdiction were actively involved in this project.

During the operational phase a helpdesk was set up, which could be contacted for practical questions during inspections. Furthermore there was intensive contact between the inspectors of the thirteen Member States by phone and e-mail.

The project resulted in the set up and improvement of cooperation between environmental agencies and custom networks in a number of countries. Nevertheless, in many cases cooperation between various national enforcement networks still formed a bottleneck, caused by a lack of priority, interest or capacity.

Exchange of knowledge and experiences

In the course of the project a number of international exchange programmes/meetings were organised. Most visits focussed on the exchange of inspectors and by doing so: learning from their counterparts. The exchange programmes were also useful to experience and discuss the international cooperation with customs, police and the environmental inspectorates. In some cases the exchange of signals between the project participants prevented port hopping.



Photo 2.3 Exchange of information between inspectors of various countries

Newsletters

Newsletters have been released four times during the project. The newsletters were not only submitted to the participants directly involved in the project, but also to organisations involved in the control and administration of waste shipment regulations.

More detailed information on the way exchange of knowledge and experiences has been established in general, is included in annex 3.

2.3

NATIONAL ENFORCEMENT STRUCTURES

Involved organisations

Tasks, competencies and jurisdictions of organisations involved in this enforcement project vary enormously and are – amongst others – a consequence of the constitutional structure of the countries involved. For example, authorities responsible for permitting and enforcing EU Regulation 259/93 are organised at different administrative levels, varying from one central authority to large numbers of competent authorities at (decentralised) regional level. Most of the time, inspections are initiated by external signals or annual-based inspections plans.

Cooperation between national organisations and other countries

Many differences can be obtained in the cooperation between involved enforcement organisations. In some countries environmental inspectorates cooperate with police networks and custom services in order to clarify and investigate suspicious waste transports through seaports. Inspectorates are mostly organised within a Ministry of Environment, while police departments are organised within a Ministry of Internal Affairs, and customs within a Ministry of Finance.

In most countries cooperation takes place on a voluntary, case-by-case basis. Inspectorates of some countries cooperate on a more formal level, based upon public agreements as Memoranda of Understandings (MoU's). Cooperation with other countries is brought in practice by exchanging information and providing support in e.g. returns of illegal shipments.

Legal powers

In some countries legal powers on the enforcement of EU Regulation 259/93 are laid down at one centralised organisation, while in other countries different organisations have to be involved in various kinds of inspections. Specific legal powers differ and are depending on the actual definition of tasks and competences.

Current difficulties in enforcement

A number of difficulties are faced in the daily execution of inspections, related to the enforcement of EU Regulation 259/93. Most important difficulties are:

- Lack of legal powers and competences to carry out inspections;
- Gaps in national law for follow-up and enforcement in cases of non-compliance;
- Lack of capacity;
- Lack of national and international knowledge exchange/cooperation;
- Unclear definitions or misinterpretations of concepts;
- Vague legislation, not adequately “fitted” for its daily enforcement practise.

A complete overview of the national enforcement structures of all involved countries, describing the issues as summarised above, is laid down in annex 5. Also port facts are included in this annex.

2.4

SIDE EFFECTS OF THE PROJECT

On international scale

During the execution of the project, EU Regulation 259/93 was in the process of being revised. The outcomes of the Seaport project emphasised the necessity to formulate a stricter regime on cooperation between enforcement agencies in those cases where shipments are not transported in conformity with EU Regulation 259/93. Partly based on the Seaport project I and II experiences, the enforcement paragraph in the revised Regulation has been strengthened.

Moreover, the IMPEL-Seaport project was proven to be a good example of a network which supported the practical enforcement of EU legislation on European scale. Also the way information and experiences have been exchanged in daily circumstances was seen by the IMPEL and IMPEL-TFS networks as “best practice” in this field.

Last but not least, the project has promoted the thought to start a worldwide initiative for such a project. Under the umbrella of INECE a first initiative is worked out on starting such a project.

On national scale

Based on the practical outcomes of the project and the detected illegal shipments, participating authorities were able to emphasise the need for capacity building and to set enforcement of waste shipment regulations on a higher place on the agenda.

Moreover, the project identified strengths and weaknesses in the (established, and needed) cooperation on national scale.

IMPEL-TFS Seaport project II and the media

Several press releases were published, based on the outcomes and agreements made during the two conferences and the interim meeting. On the bases of these newsletters and press releases, but also on bases of illegal cases detected during the project, articles were published in newspapers. Also a number of programmes have been broadcasted on TV and radio, focussing on particular cases and/or events.

A more detailed description of the side effects is enclosed in annex 4.

CHAPTER

3 Conclusions and recommendations

3.1 CONCLUSIONS

3.1.1 SUCCESSFUL OUTCOMES

Many illegal shipments detected

Participating countries carried out 175 (focussed) inspections, related to (combined) custom documents checks (97), inspections of storage locations (60), traffic inspections (68), or the inspection of container vessels (27). Most type of inspections performed concerned therefore the inspection of custom documents, followed by traffic inspections. In total, 24.052 administrative/ document checks and 4.198 physical checks have been carried out.

In total, 1.103 shipments of waste shipped over national borders were subject of inspection within this project. 564 (51%) of these shipments were found to be illegal. 473 (43%) shipments were detected with infractions, like missing or incomplete information with respect to article 11 of the Regulation⁵. Follow up actions were taken in these circumstances, like returning illegal shipments to the country of origin.

Specific results – also specified per country – are enclosed in annex 2. This annex also contains a number of specific cases of non-compliance.

Intensified cooperation

The project resulted in intensified communication and - cooperation between enforcement authorities on international and national level. Joint inspections, carried out several times between inspectors of various participating countries, contributed to exchange of experiences and knowledge; authorities stressed the need to continue this in future.

As a result, communication and cooperation during the project expanded from project related activities, to regular activities as part of enforcement organisations' daily duties. A description of the established cooperation and the exchange of knowledge is presented in more detail in annex 3.

Continuation of (joint) enforcement needed

All involved enforcement organisations stressed the need to continue inspections and enforcement of waste shipments. Established contacts between inspectors and enforcement organisations should – at a minimum – be maintained in future.

⁵ It should be mentioned that a number of illegal shipments were designated as a part of shipments with infractions.



Photo 3.2 Inspection of a suspected container

Insight into enforcement structures

An inventory has been made on the enforcement structures of participating countries. Insight has been gained into jurisdictions, tasks and competences of enforcement organisations involved, their way of working, “good practices” and bottlenecks in the enforcement of waste shipment regulations.

A complete overview of the enforcement structures of all participating countries is enclosed in annex 5.

Emphasise waste dispatchers’ responsibilities

Performing port inspections and enforcing transfrontier waste shipment regulations are not enough to prevent illegal movements of waste. It is also necessary to emphasise the responsibility of waste dispatcher(s) “down the chain”, in order to stress the need for disposal or recovery of waste in an environmentally sound and appropriate manner. This should be emphasised on supra-national, and on national level.

Information exchange: essential for better enforcement

Exchange of information was established by several means: telephone and e-mail, newsletters, project meetings, joint inspections (exchange programs), Viadesk (internet site with limited access). Information exchange, intelligence and international coordination between organisations involved in the enforcement of waste shipment regulations is found to be essential for better enforcement and to tackle cases of port hopping. Information exchange on problematic waste streams, involved companies, bottlenecks and loopholes in (inter-)national waste shipment legislation and cooperation with Competent Authorities in non-OECD countries, improve the effectiveness of enforcement and prevent illegal waste shipments.

EU-wide level playing field: a way to go

Within the Seaport project important steps were made to work on a EU wide level playing field on the enforcement of waste shipment regulations, but there is still a way to go on this. Important results have been reached on establishing uniform working methods and alignment of enforcement activities within the participating countries and involved seaports. Nevertheless, an EU wide network with all European countries and seaports has

still not been established. Also the differences between involved countries in the practical implementation of waste shipment regulations can not be solved solely by this project.

Active PR increased public and political attention

Attention was raised on the outcomes of enforcement activities to the public, and within the management of the organisations involved. Press releases, interview with the press (TV and written media), and articles raised public and political attention. Within some countries questions were raised by members of the Parliament. Also the European Parliament requested some answers of the European Commission on illegal waste shipments and cooperation with customs.



Photo 3.2 Export of cable waste containing PCB's

Project gained insight into specific seaport problems

The project gained insight into specific seaport problems, resulted from performed inspections. Examples of some problems are:

- blocking containers during inspections: who has the competence?
- financial costs for inspections and storage of (blocked) containers;
- time needed for investigations during transports of shipments.

A description of specific seaport problems is also integrated in annex 3 and 5.

Critical factor: involvement of frontline regulators and inspectors

The participation of frontline regulators and inspectors in the project in general, and in the meetings in particular, has been proved to be a critical factor of success. Information exchange, based on tasks, responsibilities and experiences from daily practices, is found to be essential in achieving the aims of this project.

Results provided input for improvement of EU legislation

The results of the project provided input for improvement of the quality of EU legislation. Practical enforcement results, bottlenecks and recommendations given during the project provided important information sources for regulators on EU level in the revision of the EU Regulation 259/93.

Project stimulated national enforcement

The project catalysed and increased enforcement on national level. Within some countries a European project as this was found to be essential to gain commitment from not only their own enforcement organisations, but also from other networks such as police and customs.

Spin off effects

Last but not least: the project gained spin off effects:

- The project is found to be a example of good practice within the IMPEL network;
- The project gained input for an INECE initiative, to start a worldwide project on enforcement of waste shipment regulations between (international) seaports;
- Implementation and enforcement issues on waste shipment regulations were raised on political agendas.

More background information on the side effects, "caused" by this project, is enclosed in annex 4.

3.1.2

CRITICAL FACTORS

Still no EU wide network of seaports

Although 13 European countries participated in this enforcement project, there is still no EU wide network on seaports. Some European countries with main seaports are still not actively involved. The existing network should be enlarged with other countries and seaports in an attempt to tackle port hopping.

Need for support at European level

The current support at European level is not adequate enough to improve the uniformity in enforcement and interpretation of the Waste Shipment Regulation and assist IMPEL-TFS activities.

Vague legislation and interpretation issues

The grey areas in the Waste Shipments Regulation and waste classifications problems, like discussions on 'waste versus non-waste' and 'green listed waste versus non-assigned waste', do not stimulate an equal interpretation and enforcement.

Lack of capacity and recourses

The involved authorities stressed that there is a serious lack of capacity and recourses for adequate enforcement. Many enforcement activities on waste shipments are re-active and based upon complaints and signals from other public and private organisations. Reservation of capacity for proactive inspections, aiming at preventing illegal shipments, is not a daily practice.

Existing enforcement structures form sometimes barriers for effective enforcement

Existing national enforcement structures are sometimes barriers for effective enforcement. National coordination and the wide spread allocation of tasks and competences (also over various regions) are often earmarked as bottlenecks in effective enforcement.

Education and training should be intensified

All involved authorities feel a strong need for intensifying education and training on the ins and outs of the enforcement of EU Regulation 259/93, not only for environmental inspectorates, but also for other involved networks like customs and police.

Lack of contacts with non-OECD countries

Many international waste shipments are transported to countries outside the European Union, like the far East, Africa and other non-OECD countries. There is a serious lack of contacts with (Competent Authorities of) these non-OECD countries. These contacts are needed to verify the final destination of the shipments, and to check if the shipments are transported in compliance with the permissions given and/or applicable permits.

Problematic cooperation between police and custom networks

Environmental inspectorates, police and custom networks play an important role in preventing illegal waste shipments. Limited competences and experiences from police and custom networks form in a number of countries a bottleneck to discover illegal waste exports. Support by environmental inspectorates is necessary regarding specific knowledge. Although cooperation between environmental inspectorates, customs and police networks has been improved in many participating countries, cooperation between those organisations is still problematic in a few countries.

Identification of loopholes

Loopholes have been identified in regulations of Member States that form a threshold in effective enforcement of waste shipment regulations.

3.2

RECOMMENDATIONS

3.2.1

EUROPEAN COMMISSION

Awareness raising

Awareness raising regarding the need to prevent illegal (transfrontier) shipments of waste should be promoted to those all involved in the waste chain: waste dispatchers, transporting companies, brokers, waste processing facilities, and their involved supervising authorities. An integrated approach within existing policy, or a communication strategy should raise the awareness to dispose waste in an environmentally sound and appropriate manner, not only by emphasising each others responsibility in the waste chain, but also in highlighting “waste producers responsibility” in the final destination or recovery of dispatched waste.

Use practical TFS information in the revision of the Waste Framework Directive

Practical information, provided by the TFS project(s), should be taken into account in the discussion on the revision of the Waste Framework Directive (75/442), such as:

- Identified problematic waste streams;
- Definitions of waste/no waste, and criteria used. The European Commission may adopt implementing measures in order to specify when certain materials become waste or ceases to be waste;
- Enforcement problems as indicated above.

Promoting enforcement by customs and police networks

Awareness should be promoted on European scale for the involvement of customs and police organisations in the enforcement of the Regulation.

Involvement of the Commission in future enforcement projects

All organisations involved stressed the need for, and invited the Commission to take active part in future IMPEL-TFS enforcement activities and – meetings.

3.2.2

IMPEL-TFS

Joint enforcement activities should continue

Joint, European enforcement activities should continue and should include, as a minimum:

- (Joint) inspections/inspection weeks;
- Maintenance and expanding the network with other countries and seaports;
- Focus on high risk / problematic waste streams and/or countries of destination;
- Exchange of inspectors;
- Information exchange by internet, by an “improved” Viadesk, and in relation to other organisations/databases like Ecomessage (Interpol) and RIF/AFIS systems (customs);
- Use and fine-tune developed inspection methods;
- Standardize the reporting of inspection results;
- Enlargements of contacts with non-OECD countries;
- Regular/annual meetings for frontline regulators and progress reports.

Intensify coordination on EU level

The current state of art in the coordination of enforcement activities should – as a minimum – be maintained, but should be intensified with respect to:

- The relationships with other networks (Eurojust, Interpol, Basel secretariat, Asian networks, NGO's, etc);
- Information dissemination and coordination of EU best practices;
- Awareness raising (promotion, press releases, media);
- Training (programmes for) inspectors;
- Intermediate/liaise/cooperate with the Waste Shipment Correspondents Group.

3.2.3

EUROPEAN COMMISSION AND IMPEL-TFS

Secretariat at European level

To support IMPEL-TFS activities and stimulate uniform enforcement of the Waste Shipment Regulation, it is recommended to set up a secretariat. This secretariat can support IMPEL-TFS project managers and the IMPEL-TFS Steering group, follow and report progress of projects, collect and distribute relevant information, give technical support and collaborate with other important secretariats, like IMPEL and Basel.

3.2.4

NATIONAL ENFORCEMENT ORGANISATIONS

Take advantage of implementation revised Waste Shipment Regulation

Organisations involved should take advantage of the legal implementation procedure in relation to the revised Regulation, in order to:

- Identify and clear the loopholes (e.g. currently missing competences, what is defined as an offence of the Regulation, penalty clauses);
- Build a framework for cooperation between inspectorates, customs and police;
- Promote awareness raising;
- Report on enforcement activities and results.

Work on structural capacity building

Organisations involved should work on structural capacity building and training, combined with awareness raising. The critical factor of inspections with their re-active character, should be transformed into activities with more pro-active degree. Also participation in IMPEL-TFS activities should be stimulated.

Give input for the revision of the Waste Framework Directive

Participating countries and authorities should give input to the European Commission regarding the measures which could be taken to clarify the distinction between waste and non-waste in the revision of the Waste Framework Directive, especially regarding “the start of waste”. Measures should contain practical enforcement issues, experiences and bottlenecks that highlight the issues raised.

Link with the national waste shipment correspondent

To give input for the Waste Shipment Correspondents meeting, practical and enforcement information should be shared with the national representative of the Waste Shipments Correspondents meeting.

Integrate Seaport inspections as daily job activities

Organisations should organise Seaport inspection activities as daily job activities. Regular inspections and cooperation with other enforcement networks should be integrated in (yearly) inspection programmes.

Promotion of preventing illegal waste shipments

Furthermore, organisations should promote awareness raising about the need to prevent illegal (transfrontier) shipments of waste to all those involved in the waste chain: waste dispatchers, transporting companies, brokers, waste processing facilities, and their involved supervising authorities.

Other recommendations

Last but not least, organisations should:

- Actively share information and promote the need for intensified intelligence with other authorities;
- Formalise cooperation with police and custom networks by MoU's, where applicable and needed;
- Promote the involvement of regional networks in port hopping issues.

ANNEX 1: PARTICIPATING COUNTRIES AND CONTACT PERSONS

IMPEL-TFS SEAPORT II

June 2006

110643/CE6/0M8/000398

ANNEX

1

Participating countries and contact persons

Belgium

OVAM

Mr Bart Palmans

Stationsstraat 110

2800 Mechelen

Belgium

Tel: +32-15-284511

Fax: +32-15-284164

E-mail: bart.palmans@ovam.be**France**

Direction générale de la gendarmerie nationale

Office central de lutte contre les atteintes à l'environnement et à la santé publique

Mr Frédéric Thomas

DGGN – quartier du Fort – avenue Max Dormoy

Arcueil, 94110

France

Tel: +331 562 87191

Fax: +33 1562 87179

E-mail: oclaesp@gendarmerie.org**Germany**

State Ministry for Urban Development and Environment

Mr Klaus Willke U3212

Billstr. 84

20539 Hamburg

Germany

Tel: +4940 42845 2249

Fax: +4940 42845 2129

E-mail: Klaus.Willke@bsu.hamburg.de

Ireland

Ministry for the Environment
Department of the environment
Mr Pat Fenton
Custom House Dublin
Ministry for the Environment
Tel: +35 31888 2616
Fax.: +35 31888 2014
E-mail: pat_fenton@environ.ie

Latvia

State Environmental Service, Marine and Inland Waters Administration
Ms Evija Smite
Voleru st. 2
Riga, LV-1007
Latvia
Tel: +371-7408-169
Fax: +371-7465-888
E-mail: evija.smite@jiup.gov.lv

Malta

Malta Environment and Planning Authority
Mr Kevin Sciberras
Industrial Estate, Kordin, Paola
Tel: +356 2290 3508
Fax: +356 2166 0108
E-mail: Kevin.Sciberras@mepa.org.mt

Netherlands

VROM Inspectorate
Mr Huib van Westen
P.O. Box 29036
3001 GA Rotterdam
The Netherlands
Tel: +31-1022-44306
Fax: +31-1022-44485
E-mail: huib.vanwesten@minvrom.nl

Poland

Regional Inspectorate for Environmental Protection in Szczecin
Ms Malgorzata Kolodziej-Nowakowska
Waly Chrobrego 4
70-502 Szczecin
Poland
Tel: +48-91430-3725 / +48-6038-70101
Fax: +48-91434-0554
E-mail: mkn@wios.szczecin.pl

Portugal

Inspeção Geral do Ambiente
 E do Ordenamento de Território
 Ms Sara Manilha
 Rua de "O Século" n° 63
 1249-033 Lisboa
 Portugal
 Tel: +351-21321-5538
 Fax: +351-21343-2777
 E-mail: smanilha@ig-amb.pt

Slovenia

Inspectorate for Environment and Spatial Planning
 Ms Marija Urankar
 Dunajska 47
 1000 Ljubljana
 Slovenia
 Tel: +386-1420-4480
 Fax: +386-1420-4491
 E-mail: marija.urankar@gov.si

Spain

Generalitat de Catalunya
 Mr Oriol Roselló I Molinaro
 Dr. Roux, 80
 08017 Barcelona
 Spain
 Tel.: +34-9356-73300
 Fax: +34 93 5673294
 E-mail: orosello@gencat.net

Sweden

County Administrative Board of Stockholm
 Ms Lena Pettersson
 P.O Box 22067
 S-104 22 Stockholm
 Sweden
 Tel: +46-8785-5101
 Fax: +46-8651-5750
 E-mail: lena.pettersson@ab.lst.se

United Kingdom

Environment Agency
 Ms Debbie Eley
 Environment Agency, Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS
 TA6 4YS, United Kingdom
 Tel: +44 1278 484465
 Fax: +44 1278 431805
 E-mail: debbie.eley@environment-agency.gov.uk

Project management

VROM Inspectorate

Ms Nancy Isarin

P.O. Box 29036

3001 GA Rotterdam

The Netherlands

Tel: +31-10 22 44444

Fax: +31-10 22 44485

E-mail: nancy.isarin@minvrom.nl**Project secretariat, organisation of meetings and project reporting**

ARCADIS

Mr Charles Nijssen

P.O. Box 264

6800 AG The Netherlands

Tel: +31 26 3778 602

Fax: +31 26 4457 549

E-mail: c.e.g.nijssen@arcadis.nl

ARCADIS

Ms Sandra Kraan

P.O. Box 264

6800 AG The Netherlands

Tel: +31 26 3778 619

Fax: +31 26 4457 549

E-mail: a.e.kraan@arcadis.nl

ANNEX 2: ENFORCEMENT ACTIVITIES AND INSPECTION RESULTS

IMPEL-TFS SEAPORT II

June 2006

110643/CE6/0M7/000398

ANNEX

2 Enforcement activities and inspection results

2.1

INTRODUCTION

This second annex describes the enforcement activities and the inspection results, carried out by participating countries c.q. organisations. The results are based on the inspection reports submitted by the various countries. The emphasises of the data provided are focussing the quantitative aspects of performed inspections.

2.2

ENFORCEMENT METHODS

2.2.1

INTRODUCTION

Types of inspections

One of the main methodological results of the overall project was the development of an enforcement manual, based on the national experiences of participating authorities. Three inspection methods were already developed during the IMPEL-TFS Seaport I project, and have been improved further within the second project:

- Inspection of custom documents;
- Inspection of storage locations and warehouses;
- Traffic inspections.

Within the second project a fourth inspection method has been developed, focussing on the inspection of vessels.

A short description of the scope of these four types of inspections is presented below. Also the developed report forms are explained shortly.

2.2.2

INSPECTION OF CUSTOM DOCUMENTS

According to (European) customs legislation for every shipment for export out of the European Union, in principle a customs clearance has to be done at the place of loading (there are also simplified procedures and exceptions, these differ per country and port). After permission of customs (mostly administrative), the shipment is allowed to go to the place where the shipment is actually leaving the EU. At this place customs documents are being handed over to custom authorities. These authorities give a final permission to deliver the shipment on a quay or terminal. This will be – in most circumstances – a customs area. After permission from customs the documents will be passed to a shipping – or transshipment company. These companies collect all documents of the out going vessel. After the vessel left the port the company has to deliver the manifest including all documents to the customs.

Custom documents can therefore be a starting point to investigate shipments that may contain waste. In most of the participating seaports the same export documents are being used (EX 1 and/or T1 form). If necessary, a physical inspection of the shipment can be carried out as a result of the inspection of custom documents.

Also automated custom systems can be and are in some countries used to select potential waste shipments, by using profiles or particular risk analyses. Cooperation with custom authorities (formal or informal) is strongly recommended in this case.

2.2.3

INSPECTION OF STORAGE LOCATIONS

On a port site many lots and goods are stored, waiting for further shipment. Also waste shipments can be stored on port sites. These kinds of inspections are relatively easy to carry out by enforcement authorities themselves.

After selection of particular lots (which may be waste), document checks “on site” can be carried out like waybills (CMR), weighing slips, custom documents, waste shipment notifications or eventual additional national required documents. Administrative inspection can be followed by a physical inspection, aiming at checking if the actual situation is in accordance with the permit(s) given.

Inspections of storage locations do not only concern inspection of terminals. Waste shipments can also be inspected outside terminals, e.g. on locations where waste shipments are collected for further transport at sites of companies in the neighbourhood.

2.2.4

TRAFFIC INSPECTIONS

Although a port site is not always located at the border, it is obvious that many shipments are transported to the port for further shipping abroad. This also applies for transfrontier shipments of waste. The transports need to be accompanied by various documents. The kind of documents depends on the goods, destination and place of origin. The attended documents can give an indication about the load (waste or not), sender, destination and recovery or disposal operation.

In order to enlarge the change of “hitting” waste shipments, inspections are mostly located near a custom checkpoint or at the gate of a terminal. Documents can be checked quickly and containers can be selected or blocked for further investigation. Because inspections are taking place on the road, cooperation with other authorities (like police and/or custom agencies) is often necessary in these cases.

2.2.5

INSPECTIONS OF CONTAINER VESSELS

Another possibility to inspect waste shipments is the inspection of vessels. Inspection of these vessels can be carried out by environmental inspectorates, customs or specific harbour authorities. Specific selection of vessels and containers on beforehand is needed to carry out inspections quickly. Vessels can be small (inland ports), but can also be larger, focussing on long (intercontinental) distances.

2.2.6

REPORT FORMS

Different report forms have been developed, aiming at structuring the exchange of information and to be able to report (uniform) project results.

An inspection planning form has been developed to gain an overview of inspections planned. In case of illegal shipments or infractions detected, cargo investigation forms were developed to register the information about the shipment. Another report form developed

concerned a “waste verification report form”, which could be used to verify particular waste shipments and to verify whether the shipment is transported to an approved (waste processing) facility.

For all types of inspections an individual report form has been developed, which was used to distribute relevant information to counterparts and to submit the overall results of inspections to the project management.

2.3

INSPECTION RESULTS

The results presented in this report are primary based on the information from Viadesk, added with additional and country specific information from involved organisations. Spain could not perform any inspections because of difficulties in organising joint inspections with other enforcement authorities (customs and police).

2.3.1

TYPES AND NUMBER OF INSPECTIONS PERFORMED

The table below gives an overview of the types of inspections performed. The four different types of inspections are described in the manual. The totals of the columns do not automatically have to correspond with the performed inspections, because some of them have been reported as combined inspections.

Country:	B	F	G 1)	IRE 2)	LV	MT	NL	PI	P	SE	SL	SP	UK
Total number of Inspections ³⁾ , of which:	41	2	7	27	4	12	50	5	2	6	10	0	9
– Inspection of custom documents	27	1	7	15	4	3	16	5	2	3	5	0	9
– Inspection of storage locations	3	0	2	23	0	1	24	5	0	0	0	0	2
– Traffic Inspections	8	0	1	23	0	9	21	0	0	0	6	0	0
– Inspection of container vessels	5	2	0	3	0	2	4	0	1	4	0	0	6

¹⁾ Because inspections of waste shipments are carried out by police and custom officers regularly and as a part of their daily task, figures in this table are a part of the total number of inspections done.

²⁾ The total number of inspections in Ireland was higher than the reported ones on Viadesk.

³⁾ The total number of inspections is in some countries higher than the sum of the individual types of inspections, because some inspections were combined.

Conclusions

Within the framework of the project, 175 inspections have been carried out, of which:

- 97 inspections of custom documents;
- 60 inspections of storage locations;
- 68 traffic inspections;
- 27 inspections of container vessels.

Most type of inspections performed concerned the inspection of custom documents, followed by traffic inspections.

2.3.2

TOTAL NUMBER OF CHECKS

The table below gives an overview of the total number of performed checks, per country.

Country:	B	F	G	IRE	LV	MT	NL	PL	P	SE	SL	SP	UK
Administrative/ document checks	12990	950	877	76	42	69	6164	63	633	243	1385	0	560
Physical checks	1479	66	1020	93	1	119	1197	19	3	14	9	0	178

Conclusions:

In total, 24.052 administrative/ document checks and 4.198 physical checks have been carried out by the countries participating in this project. There is a large variety in the amount of administrative checks performed. Some countries, such as Belgium, Germany and The Netherlands, have computerised systems to check documents, whereas in other countries inspection of custom documents have to be carried out by hand. Also the amount of physical checks carried out varies; this mostly depends on the way enforcement activities are carried out on a daily basis, and also because of the available (or lack of) capacity for performing inspections.

2.3.3

TOTAL NUMBER OF INTERNATIONAL WASTE SHIPMENTS; ILLEGAL OR WITH INFRACTIONS

The table below gives an overview of the international waste shipments detected during the inspections, and the number of illegal shipments (shipments of waste which are illegal with reference to EU Regulation 259/93 and/or the Basel Convention) or shipments in which infractions (rather small administrative errors, like incomplete article 11 information of the Regulation) have been detected.

Country:	B	F	G	IRE	LV	MT	NL	PL	P	SE	SL	SP	UK
International waste shipments	348	53	10 ¹⁾	61	3	0	374	19	30	2	13	0	190
Illegal shipments	69	34	209 ²⁾	13	0	5 ²⁾	78	0	0	4 ²⁾	0	0	152
Shipments with infractions ³⁾	54	159	0	50	0	0	210	0	0	0	0	0	0

¹⁾ From a number of inspections it was unknown how many international waste shipments were carried out, also because inspections have been carried out by police and custom officers regularly and as a part of their daily task;

²⁾ Only (a number of) illegal shipments have been reported;

³⁾ Some of the countries designated illegal shipments as a part of shipments with infractions.

Conclusions:

Based on the reported inspections, the following main conclusion can be drawn. In total, 1.103 transfrontier shipments of waste were detected within this project. 564 of these shipments were found to be illegal (51%). 473 shipments of waste were detected with infractions (43%), like missing or incomplete information with respect to article 11 of the Regulation¹. Follow up actions were taken in these circumstances, like returning illegal shipments to the country of origin.

2.3.4**CONCLUSIONS FROM THE INSPECTIONS**

Participating countries carried out 175 (focussed) inspections, related to (combined) custom documents checks (97), inspections of storage locations (60), traffic inspections (68), or the inspection of container vessels (27). Most type of inspections performed concerned therefore the inspection of custom documents, followed by traffic inspections. In total, 24.052 administrative/ document checks and 4.198 physical checks have been carried out.

In total, 1.103 shipments of waste shipped over national borders were subject of inspection within this project. 564 of these shipments were found to be illegal. 473 shipments were detected with infractions, like missing or incomplete information with respect to article 11 of the Regulation. Follow up actions were taken in these circumstances, like returning illegal shipments to the country of origin.

2.3.5**RESULTS OF THE THREE EUROPEAN INSPECTION WEEKS**

Apart from the inspections planned and performed by the individual participating countries, three European inspection weeks were organised during the operational phase of the project. Within these inspection weeks, large numbers of countries and organisations prepared and executed inspections in various seaports.

A short summary of the inspection weeks is given below.

Week 10 (7 – 11 March), 2005

During this week, enforcement authorities of eleven countries carried out 34 inspections, carried out about 3.500 administrative checks and 393 physical checks, resulting in 240 international waste shipments, from which 113 have been identified as illegal. 55 shipments had (administrative) infractions.

Week 41 (10 – 14 October), 2005

Enforcement authorities of nine European countries carried out several joint inspections in seventeen European seaports. Inspections were done in Germany, united Kingdom, France, Ireland, Poland, Latvia, Slovenia, Sweden and The Netherlands. In total about 3.000 documents were checked while 258 cargo-holds were 'physically' inspected, and 140 of these were waste shipments. 68 of these shipments turned out to be illegal. In accordance with international agreements, illegal waste shipments were sent back to the country of origin.

¹ It should be mentioned that a number of illegal shipments were designated as a part of shipments with infractions.

Week 3 (16 – 20 January), 2006

In the last European inspection week of the Seaport project, 9 Member States carried out controls in 14 seaports. In total 2351 documents were checked and 772 shipments were physically inspected. In 183 cases it concerned a transfrontier shipment of waste. 60 shipments turned out to be illegal. Including illegal exports of cable waste to China, pc's to Hong Kong, car wrecks to Congo and CFC-containing fridges to African countries.

2.4**SOME COUNTRY SPECIFIC RESULTS/CASES****2.4.1****BELGIUM**

In January 2006 OVAM, Federal Environmental Inspection (FLI) and the Maritime Police carried out an inspection in the port of Zeebrugge. Most of the trucks arriving at the port facilities were guided towards a mobile container scanner at the entrance of the container terminal. One of these arriving transporters was known to us to be busy in the scrap industry.



Photo A.2.1: Container with contaminated combustion engines

The scan showed a uniform dark mass, but it seemed possible to open the container without spilling its content too much. We requested the port authorities to set aside the container for a visual inspection. The container was loaded with roughly scrapped combustion engines,

including a considerable percentage of oil, rubber, textile and plastics. There were no waste shipment documents, only a customs document mentioning aluminium scrap. Because we considered this batch as "a mixture, not mentioned on the OESO lists", we prevented the export to China. The container was sent back to the loading point at the nearby scrap company.

2.4.2

GERMANY

For half a year, from September 2005 to February 2006, the Hamburg Police checked 850 used cars from Denmark in the port of Hamburg. They were destined for export, mostly to West Africa. Out of this number, only for 198 a recycling fee (scraping premium) had been paid for. For 31 of these cars, the check came just in time to get them taken back to Denmark. The rest had been shipped already, mainly to West Africa.



Photo A.2.2: Export of used cars to West Africa

In Denmark, a recycling fee of about € 200 has to be paid for recycling an old car, which is given to a recycling facility in that country. From the legal point of view they are then already End of Live Vehicles (ELV), and as such defined as waste for recycling. Recycling means they are disassembled and/or shredded to get the useful material and parts back in the economic process. If they are still in a condition, where the selling for export is higher than the recycling return, they are sold for export.

According to Danish law they are already defined as "waste" and as such not allowed to be brought back into the market or to be used for export. On this basis the Danish Environmental Protection Agency (DEPA) in Copenhagen agreed to take them back. This was established in a meeting, which was held in Hamburg in August 2005. Danish and German police and custom colleagues from the joint office in Padborg (near the Danish/German border) visited WSP 21 (police) and BSU (Competent Authority for TFS). Also a colleague from the Environment Department of the County of Sønderjylland (the border county) participated, who took part in the IMPEL-TFS Verification Project.

Through this contact between the different national police bodies, customs and the two environment institutions, together with the DEPA, the verification of the paid recycling fee (and if this was the case) the return of the ELV's to Denmark became a smooth procedure.

Now the German competent authority does not find such cars from Denmark anymore in the port of Hamburg. They think the dealers/facility owners are aware of the new situation and wait for claiming the recycling fee when the ELVs are already shipped. Consequently, the problem is still not solved. To go a step further it looks like the receiving countries have to get involved too.

2.4.3

IRELAND

A shipment of plastic was stopped in Dublin as it was destined for Hong Kong but did not have details of the final destination. When the competent enforcement authority requested this, they discovered that the shipment was being sold through a chain of brokers with an end destination in China. The inspectorate got details of the "recovery" facility in Hong Kong (see below).



Photo A.2.3: "recovery facility" in Hong Kong

The competent inspectorate insisted on CCIC for shipment to China if that is where the load was going or otherwise they needed confirmation of the authorised recovery facility in Hong Kong.



Photo A.2.4: Manual sorting at the facility

To date, this shipment has been stopped pending clarification and confirmation of final destination. The case posed some difficulties as the broker taking the waste from Ireland was an English company and hence outside the jurisdiction of the particular Competent Authority, however, after much discussion, they have complied with the requests.

2.4.4

THE NETHERLANDS

In week 4 of 2006 inspections took place at terminals in the seaport of Amsterdam. From the chosen terminals it is known that export of used vehicles takes place to Africa. The inspections were organised by the VROM-Inspectorate and were carried out together with National Police, Customs, and local authorities. Besides, inspectors from Latvia and Sweden participated in the inspection as well.

During these inspections a lot of infractions and illegal shipments were detected. In most of the cases used electronic equipment was loaded in second hand vehicles. The equipment is mostly declared as second hand goods and is – according to the explanation of exporters – still working. For example, a used truck was declared, loaded with personal goods and destined for Africa. Inspection inside this truck showed that it was loaded with televisions and Hi-Fi equipment. The cargo was badly stored, it seems that the apparatus (at least partly) were damaged and were (partly) not working anymore. The inspectors tested the televisions: more than 50% were not working anymore and were considered as hazardous waste.

The shipment has been returned to the exporter with the obligation to sort out the materials in working and non working apparatus. An official report has been made for this illegal shipment to the exporter and the shipping agent.



Photo A.2.5: Electronic equipment, loaded in second hand vehicles

At the beginning of April 2006 the shipping agent contacted the inspectorate again. He told that the owner wants to export the vehicles through another port without sorting out the apparatus. After a firm conversation between the inspectorate and the owner, there is the impression that the exporter will export the material within the applicable regulations.

2.4.5

SLOVENIA

A shipment of mixed plastic waste from Italy to China was detected by customs in Luka Koper at the beginning of March 2006. Customs blocked 10 containers with approximately 170.000 kilograms of mixed plastic waste. The shipments were returned to the country of origin (Italy).



Photo A.2.6: Illegal shipment of plastic waste from Italy to China, via Slovenia

ANNEX 3: ESTABLISHED COOPERATION AND EXCHANGE OF KNOWLEDGE

IMPEL-TFS SEAPORT II

June 2006

110643/CE6/0M6/000398

ANNEX

3 Established cooperation and exchange of knowledge

3.1

INTRODUCTION

This third annex gives an overview of the results of the project in terms of the established cooperation and the exchange of knowledge. The ‘qualitative’ results also relate to the initial aims of the project: to improve the exchange of information and knowledge and to establish and improve (inter-)national cooperation in this field.

3.2

IMPROVED NATIONAL AND INTERNATIONAL COOPERATION***Improved international cooperation via Internet: “Viadeks website”***

The exchange of information on international level was facilitated by providing an Internet website called “Viadesk”. The website, which is only accessible with a login name and password, provides functionalities as:

- Downloading documents (pictures, manual, newsletters, report forms, etc.);
- A database with contact information of all participants (names, addresses, telephone directory);
- An agenda with upcoming events;
- Media information (press releases, articles, etc.);
- Etcetera.

During the project various “folders” were added on Viadesk, containing specific results on e.g.: definitions and interpretations of waste, lists of contacts with competent authorities outside the European Union and in non-OECD countries, information on education and training programmes on TFS, and a various number of cases indicating bottlenecks and solutions.

Support of and contact between frontline inspectors

During the operational phase of the project, a helpdesk was set up. The helpdesk was staffed by experienced inspectors. They could be contacted for practical questions during inspections and investigations. Furthermore there was an intensive contact between inspectors of the participating Member States via e-mail and phone to exchange opinions.

Improved cooperation: only within participating countries

The project strengthened the information exchange and cooperation between the involved countries. Nevertheless, not all European countries with seaports within their jurisdiction were actively involved in this project.

National cooperation: improvements, but still some bottlenecks

The project resulted in the set up and improvement of cooperation between environmental agencies and custom networks in a number of countries. Nevertheless, in many cases cooperation between various national enforcement networks still formed a bottleneck, caused by a lack of priority, interest or capacity.

3.3**EXCHANGE OF KNOWLEDGE AND EXPERIENCES**

In the course of the project various numbers of international exchange programmes/meetings were organised.

- November 2004.
Belgian inspectors visited the Dutch inspectors to see how things are done in The Netherlands. The visit focussed on the cooperation between customs and the VROM inspectors. Special attention was given to how customs brings inspection of a part of EC Regulation 259/93 into practice.
- January 2005 and February 2005.
From 19 – 21 January 2005 inspectors from Malta, Portugal and Ireland joined a number of inspections in the port of Rotterdam. From 31 January – 2 February 2005, inspections in the Port of Rotterdam were attended by inspectors of Spain, France, Slovenia and Poland. During both occasions, inspections were attended concerning traffic inspections, inspection of custom documents and an inspection of a storage location. The inspections were carried out in close cooperation with customs and police authorities. Besides, discussions have taken place and views have been exchanged on knowledge and experiences. Concerning transport controls specific attention was paid to safety aspects. In Rotterdam, a container destined for China – declared as paper waste, but containing household waste – was inspected. Within the Port of Amsterdam a number of shipments were inspected with paint waste and CFC containing refrigerators, destined for Africa. These shipments have been identified as illegal shipments.
- February 2005.
Joint inspection in Hamburg Seaport. As part of their preparation for the inspections within the Seaport project, Polish inspectors visited Hamburg to establish co-operation and to exchange experiences with German authorities. From Polish side representatives of Szczecin and Gdansk Regional Inspectorates for Environmental Protection, and Customs Service in Szczecin attended. Representatives of the State Ministry for Urban Development and Environment in Hamburg (Transboundary shipment of waste) and Water Police in Hamburg attended the meeting from German side.
- March 2005.
In the first week of March 2005, representatives from the Netherlands' VROM-Inspectorate visited a number of inspection in the ports of Southampton and Thamesport (United Kingdom). Experiences in working with risk profiles have been exchanged, including the cooperation with custom authorities. Furthermore, particular cases of waste shipments have been discussed, including bottlenecks and points of attention for transfrontier cooperation in case of illegal shipments.
- April 2005.
Inspectors from France joined an inspection in Belgium.
- June 2005.
Inspectors, police officers, two prosecutors from Sweden, and a police officer from Norway met with their Hamburg counterparts, including customs officials, at the police school in the port of Hamburg. The meeting was mainly focussed on shipments of ELVs

from Scandinavia, via Hamburg, to West Africa. It closed with a visit of some of the terminals where used cars are collected for export by ship.

- August 2005.
Police, customs officers and one environment inspector from the South of Denmark met in Hamburg with their counterparts to discuss the movement of used cars from Denmark to West Africa via Hamburg.
- November 2005.
Two inspectors of the Dutch VROM Inspectorate visited the Malta Environment & Planning Authority (MEPA) in Malta for an exchange programme. Malta is a member of both the team of the IMPEL TFS Verification project and of the Seaport project.
- November 2005.
To encourage the enforcement of the Waste Shipments Regulation (WSR) in Latvia and to exchange experiences between Latvia and the Netherlands, a workshop was organised in Riga. Representatives of the Ministry of Environment, the State Environmental Service, the Ministry of Economics, the Regional Environmental Boards, and the Customs Department, attended the workshop.
- December 2005.
Environmental inspectors from The Netherlands and France visited Ireland, exchanged experiences and conducted some inspections. Information on legal structures and competences, and results of the inspections performed within the project so far, were exchanged. Also a joint inspection was performed at the Dublin harbour, and a joint transport inspection was carried out.
- January 2006.
IMPEL-TFS Seaport project participants from Sweden and Latvia visited environmental inspectors in The Netherlands. Joint inspections were carried in the ports of Rotterdam and Amsterdam.

3.4

NEWSLETTERS

Newsletters have been brought out four times during the project. The newsletters were not only forwarded to the participants directly involved in the project, but also to organisations involved in the control and administration of waste shipment regulations, such as INECE, Secretariat of the Basel Convention, European Commission, etc. Electronic versions of the newsletters and other related documents were also published on the internet:

<http://europe.eu.int/comm/environment/impel/workgroups.htm>.

3.5

CONCLUSIONS

During the project the collaboration between national and international agencies has been improved and intensified. Exchange of information, signals and experience turned out to be essential for a good enforcement and improving the uniformity. Especially to tackle port hopping and prevent illegal shipments, it is necessary to collaborate at European level. The best way to train inspectors is learning by doing. Personal contact between front line inspectors regarding practical issues is very valuable.

What missing, is a central point of information and support to assist the inspectors and enforcers during their activities. For example in the form of a helpdesk of secretariat. Finally the project set up an improved cooperation between the participants of the project. However, still some important partners are missing in this network of contacts.

ANNEX 4: SIDE EFFECTS

IMPEL-TFS SEAPORT II

June 2006

110643/CE6/0M5/000398

ANNEX

4 Side effects

4.1

INTRODUCTION

Annex 4 gives a short overview of the side effects, “caused” by the project. The events have not been caused by actions initiated by the project itself, but by other events directly related to the project. These side effects are described on international scale (paragraph 4.2), on national scale (paragraph 4.3) and the side effects involved with the media (paragraph 4.4). Only side effects are mentioned which are known, and are directly related to the Seaport project.

4.2

ON INTERNATIONAL SCALE***Emphasising the necessity to cooperate, in revision of EU Regulation 259/93***

During the execution of the project EU Regulation 259/93 was in the process of being revised. The outcomes of the Seaport project emphasised the necessity to formulate a stricter regime on cooperation between enforcement agencies in those cases were shipments which are not transported in conformity with the Regulation.

Partly because of the experiences of the Seaport project I and II, the paragraph regarding enforcement in the revised Waste Shipment Regulation has been strengthened.

“Best practice” within and information sources for IMPEL, IMPEL-TFS and European Commission

The IMPEL-Seaport project was proven to be a good example of a network which supported the practical enforcement of EU legislation on European scale. Also the way information and experiences have been exchanged in daily circumstances was seen by the IMPEL and IMPEL-TFS networks as “best practice” in this field. Besides, project reports formed an important information source for the European Commission, with practical experiences on the enforcement of the Regulation.

Promotion of a worldwide imitative by INECE

Last but not least, the project has promoted the thought to start a worldwide initiative for such a project. During the INICE-7 Marrakech Conference (the International Network for Environmental Compliance and Enforcement) it was concluded that there is a general consensus that illegal shipments of waste is a serious common problem of the developed and developing world. Many attendees underline the necessity to come to concrete action to combat the worldwide crime of illegal waste transports. Under the umbrella of INECE a first initiative is worked out on starting such a project. Therefore INICE has been asked to initiate/coordinate a number of activities on short term, in close connection to existing activities of IMPEL/EU, US/EPA, Secretariats of Basel Convention, and the Green Custom network. Also other potential partners could be involved, like OECD, NGO’s Basil Action Network, etc.

4.3 ON NATIONAL SCALE

Input for stronger priority setting and capacity building

Based on the practical outcomes of the project and the detected illegal shipments, participating authorities were able to emphasise the need for capacity building and to set enforcement of waste shipment regulations on a higher place on the agenda. Decision makers were – in this way – strongly involved in the need to claim more resources (human capacity, information tools, budgets) for enforcement of waste shipments.

Identification of strengths and weaknesses in national cooperation

The project identified strengths and weaknesses in the (established, and needed) cooperation on national scale. Especially during the joint enforcement weeks specific points of attention were identified which formed a bottleneck – or a critical success factor – in national cooperation.

4.4 IMPEL-TFS SEAPORT PROJECT II AND THE MEDIA

Press-releases

Press releases were submitted a number of times during the project. Mostly the newsletters were based on the outcomes and agreements made during the two conferences and the interim meeting. The press releases were submitted to the organisations involved, and were used to inform their media in their own country.

Articles and TV/radio programmes

On the bases of above mentioned newsletters and press releases, but also on bases of illegal cases detected during the project, articles were published in newspapers. Also a number of programmes have been broadcasted on TV and radio, focussing on particular cases and/or events.

ANNEX 5: NATIONAL ENFORCEMENT STRUCTURES

IMPEL-TFS SEAPORT II

June 2006

110643/CE6/0M4/000398

Contents

Summary	65
1 Introduction	67
2 Belgium: Antwerp, Ostend, Ghent, Zeebrugge	69
2.1 Port facts	69
2.2 Involved organisations	70
2.3 Cooperation between national organisations and other countries	70
2.4 Legal powers	71
2.5 Current difficulties in enforcement	73
3 France: Le Havre	75
3.1 Port facts	75
3.2 Involved organisations	75
3.3 Cooperation between national organisations and other countries	76
3.4 Legal powers	76
3.5 Current difficulties in enforcement	77
4 Germany: Hamburg and Bremen	79
4.1 Port facts	79
4.2 Involved organisations	80
4.3 Cooperation between national organisations and other countries	82
4.4 Legal Powers	82
4.5 Current difficulties in enforcement	85
5 Ireland: Dublin and Cork	87
5.1 Port facts	87
5.2 Involved organisations	87
5.3 Cooperation between national organisations and other countries	88
5.4 Legal powers	88
5.5 Current difficulties in enforcement	89
6 Latvia: Riga	91
6.1 Port facts	91
6.2 Involved organisations	91
6.3 Cooperation between national organisations and other countries	92
6.4 Legal powers	92
6.5 Current difficulties in enforcement	93
7 Malta: Malta Freeport and Valetta	95
7.1 Port facts	95
7.2 Involved organisations	95
7.3 Cooperation between national organisations and other countries	96
7.4 Legal powers	97
7.5 Current difficulties in enforcement	97

8 Netherlands: Rotterdam, Amsterdam, Vlissingen, Delfzijl, Moerdijk	99
8.1 Port facts	99
8.2 Involved organisations	101
8.3 Cooperation between national organisations and other countries	101
8.4 Legal powers	103
8.5 Current difficulties in enforcement	103
9 Poland: Szczecin–Swinoujscie and Gdynia	105
9.1 Ports facts	105
9.2 Involved organisations	106
9.3 Cooperation between national organisations and other countries	106
9.4 Legal powers	106
9.5 Current difficulties in enforcement	107
10 Portugal: Lisboa and Setúbal	109
10.1 Port facts	109
10.2 Involved organisations and responsibilities	110
10.3 Cooperation between national organisations and other countries	111
10.4 Legal powers	111
10.5 Current difficulties in enforcement	112
11 Slovenia: Koper	113
11.1 Port facts	113
11.2 Involved organisations	114
11.3 Cooperation between national organisations and other countries	114
11.4 Legal powers	115
11.5 Current difficulties in enforcement	116
12 Spain: Barcelona	117
12.1 Port facts	117
12.2 Organisations involved	117
12.3 Cooperation between national organisations and other countries	118
12.4 Legal powers	118
12.5 Current difficulties in enforcement	119
13 Sweden: Stockholm, Gothenburg and Södertälje	121
13.1 Port facts	121
13.2 Involved organisations	122
13.3 Cooperation between national organisations and other countries	123
13.4 Legal powers	124
13.5 Current difficulties in enforcement	125
14 United Kingdom: Felixstowe, Southampton and Thamesport	127
14.1 Port facts	127
14.2 Involved organisations	127
14.3 Cooperation between national organisations and other countries	129
14.4 Legal powers	129
14.5 Current difficulties in enforcement	130

Summary of national enforcement structures

Introduction

This annex contains information about the national enforcement structures, relevant for the enforcement of international waste shipment regulations in the countries c.q. seaports participating in this Seaport project. Due to differences in practical implementation, politics, the number of responsible organisations, the types of inspections, etc. it is not always as easy to cooperate and to exchange information on international level adequately. Besides, characteristics of participating seaports differ; they do not only differ in size (area), but also in their 'core business' like import, transit or export of goods, bulk, and service areas (international, continental, short sea).

At the Riga conference in September 2004 the need was felt to get insight into the enforcement structures of the various participating countries. This chapter looks with a bird view to the national enforcement structures. The information given is based upon country specific information, as presented in annex 6 of this report.

Involved organisations

Tasks, competencies and jurisdictions of organisations involved in this enforcement project vary enormously and are – amongst others – a consequence of the constitutional structure of the country involved. Authorities responsible for permitting and enforcing EU Regulation 259/93 are organised at different administrative levels, varying from one central authority to large numbers of competent authorities at decentralised/regional level. Also competencies related to enforcement of transit and/or import/export is organised differently in some countries.

Cooperation between national organisations and other countries

Many differences can be obtained in the cooperation between involved enforcement organisations. In some countries environmental inspectorates cooperate with police networks and custom services in order to clarify and investigate suspicious waste transports through seaports. Inspectorates are mostly organised within a Ministry of Environment, while police departments are organised within a Ministry of Internal Affairs, and customs within a Ministry of Finance.

In most Member States cooperation takes place on a voluntary, case-by-case basis. Cooperation between various authorities is formalised in some countries, e.g. by public agreements like Memoranda of Understanding (MoU). Nevertheless, cooperation on a national level also faces a number of serious bottlenecks. Establishing cooperation and information exchange between authorities on even national scale is still problematic. One of the main conditions is supporting the network of police and custom officers by the environmental inspectorates during actual cases. Lack of capacity in many countries, makes it difficult to support the network on a case-by-case basis. Also not having experience and knowledge about the enforcement aspects of relevant international legislation is one aspect of this bottleneck.

On international level striking against ‘port hopping’ is an important aim. ‘Port hopping’ is caused by increased pressure in a certain port and less stringent controls in other ports. Exporting companies choose the line of least resistance, and therefore export the waste via the ports with less or no controls. Consequently enforcement authorities in the European seaports have to cooperate in order to have real influence on the destination of waste streams. Where cooperation within a Member State is usually on a more structured base, cooperation between Member States is based on informal agreements. International cooperation is brought in practice by exchanging information and providing support in e.g. returns of illegal shipments.

Legal powers

In some countries legal powers on the enforcement of EU Regulation 259/93 or the Basel Convention are laid down at one centralised organisation, while in other countries different organisations have to be involved in various kinds of inspections. Specific legal powers differ on the definition of tasks and competencies, such as:

- Performing inspections on various modalities (motorways, rail, water);
- Open containers or shipments for inspections;
- Inspection of (custom, storage, waste shipment) documents;
- Sampling of waste and laboratory analyses;
- Detainment of shipments for further investigations, blocking shipments;
- Legal proceedings.

Large varieties can be seen between countries on the amount and definition of relevant legal powers. Most of the time, inspections are initiated by external signals or annual-based inspections plans.

In general, the following tasks are applicable and available for checking waste shipments:

- Preparation: consulting documents and looking out for signals by police, other authorities, competitors, etc.
- Physical inspections: blocking and opening containers / container scanning.
- Eventual: sampling of waste and analysis.

Current difficulties in enforcement

A number of difficulties are faced in the daily execution of inspections, related to the enforcement of EU Regulation 259/93. As most common difficulties project participants mentioned:

- Lack of capacity;
- Lack of national and international knowledge exchange / cooperation;
- Unclear definitions or misinterpretations of concepts;
- Vague legislation.

CHAPTER

1 Introduction

This annex gives specified information about the way the management and enforcement of waste shipment regulations is organised within these countries, this with regard to:

- EU Regulation 259/93;
- Basel convention;
- Eventual additional national legislation.

The majority of the participating countries gave specific information following a questionnaire. These results of this questionnaire form the basis of this report.

Within most chapters the description of tasks, competences and experiences is focussing on the authorities that are participating in the IMPEL-TFS Seaport II project. In many cases these authorities are regional or local oriented authorities; a general description on experiences on national level is not given in these cases.

Information of some countries on particular subjects could not be provided in time.

The following documents and sources have been used for this survey:

Documents

- Department of the Environment March 1995. Transfrontier shipments of waste; The rules for importing waste. EC waste regulation, reference 94EP245
- Environment Agency April 2002; The transfrontier shipments of waste. How to complete a Notification and Movement tracking form. ISBN 185705817.
- Inspection for Environmental Protection, Warsaw November 2002
- Port of Gdansk Authority Co 2001; Port of Gdansk towards universality.
- Port of Hamburg, Port of Hamburg Handbook 2002/2003
- Port of Rotterdam August 2002, Port Statistics 2002; Rotterdam Municipal Port management. Published 2003. Reference corp/1006/0503/27k.
- Port of Rotterdam, Rotterdam world port, Rotterdam Municipal Port management.
- Republic of Latvia Overview 1998, the Ministry of Environmental Protection and Regional Development.

Internet

- www.portofrotterdam.com
- www.hafen-hamburg.de
- www.bremen-ports.de
- www.portofantwerp.be
- www.havengateway.org
- www.portofgdansk.pl
- www.rop.lv
- www.lloyd.be/Ports_worldwide
- www.vidm.gov.lv
- www.vvi.gov.lv
- www.lielrigasrvp.gov.lv

CHAPTER

2 Belgium: Antwerp, Ostend, Ghent, Zeebrugge

2.1

PORT FACTS

All Belgian seaports are located in the Flemish Region, in the northern part of Belgium. Most inspections are carried out in the biggest port, Antwerp.

Antwerp

The most important area served by maritime cargo is with the United States and United Kingdom. There is also a regular connection on the inner waterways between the ports of Antwerp and Rotterdam (NL).

Facts and figures Port of Antwerp	
Containers	6.063.747 TEU
Bulk goods	62.597.000 T
General cargo	14.364.000 T
RoRo	7.085.000 T

Ostend

Is mainly a RoRo port with an important connection with the UK and the Baltic states. Probably waste traffic is not very important.

Facts and figures Port of Ostend	
Containers	15.418 TEU
Bulk goods	1.527.000 T
General cargo	10.000 T
RoRo	5.929.000 T

Ghent

Is mainly a bulk port with an important connection with the Russian federation. The port serves as a small feeder port for the ports of Antwerp and Rotterdam. Inspections on the import of bulk waste are carried out by the Maritime Police.

Facts and figures Port of Gent	
Containers	32.441 TEU
Bulk goods	21.183.000 T
General cargo	1.930.000 T
RoRo	1.579.000 T

Zeebrugge

Second port of Belgium, with import container traffic. Inspections on export of containers and end-of-life vehicles are carried out by FLI and Maritime Police. There is a direct railroad connection with the port of Antwerp.

Facts and figures Port of Zeebrugge	
Containers	1.196.755 TEU
Bulk goods	5.882.000 T
General cargo	803.000 T
RoRo	11.097.000 T

2.2

INVOLVED ORGANISATIONS

Belgium is a federal state, and is divided into separate regions. Within these regions, the following organisations are involved in the management and enforcement of waste shipment regulation:

- Flemish region; which includes the Flemish Public Waste Agency (further referred to as OVAM) and the Department of Environmental Inspection (AMI); in real terms, only OVAM carries out waste traffic inspections;
- Walloon region; which includes the Division of Environmental Police (further referred to as DPE), and the Office Wallon des Déchets (OWD);
- Brussels (the metropolitan region of Belgium), which includes the Brussels Institute for Environmental Management (further referred to as BIM).

The Federal Environmental Inspection (further referred to as FLI) operates on a federal level.

In the following table the involved organizations are presented, together with general characteristics on their tasks and competencies, number of employees and their knowledge level with regard to waste shipment regulation.

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
FLI	National	Yes, within the EC	Yes	2	high
OVAM	Regional (Flemish Region)	Yes, only in and out of the Flemish Region	Yes, excluding transit transports through Belgium	40 of 400 (enforcement in port of Antwerp: 3)	high
BIM	Regional (Brussels region)	Yes, only in and out of the Brussels Region	Yes, only in the Brussels Region	1 of 56	high
Police services	Federal and local	No	Yes	Unknown	moderate
OWD/DPE	Regional (Wal-loon region)	Yes, only in and out of the Walloon Region (OWD)	No, by DPE only in the Walloon Region	Unknown	unknown

This chapter mostly focuses on the regions of Flanders, because of its involvement in the IMPEL-TFS Seaport II project. Besides, some information on the Brussels region is also mentioned.

2.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

Operational working relations between above-mentioned organizations are:

- Joint enforcement activities between OVAM, FLI, police (and customs);
- Communication on technical points of view between OVAM, FLI, OWD and BIM;
- Forwarding of enforcement cases: e.g. whenever an illegal waste transport coming from Brussels is detected in Flanders (by police and/ or OVAM inspectors), the case will be forwarded to BIM for follow up.

The co-operation between regions (OVAM, BIM, OWD), federal government (FLI) and customs on enforcement actions is laid down in a covenant (which came into force in 1994). This covenant describes the division of powers of the concerned authorities: for example who will be responsible for enforcement in the different Belgian regions, who will handle transit transports, et cetera. This agreement also organises the joint follow-up of a team of ex-customs agents who are enforcing TFS-transports throughout Belgium. This covenant is rather high level and it doesn't provide practical guidelines, but all enforcement actions are carried out within its context.

BIM participates with customs, federal environmental police, local police, shipping police, OVAM, OWD and the Federal Government.. BIM doesn't carry out any port inspections in Antwerp. They are responsible for follow-up of illegal transports originating from Brussels, but detected in Antwerp.

Cooperation with other countries

OVAM cooperates with enforcement representatives of other countries, mainly with The Netherlands, Germany and the United Kingdom. This cooperation is carried out in informal way (e.g. also by means of the IMPEL-TFS Seaport project). The cooperation is brought in practice, especially on subjects like:

- Communication of technical points of view;
- Joint handling and/or forwarding of specific cases (e.g. returning illegal shipments);
- Joint inspections.

2.4

LEGAL POWERS

OVAM

Enforcement actions are carried out by OVAM inspectors in main ports and companies, and along traffic axes in Flanders. These enforcement actions are always carried out in collaboration with federal (and local) police forces. Inspections originate from administrative checks/selections and external signals/tips. The actual inspections are done by physical inspections, eventually followed by sampling of waste and analyses. In preparation of the inspections the OVAM primary relies on the consultation of documents and signals of others (police, other authorities, competitors, et cetera). Legal follow up action are being taken in those circumstances where the situation is not in accordance with the relevant legislation/permit in question. Shipments of waste can be returned as well.

BIM

Enforcement of the BIM activities is only carried out within the Region of Brussels. Like the OVAM, BIM also prosecutes inspections concerning transport and companies. BIM acts on signals of others or on registration. In contrast to OVAM, BIM carries out inspections mainly administrative and physical. Settlement is followed by criminal prosecution (trail booking is sent on to the public prosecutor) or administrative means, if the operation is not in accordance with legislation. Sanctions of BIM contain fines, return of shipments, withdrawal of permissions and administrative sanctions.

FLI

Enforcement of the FLI activities is only carried out in relation to transit of Waste through Belgium. FLI does have 12 people on the road daily to control passing transports. These 12 federal officers are also used by the regional authorities for doing transport control (cfr. covenant of 1994). On federal level, there is a law that is giving the competency for doing control and investigation.

Besides the section for supervision and control of shipments of waste (transit), FLI has two other sections, one for doing inspection on biocides for non-agriculture use and one for doing inspections on dangerous products and preparations.

Customs

Customs enforce waste transports passing through exit offices (seaports and Belgian frontiers). Customs can operate independently but rely on OVAM, BIM or OWD for technical advice. Apart from assistance over the telephone, OVAM and FLI officers carry out visual inspections of containers blocked by customs, if requested. Customs, OVAM and federal police in seaports sometimes carry out joint inspections. Especially the deployment of the customs' container scanner is important.

Exchange of knowledge

Information about company profiles and the type of information is registered in files/dossiers and in a digital system. The OVAM uses TFS forms for the registration. The registered information is provided for exchange of knowledge with FLI, BIM, OWD, DPE, police and customs, and other equivalent authorities in Europe. In practice the co-operation focuses on:

- Communication of technical points of view;
- Forwarding of specific cases (e.g. return of illegal shipments);
- Joint inspections.

Knowledge within the co-operating organisations is performed on ad hoc bases, case by case.

BIM does not specify the information system in the same detail, but register information about the owner, the carrier, destination, origin, waste material and quantities. This information is shared with others. Knowledge is exchanged with OVAM, OWD and the Federal Government.

FLI does use the same application as OVAM for storage information in relation to notification forms and tracking forms.

Tasks and qualifications

The involved organisations have a lot of qualifications for executing their enforcement task as presented in the following table. The table also indicates how often the qualification is actually used.

Qualifications	Extent of usage		
	Ovam	FLI	BIM
Open containers or shipments	Sometimes	Sometimes	Always
Carry out inspection	Sometimes	Sometimes	Always
Inspect documents	Always	Always	Always
Sampling	Sometimes	Sometimes	Sometimes
Analyses	Sometimes	Never	Never
Detain shipments for closer investigation	Always	Always	Sometimes
Block shipments	Always	Always	Always
Legal proceeding	Sometimes	Never	Always

OVAM, BIM and FLI are not qualified to stop someone or perform arrests; cooperation with police is needed in these circumstances. BIM only starts the procedure of enforcement, after information of different competent governments, such as the police or customs is gained. In these cases the cooperation proceeds into strict action. Legal follow up actions are initiated in those cases where violations are detected.

2.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The OVAM experiences difficulties in the enforcement of the EC Regulation 259/93 with regard to:

- Lack of capacity;
- Lack of exchange of knowledge on national and international level; and
- Unclear definitions/ misinterpretations of concepts.

BIM experiences also a number of difficulties as mentioned by OVAM, like:

- Lack of capacity;
- Lack of means;
- Vague legislation;
- Unclear definitions/ misinterpretations of concepts.

CHAPTER

3

France: Le Havre

3.1

PORT FACTS

The seaport of Le Havre is located in the Normandy Region, in the western part of France, on The Channel. It is the most important seaport of France for the international trade and one of the most important seaports for trade between the countries of the Western Europe. It serves by regular lines the Seaport of the United States of America (12 lines), South-Americas (11 lines), African (8 lines), Arabian (7 lines) and Asian 15 lines) countries, and also Ireland, United Kingdom, Scandinavian countries, Belgium, Germany, Poland and Baltic countries (14 lines).

Facts and Figures Port of Le Havre	
Surface area	187 hectares
Commercial sites	
Water and (rail)roads	
Containers (TEU/year)	19.000.400 TEU
- Throughput	
- Incoming	
- Outgoing	
Bulk goods (metric tons/year)	71.820.000 T
General Cargo (metric tons/year)	

3.2

INVOLVED ORGANISATIONS

France is a national republican State, and is divided in 96 separate regions (department). Within these regions, the following enforcement organisations are involved in the enforcement of waste shipment regulation:

- High penal Court Of Paris: OCLAESP is the national organisation for the enforcement of the environmental laws;
- Maritime Gendarmerie is a part of the Gendarmerie Nationale. This service is competent on the area of The Channel, including the seaports and the shipments;
- Gendarmerie Nationale (Unit of Le Havre) is competent on the seaport;
- Police Nationale (Unit of Le Havre) is competent on the seaport too;
- Customs (Unit of Le Havre) works usually on the seaport.

In the following table, the involved organisations are presented, together with general characteristics on their tasks and competencies, number of employees and their knowledge level with regard to waste shipment regulation.

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
OCLAESP	National	Yes, all France	Yes	5	High
Maritime Gendarmerie	Regional	Yes, regional (The Channel)	Yes	8	High
Gendarmerie	Local	Yes (region)	Yes	-	Low
Police	Local	Yes (region)	Yes	1	Low
Customs	Local	Yes (local)	Yes	Unknown	Moderate
DRIRE	Regional	Yes (region)	Yes	1	Moderate

3.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

The co-operation is led by OCLAESP, national agency, between OCLAESP, the Maritime Gendarmerie and the Police Nationale, under the skilled help of the ministry of ecology and sustainable development.

At this time, the Customs prefer to work alone. They ask the ministry of ecology and sustainable development about the controls of containers that they do in the seaport of Le Havre.

Cooperation with other countries

OCLAESP is the French national point for IMPEL/TFS and the Seaport Project. So, the national contacts of the Member States can make contact with OCLAESP where one of the criminal police officers is on duty 24/24.

3.4

LEGAL POWERS

OCLAESP, Maritime Gendarmerie, Gendarmerie Nationale and Police nationale are repressive services with criminal investigation officers and criminal investigation agents. They have right to control vehicles and containers, to open the containers, to block them, to arrest the owner of the goods (waste). The criminal investigation officers of these services can take custody for 24 hours because they work on the penal laws through the Code of Environment.

The Customs officers can do the same but they can't take custody because they work on the Code of Customs (for taxes and excises). They can use a limited retention for a few hours.

The inspectors of the DRIRE work on the Code of Environment, too, but only in order to manage the control and note the violations of the penal law. As they are not criminal investigation officers, they can't take custody. For that, they ask a criminal police officer of one of the repressive services.

Qualifications	Extent of usage					
	OCLAESP	Maritime Gendarmerie	Police Nationale	Gendarmerie Nationale	Customs	DRIRE
Stop a vehicle for inspection	yes	yes	yes	yes	yes	no
Open containers or shipments	yes	yes	yes	yes	yes	yes
Carry out inspection	yes	yes	yes	yes	yes	yes
Inspect documents	yes	yes	yes	yes	yes	yes
Sampling	yes	yes	yes	yes	yes	yes
Analyses	yes	yes	yes	yes	yes	yes
Detain shipments for closer investigation	yes	yes	yes	yes	yes	no
Block shipments	yes	yes	yes	yes	yes	yes
Arrest	yes	yes	yes	yes	limited retention	no
Legal proceeding	yes	yes	yes	yes	yes	yes

3.5

CURRENT DIFFICULTIES IN ENFORCEMENT

Difficulties in enforcement are

- Lack of capacity;
- Lack of exchange of knowledge on national, European and international level;
- Unclear definitions / misinterpretations of concepts.

CHAPTER

4 Germany: Hamburg and Bremen

4.1

PORT FACTS***Port facts of Bremen / Bremerhaven***

The *Free Hanseatic City of Bremen* is the smallest of the three city states of the Federal Republic of Germany (FRG), consisting of the cities of Bremen and Bremerhaven.

Significance: Second most important foreign trade location in Germany. International seaport and trading centre right near the North Sea.

Container handling is paralleled by Bremen's top position as Europe's leading international hub for import and export of new cars. Car transshipment centres on Bremerhaven and accounts for more than 1.4 million vehicles a year. German and Italian models leave Europe here, whilst at the same time, virtually all the Japanese manufacturers direct their European exports centrally via Bremerhaven and provisions have been made for the future to make sure it maintains that status. Measures include the construction of the gigantic container terminal in Bremerhaven and the creation of one of the largest car transshipment facilities in Europe. As far as its size and efficiency are concerned, the Bremerhaven container terminal is one of the major transshipment facilities of its kind in the world, occupying the eighth position in the exclusive "container millionaires" club, a select circle of top-ranking ports that handle more than a million containers a year.

Facts and figures Ports of Bremen / Bremerhaven (2004 ¹)	
Surface area	3'098 ha / 1'685 ha
▪ Land	2'776 ha / 1'351 ha
▪ Water	322 ha / 334 ha
Containers throughput (in 1.000 TEU/year)	28 / 3'442
▪ Incoming	11 / 1'649
▪ Outgoing	17 / 1'793
Bulk goods (in 1.000 metric tons/year)	9'065 / 563
▪ Grabber Bulk	7'283 / 148
▪ Liquid Bulk	1'520 / 415
▪ Agribulk	262 / --

Port facts of Hamburg

The *Free and Hanseatic City of Hamburg* is also one of the three city states and one of the 16 states of the FRG and located in the north-eastern part of Germany. It has the most eastern Atlantic port and the most western in the Baltic area. The most important area served by

¹ Sources: <http://www.bremen-ports.de/evopage/index.php?id=685&languageid=1>

container shipping is Asia with nearly 52 per cent of the port's container turnover and Europe has one third of it.

Around 60 per cent of cargo at Hamburg is imported. The imported goods consist of 45 per cent raw materials, semi-finished products and agricultural products.

Characteristics of the port of Hamburg are summarized in the table below.

Facts and figures Port of Hamburg (2004 ²)	
Surface area	7'399 ha
▪ Land	4'331 ha
▪ Water	3'068 ha
Containers throughput (in 1.000 TEU/year)	7'003
▪ Incoming	3'619
▪ Outgoing	3'384
Bulk goods (in 1.000 metric tons/year)	37'798
▪ Grabber Bulk	21'315
▪ Liquid Bulk	12'213
▪ Agribulk	4'270

Container checks have shown that large quantities of waste material are being exported from or via the port of Hamburg to Africa or Asian countries. Main destinations of these exports are China, Hong Kong, South East Asia and also West Africa.

4.2

INVOLVED ORGANISATIONS

The following table shows the authorities, which are involved in the enforcement of the EU Regulation 259/93 in the ports of Bremen (HB) and Hamburg (HH).

Execution of the Regulation in general

The execution of the EC Regulation 259/93 in the Federal Republic of Germany is the responsibility of the (16) Federal States of Germany. The responsibility for measures in connection with cross border transports of waste is subject to the authority of that particular Federal State in which the transport is suppose to start or in whose competence area the waste material is first stored or treaded.

² Sources: Port of Hamburg Handbook 2004/2005 and www.hafen-hamburg.de

Organisation	Level	Grant permission (No of perm. '05)	Enforcement Authority	No. employees EC regulation
UBA	International / National	Yes ¹	Yes (partly)	6 of ?
BMVBW / BAG	National / Regional	No	Yes	Unknown
HB	BMF / Customs	No	Yes	
	SIS / Police	No	Yes(partly)	unknown
	SBUV	Yes ²	Yes (partly)	2 of 25
HH	BMF / Customs	No	Yes	1 of 13 *
	BFI / WSP 21	No	Yes	2 of 34 **
	BSU	Yes ² (204)	Yes (partly)	2 ½ of 36 ***

¹ Only transit through Germany

² In and out of Bremen respectively Hamburg

* ZAPP staff as part of 'Ericus' as a section of the customs for the port of Hamburg

** WSP 21

*** Waste Management Department of the BSU

National Level

The Federal Environmental Protection Agency (UBA)

The Federal Environmental Protection Authority in Dessau (*Umweltbundesamt*) is the competent authority for transit through the Federal Republic of Germany according to Art. 23 and 24 of the EU Regulation 259/93. Further more the UBA is the "National Focal Point" of the Basel Convention.

The Federal Ministry of Transport, Building and Housing (BMVBW)

The Federal Authority for Goods Traffic (BAG) is part of the Federal Ministry of Transport, Building and Housing and fulfils administrative and other tasks (like: controls, imposed monetary fines etc.) for the Federal Government concerning goods traffic.

The Federal Ministry of Finance (BMF)

The Customs Administration is subordinated to the Federal Ministry of Finance. The local customs offices shall inform the relevant competent authority if there is suspicion of an offence against prohibitions and restrictions has occurred.

Federal State Level

Bremen (HB)

The Senator of Interior and Sport of Bremen (SIS)

The police in Bremen and the community police in Bremerhaven are parts of the responsible authorities in case of environmental offences.

The Senator of Civil Engineering, Environment and Transportation (SBUV)

The waste management Department of the Senator of Civil Engineering, Environment and Transportation is the competent authority according to Art. 2 (d and c) of the EU Regulation 259/93. One of the tasks is granting permissions for export and imports for notified waste which have occurred within their area of competence or which shall be disposed of. Waste transports across frontiers, which are in transit for logistic reasons, are also being monitored and controlled.

Hamburg (HH)

The State Ministry of Interior of Hamburg (Bfi)

The police force is one of the largest section of the Interior Authority of Hamburg is. The Waterway protection police department, the WSP 21, is responsible for environmental offences in the territory of Hamburg.

The State Ministry for Urban Development and Environment of Hamburg (BSU)

The Waste Management Department of the State Ministry for Urban Development and Environment of Hamburg is the competent authority according to Art. 2 (d and c) of the EU Regulation 259/93. One of the main tasks is granting permissions for export and imports for notified waste which have occurred within their area of competence or which shall be disposed of. Waste transports across frontiers, which are in transit for logistic reasons, are also being monitored and controlled.

4.3**COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES*****Cooperation between national organisations***

The cooperation of anything involved in the field of waste shipment is stipulated in § 5 and 13 of the German Act on Waste Shipments. Based on this:

- In **Bremen** the Waste Management Department of the SBUV cooperates with the waste management plants and with the police and regional customs and the port facilities and other involved authorities as far it is needed.
- In **Hamburg** the Waste Management Department of the BSU cooperates with the colleagues, who supervise the port facilities and waste management plants, the WSP 21 (police) and regional customs on an informal base. If required the WSP 21 and Hamburg port customs give support to other competent authorities involved, for example if waste (for which other authorities are responsible) had been stopped in the port of Hamburg.
Beside this the BSU participate in several working groups or bodies on national and international level.

Cooperation with other countries

Cooperation in the field of waste shipments with competent authorities from other countries could be stated as good and tended for granting notifications. In this connection the framework of the IMPEL-TFS could be stressed, because of its strong impact of international cooperation. It is brought into practice by exchanging information and giving support for returns of illegal shipments.

4.4**LEGAL POWERS*****Federal Level****The Federal Authority of Goods Traffic (BAG)*

This authority fulfils administrative tasks for the Federal Government concerning goods traffic. The Federal Authority also carries out controls of motorways and federal roads. These controls are applied to both German and from abroad vehicles. Besides infringements and offences against the legal provisions concerning transport of dangerous goods and regulations of the driving personnel, offences and infringements against the waste legislation are also punished.

Bremen*Main Customs Office for the Ports of Bremen and Bremerhaven*

The Main Customs Office for the Ports of Bremen and Bremerhaven has a similar system like the Port of Hamburg for customs clearance, which applies a data exchange system (BHT = Bremer Harbour Telematic) for monitoring all export data of the ports of Bremen and

Bremerhaven. The system provides the data for all export consignments for all kind of goods (see footnote 3 on next page; both systems are independent, without any connection between them). For possible illegal waste shipments is looked on a daily base.

The Police of Bremen and the Community Police of Bremerhaven

are in charge for handling all environmental offences in the territory of the port of Bremen respectively the port of Bremerhaven. This competence covers technical investigation of environmental offences in general. The staffs are specialised on the supervision of waste shipments, and special in transport of dangerous goods on water, road and rail. The supervision of waste transports across frontiers is one of the hot spots since the EC Regulation 259/93 has come into force.

Controls of waste shipments take place regularly, which include checks of container spots as well. The inspections are carried out in close cooperation with the above mentioned authorities and in cooperation with the port authorities if needed. If the inspection reveals suspicious facts indicating that loads could contain waste material, the shipment is prohibited until further clarifications. This includes investigations concerning type and compositions as well as origin of the waste material.

In general the police and the Waste Management Department of the SBUV are informed by the customs office about shipments containing waste material brought into the Free Port which might be suspicious.

Further, the police get constantly confidential information concerning large-scale environmental criminal offences by the Federal Office of Criminal Investigations, which sends information throughout the Federal Republic of Germany regarding such findings.

Tasks and competence

The involved organisations have legal power for executing their enforcement task as presented in the following table. The table also indicates how often they use it.

Competence	Yes/No + Extent of usage					
		Customs	Police			SBUV
Open containers or shipments	Yes	Sometimes	Yes	Quite often	No	Only with police or Customs
Carry out inspection	Yes	Sometimes	Yes	Quite often	?	Only with police and Customs
Inspect documents	Yes	Always	Yes	Always	Yes?	Sometimes
Sampling	?	?	Yes	Sometimes	Yes	Seldom
Analyses	?	?	Yes	Sometimes	Yes	External laboratories
Detain shipments for closer investigation	Yes	Sometimes	Yes	Sometimes	Yes	Very seldom
Block shipments	Yes	Sometimes	Yes	Sometimes	Yes	Seldom
Legal proceeding	?	?	Yes	Sometimes	No	Seldom administrative measures

Hamburg

Main Customs Office for the Port of Hamburg

The Main Customs Office for the Port of Hamburg has a section named 'Ericus' as a customs clearance, which applies a data exchange system for monitoring all export data of the port of Hamburg, called ZAPP³. The system provides the data for all export consignments for all kind of goods. For possible illegal waste shipments is looked on a daily base.

³ ZAPP = Customs export monitoring in a paperless port.

Entire monitoring of exports in the port of Hamburg is undertaken electronically using the ZAPP-System. The export consignments are transmitted to the ZAPP computer via electronic transmissions or dialogue applications. Use of ZAPP is compulsory for all partners in the transport chain. Original doc-

The Waterway protection Police Department of Hamburg (WSP 21)

This department is in charge for handling all environmental offences in the territory of Hamburg. This competence covers technical investigation of environmental offences in general. The staffs are specialised on the supervision of waste shipments, and special in transport of dangerous goods on all kind of carriers. These include checking of waste transport licences and also taking samples. The supervision of waste transports across frontiers is one of the hot spots since the EC Regulation 259/93 has come into force.

Controls of waste shipments take place regularly, which include checks of container spots as well. The inspections are carried out in close cooperation with above mentioned authorities and in cooperation with the port of Hamburg. With the consent of the port economy and the BMF they have reading permission of the ZAPP system. If the inspection reveals suspicious facts indicating that loads could contain waste material, the shipment is prohibited until further clarifications. This includes investigations concerning type and compositions as well as origin of the waste material.

In general the police and the Waste Management Department of the BSU are informed by the customs office about shipments containing waste material brought into the Free Port which might be suspicious.

Further, the police get constantly confidential information concerning large-scale environmental criminal offences by the Federal Office of Criminal Investigations, which sends information throughout the Federal Republic of Germany regarding such findings.

Tasks and competence

The involved organisations have legal power for executing their enforcement task and duties as presented in the following table. The table also indicates how often they use it.

Competence	Yes/No + Extent of usage					
		Customs	WSP 21			BSU
Open containers or shipments	Yes	Sometimes	Yes	Quite often	No	Only with WSP 21 or Customs
Carry out inspection	Yes	Sometimes	Yes	Quite often	No	Only with WSP 21 or Customs
Inspect documents	Yes	Always	Yes	Always	Yes	Sometimes
Sampling	Yes	Sometimes	Yes	Sometimes	Yes	Seldom
Analyses	Yes	Own laboratory	Yes	External laboratory	Yes	External laboratory
Detain shipments for closer investigation	Yes	Sometimes	Yes	Sometimes	Yes	Very seldom
Block shipments	Yes	Sometimes	Yes	Sometimes	Yes	Seldom
Legal proceeding	Yes	Sometimes	Yes	Sometimes	No	Seldom administrative measures

Only after gaining information from other authorities (police, customs or competent authorities from other states involved) the BSU use to start the procedure of enforcement in close cooperation with the other involved authorities.

umentation must be submitted shortly after the electronic application. Exporters and freight forwarders can use the ZAPP customer station to create an electronic declaration to ZAPP. The ZAPP computer automatically checks for coherence and plausibility. If there are no queries, the applicant will receive a so called 'B number' from ZAPP for each declaration which is sent to all partners involved in the export chain. The 'Ericus' customs office retains a two-hour period after issuing the 'B number' in which it may intervene in consignment transport. After this period the export consignment is released and may be loaded on ships by the terminal operator. One custom officer is screening the electric documents for possible illegal TFS. This is done on a daily base.

4.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The Waste Management Department of the SBUV and similar of the BSU experiences the following difficulties in the enforcement of EU Regulation 259/93:

- Unclear legislation, especially on car wrecks, e-scrap etc. (difference: waste/still product);
- sometimes lack of cooperation with other organisations;
- lack of national/international exchange of knowledge;
- unclear definitions/misinterpretations of concepts;
- not enough staff capacities for additional enforcement activities.

CHAPTER

5

Ireland: Dublin and
Cork

5.1

PORT FACTS

Port facts of Dublin and Cork are summarised below.

Facts and Figures Port of Dublin	
Surface area	272.7 Hectares
Commercial sites	82 (14 vacant)
Water and (rail)roads	5.5KM of tram rail
Containers (TEU/year)	
- Throughput	540,799 (2004)
- Incoming	296,570 (2004)
- Outgoing	244,209 (2004)
Bulk goods (metric tons/year)	3,907,498 (
General Cargo (metric tons/year)	14,392,680 (2004)

Facts and Figures Port of Cork	
Surface area	101 Hectares
Commercial sites	
Water and (rail)roads	Road access
Containers (TEU/year)	150,000
- Throughput	
- Incoming	
- Outgoing	
Bulk goods (metric tons/year)	Solid 2m Total 7.5m
General Cargo (metric tons/year)	400,000

5.2

INVOLVED ORGANISATIONS

An overview of the involved organisations and their tasks related to EU Regulation 259/93 is summarised in the table below.

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
Dublin City Council	Local Authority	TFS	Port Inspections conducted by Dublin City Council	13. EC 259/93 and national waste legislation	Competent in all legislation, inspection techniques and waste classification
All other local authorities		TFS originating in their area	Port inspections in port in their functional area		
Cork County Council	Local Authority	For waste export and transport	Yes	7 for waste transport & export	Good

5.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

Local Authority co-operation is very good. Environmental Protection Agency co-ordinates joint enforcement activities and standards. Local authorities of Cork County and Dublin City involved internationally and feed back to enforcement network. Further co-operation with Gardaí (Police) customs and port authorities improving.

Cooperation with other countries

Netherlands (VROM), UK (Environment Agency), Northern Ireland (Environmental and Heritage Service), Germany and other countries as the need arises. We are currently making contact with the Federal Ministry of Environment in Nigeria.

5.4

LEGAL POWERS

A summary of the legal powers and their extent of usage is given below.

Qualifications	Extent of usage		
	County Council	Gardaí (Police)	Customs
Stop a vehicle for inspection	With support of Gardaí (Police)	Regular	Regular, at ports and for Excise inspections along roads
Open containers or shipments	See 1.5 below		Frequent
Carry out inspection	At source of waste		
Inspect documents	Roadside, at source and at ports		Frequent at ports
Sampling	Occasional		
Analyses	Occasional- Facilities are limited for some waste streams and must be sent to UK		
Detain shipments for closer investigation	Occasional at roadside and at ports.		
Block shipments	Occasional at ports, mainly ELV's		Occasional
Arrest			
Legal proceeding	Occasional		

5.5

CURRENT DIFFICULTIES IN ENFORCEMENT

Current difficulties in the enforcement of EU Regulation 259/93, are:

- There are 34 competent authorities of dispatch in Ireland. Sometimes, the local authority carrying out the inspection cannot take the prosecution. The inspecting authority needs the support of other local authorities and they are not always familiar with the European legislation;
- We need European uniformity on the classification of waste and on allowable contamination levels;
- We need to establish memorandums of understanding with Customs;
- The lack of opportunity to inspect a cargo in the port, due to lack of facilities to open and discharge contents;
- The lack of control of green listed waste and lack of clarity as to what constitutes unacceptable contamination;
- The amount of time that a shipment may stand in port en route;
- The use of brokers who do not want to declare the ultimate destination of waste.

CHAPTER

6

Latvia: Riga

6.1

PORT FACTS

The Freeport of Riga is located in the Gulf of Riga and in the Daugava River delta. The Freeport of Riga is operating as so called 'Freeport'. Companies working in a Freeport can receive up to 80% tax discount. 80% of the cargo turnover in the Freeport of Riga is transit freight to and from CIS. Main types of cargo handled in the Freeport are containers, various metals, timber, coal, fertilizers, chemical cargoes, oil products and food.

Some general characteristics of the Freeport of Riga are summarised in the table below.

Facts and figures Freeport of Riga ⁴	
Total quayside	7300 ha
Land	2500 ha
Water	4800 ha
Surface area	2590 ha
▪ Warehousing capacity	800 ha
▪ Open storage	2500 ha
Containers throughput (TEU/year)	146.000
Bulk goods (metric tons/year)	23.991.000
▪ Dry bulk	12.970.000
▪ Liquid	4.478.000
▪ General Cargo	6.543.000
General Cargo	6.543.000

6.2

INVOLVED ORGANISATIONS

In the following table the involved organizations are presented, together with general characteristics on their tasks and competencies, number of employees and their knowledge level with regard to waste shipment regulation.

⁴ Source: www.rop.lv

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
Ministry of Environment	National	No	Yes, legal responsible body	1 of 4	High
State Environmental Service	National	Yes, for transboundary movements of waste, waste transport and treatment in Latvia	Yes	3 of 20	From high to moderate

The Ministry of Environment is a legal competent and supervisory authority of Latvia for implementation of EU directives and enforcement of regulations regarding waste shipment and treatment.

State Environmental Service (SES) carries out IMPEL tasks in Latvia. SES is a legal authority for application of transboundary waste shipment permits, it issues permits for waste transportation and treatment in Latvia and is responsible for practical enforcement of waste regulations - inspections and follow up actions in case of violations.

6.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

The Ministry of Environment and State Environmental Service work in close co-operation issuing a permit for transboundary movement of waste. The Ministry, State Environmental Service and Customs cooperate with each other in order to clarify and investigate suspicious cases.

During enforcement activities the following authorities cooperate:

- Ministry of Environment;
- State Environmental Service;
- Customs.

Cooperation with other countries

Customs cooperates with its counterparts in Russia and Lithuania, Estonia; special agreements are made for this cooperation.

6.4

LEGAL POWERS

Exchange of knowledge

Both State Environmental Service and Customs suggest that the level of knowledge about the enforcement of EU regulation 259/93 for transfrontier shipments of waste should be improved.

Tasks and qualifications

None of the operating organizations carry out inspections on an active base. The operating organizations have a lot of qualifications for executing the enforcement tasks as presented in the following table. The table also indicates how often the qualification is actually used.

Qualifications	State Environmental Service	Customs
Stop someone	Sometimes	Always
Open containers or shipments	Sometimes	Always

Carry out inspection	Always	Always
Inspect documents	Always	Always
Sampling	Sometimes	Sometimes
Analyse	Sometimes	Sometimes
Detain shipments for closer investigation	Sometimes	Always
Block shipments	Never	Always
Arrest	Never	Sometimes
Legal proceeding	Always	Always

6.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The operating organizations encounter a number of difficulties during the enforcement of EU regulation 259/93. Latvia joined the EU in May 2004. The regulations are relatively new for Latvia. The difficulties mentioned must be viewed in the context of not yet sufficient experience regarding the enforcement of the regulations and lack of permanent system for regular control of TFS of waste in ports.

The State Environmental Service encounters mainly:

- Lack of human resources;
- Lack of financing;
- Lack of knowledge and practical experience.

CHAPTER

7

Malta: Malta Freeport
and Valetta

7.1

PORT FACTS

A summary of the port facts of Malta Freeport is given below.

Facts and Figures of Malta Freeport (2004)	
Surface area	
Commercial sites	
Water and (rail)roads	
Containers (TEU/year)	1,461,174
- Throughput	
- Incoming	
- Outgoing	
Bulk goods (metric tons/year)	
General Cargo (metric tons/year)	

7.2

INVOLVED ORGANISATIONS***Malta Environment and Planning Authority (MEPA)***

The general headquarters of the Malta Environment & Planning Authority is located at St. Francis Ravelin, Floriana, Malta; with two other offices: one district office located in Gozo to handle general matters in that district and the Pollution Prevention and Control Unit; a specialised unit located in Paola, Malta.

The MEPA, is an authority which was established in March 2002 following the merger of two entities which were the Environment Protection Department and the Planning Authority.

As such MEPA is charged to operate under the Development Planning Act and the Environment Protection Act. It is split into three directorates: the Planning Directorate, the Environment Protection Directorate and Corporate Services. MEPA protects the environment and controls planning development.

The Environment Protection Directorate, charged with implementing and enforcing environmental law consists of three units: the Resource Management Unit, the Nature Protection Unit and the Pollution Prevention Unit as well as the Nature Protection Inspectorate and the Pollution Prevention Inspectorate. The Pollution Prevention Inspectorate is charged to handle the enforcement, investigations and compliance checks of all those issues that fall under waste management and pollution control legislation. As such

this inspectorate is charged to enforce about 200 European Union legislation as well as local legislation.

The whole Authority consists of circa 500 personnel and the PPCI consists of 10 inspectors. Current calculations predict a compliment of about 60-80 inspectors, and therefore active recruitment is ongoing.

The inspectors within the inspectorate are charged with the abilities to investigate complaints and tips, perform enforcement procedures, perform inspections to certify compliance with legislation and permit conditions and the ability to prosecute offenders. They do not have full executive power as yet but are still able to enter any premises other than a dwelling, to board ships and stop vehicles, to take photos and collect evidence. They may also issue stop orders effectively stopping any entity that may cause harm to the environment.

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
MEPA	National	YES	Yes	12	High

7.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

Although MEPA is the national competent authority, other authorities provide MEPA with assistance. These include:

- The Malta Police Force;
- The ADT – Malta Transport Authority;
- The Malta Customs Authority.

Prior to 2005, there was hardly any cooperation between MEPA and the above authorities. The Seaport II project provided the Maltese authorities enough incentives and reasons to start joint inspections. Effectively, joint inspections now occur at least once a month between the concerned authorities with relative success. Several other authorities, including the Occupational Health & Safety, have shown interest in joint traffic inspections as they are proving to be a useful enforcement experience.

Cooperation with other countries

MEPA cooperates with enforcement representatives of other countries mainly The Netherlands, The United Kingdom and Belgium. MEPA seeks to better ties with other representatives especially those who have ports in the Mediterranean which feed Malta with containers. Cooperation mainly constitutes in:

- Communication of technical points of view and information;
- Forwarding of specific cases which may be heading to other ports.

7.4

LEGAL POWERS

The Environment Protection Act of 2001 provides environment inspectors with a broad range of powers. This allows them to investigate, inspect and enforce against in ports and shipping companies and along traffic routes. Whilst environment inspectors have the power to issue stop orders and board any vehicle or vessel, MEPA seeks to do this in joint collaboration with other authorities e.g. Customs and/or Police. In general, physical inspections are conducted along with administrative inspections. If necessary, an environment inspector can hold cargo to take samples for analyses. Legal action may come in the form of confiscation of material and/or vehicles and in the event of further enforcement and legal action, environment inspectors may prosecute offenders.

Qualifications	Extent of usage MEPA
Stop a vehicle for inspection	Always
Open containers or shipments	Sometimes
Carry out inspection	Sometimes
Inspect documents	Always
Sampling	Sometimes
Analyses	Sometimes
Detain shipments for closer investigation	Always
Block shipments	Always
Arrest	Sometimes
Legal proceeding	Sometimes

7.5

CURRENT DIFFICULTIES IN ENFORCEMENT

MEPA is currently in the capacity building phase, therefore has not allocated enough resources required in comparison to the amount of shipments in transit through Malta. Through IMPEL TFS and its projects, especially the Seaport Project, MEPA has gained valuable experience yet is still in a learning phase. MEPA itself must teach the other authorities in regards to EC 259/93 in order for them to assist it in its obligations.

CHAPTER

8

Netherlands: Rotterdam, Amsterdam, Vlissingen, Delfzijl, Moerdijk

8.1

PORT FACTS

The Port of Rotterdam is the largest European container transport harbour and one of the world's most important junctions when it comes to traffic of goods. The growth in container transshipment in Rotterdam is largely due to the increase in container traffic between Western Europe and Asia. Forty percent of all container traffic via Rotterdam either originates from or is destined for an Asian port and mainly to Singapore. Short sea shipping is dominated by shipment to the United Kingdom.

The characteristics of the port of **Rotterdam** are summarised in the table below.

Facts and figures Port of Rotterdam (2002 ⁵)	
Total quayside	80 km
Surface area	
▪ Commercial sites	10.500 ha
▪ Water and (rail)roads	3.500 ha
Containers throughput (TEU/year)	6.515.000
▪ Incoming	3.288.000
▪ Outgoing	3.277.000
Bulk goods (metric tons/year)	239.400.000
▪ Coal and ores	83.400.000
▪ Oil and chemicals	155.900.000
General Cargo (metric tons/year)	82.700.000

The Netherlands has four other (smaller) ports, namely Amsterdam, Moerdijk, Vlissingen and Delfzijl/Eemshaven. The characteristics of these ports will now be enlightened.

The characteristics of the port of **Amsterdam** summarised up in the table below.

⁵ Sources: Port Statistics 2002; Rotterdam Municipal Port Management knowledge centre Port and Industry; published 2003. And www.portofrotterdam.com

Facts and figures Port of Amsterdam (2002)	
Total quayside	
Surface area	
▪ Commercial sites	1.056 ha
▪ Water and (rail)roads	988 ha
Containers throughput (TEU/year)	46.069 loaded / 5.835 empty
▪ Incoming	31.849 loaded / 478 empty
▪ Outgoing	14.220 loaded / 5.357 empty
Bulk goods (metric tons/year)	48.351
▪ Coal and ores	31.029
▪ Oil and chemicals	No crude oil / liquid bulk: 18.348
Total bulk	66.699
General Cargo (metric tons/year)	6.477

The characteristics of the port of **Moerdijk** are summarised in the table below.

Facts and figures Port of Moerdijk (2002)	
Total quayside	4 km
Surface area	
▪ Commercial sites	2.600 ha
▪ Water and (rail)roads	
Containers throughput (TEU/year)	20.000
▪ Incoming	10.000
▪ Outgoing	10.000
Bulk goods (metric tons/year)	3.300
▪ Coal and ores	1.100
▪ Oil and chemicals	2.200
General Cargo (metric tons/year)	700

The characteristics of the port of **Vlissingen** are summarised in the table below.

Facts and figures Port of Vlissingen (2002 ⁶)	
Total quayside	
Surface area	
▪ Commercial sites	2.300 ha
▪ Water and (rail)roads	
Containers throughput (TEU/year)	14.700
▪ Incoming	12.300
▪ Outgoing	2.400
Bulk goods (metric tons/year)	6.327
▪ Coal and ores	421
▪ Oil and chemicals	5.906
General Cargo (metric tons/year)	9.126

The characteristics of the port of **Delfzijl/Eemshaven** are summed in the table below.

⁶ Source www.portofzeeland.com

Facts and figures Port of Delfzijl/Eemshaven (2004)	
Total quayside	Delfzijl: 4.510 m / Eemshaven: 2.450 m
Surface area <ul style="list-style-type: none"> ▪ Commercial sites ▪ Water and (rail)roads 	1.300 ha
Containers throughput (TEU/year) <ul style="list-style-type: none"> ▪ Incoming ▪ Outgoing 	
Bulk goods (million tons/year) <ul style="list-style-type: none"> ▪ Coal and ores ▪ Oil and chemicals 	6,6
General Cargo (metric tons/year)	2.841

8.2

INVOLVED ORGANISATIONS

In the following table the involved organizations are presented, together with general characteristics on their tasks and competencies, number of employees and their knowledge level with regard to waste shipment regulation.

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
VROM inspectorate region South West	National	No	Yes	8 of 80	High
Senter Novem	National	Yes	No	6	High

The VROM Inspectorate is part of the Ministry of Housing, Spatial Planning and Environment (VROM). In total the VROM-Inspectorate has over 600 employees. About 25 employees, divided over the 5 regions, are entrusted with the management and enforcement of the Regulation 259/93. The region South-West includes the Port of Rotterdam.

Senter Novem (international report point for waste materials) works in assignment of the policy department SAS of the Ministry of VROM.

8.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

The VROM Inspectorate cooperates with environmental specialists at customs, the police and the Traffic Inspectorate of the ministry of Traffic and Waterworks. The cooperating organizations exchange information on a structural and on case-by-case bases. Most of these people are trained for the enforcement of Regulation 259/93. Part of this training is given by the Ministry of VROM. The total number of specialists in The Netherlands is about 150.

The following numbers of specialists work in the port of **Rotterdam**.

Specialists in the port of Rotterdam	Number
Customs	8
Police	2
Harbour Police	3
Railroad Police	2
Traffic Inspectorate	2

The following numbers of specialists work in the port of **Amsterdam**.

Specialists in the port of Amsterdam	Number
VROM Inspectorate	4
Customs	5
Police	2
Harbour Police	2
Railroad Police	-
Traffic Inspectorate	-
Building and environment inspection Amsterdam	1

The following numbers of specialists work in the port of **Moerdijk**.

Specialists in the port of Moerdijk	Number
VROM Inspectorate	4
Customs	1
Police	1
Harbour Police	2
Railroad Police	1
Traffic Inspectorate	-

The following numbers of specialists work in the port of **Vlissingen**.

Specialists in the port of Vlissingen	Number
VROM Inspectorate	Region South-West
Customs	1
Police	2
Harbour Police	-
Railroad Police	-
Traffic Inspectorate	-

The following numbers of specialists work in the port of **Delfzijl/Eemshaven**.

Specialists in the port of Delfzijl/Eemshaven	Number
VROM Inspectorate	1
Customs	2
Police	1
Harbour Police	2
Railroad Police	-
Traffic Inspectorate	-

Those specialists function as contact person for the VROM-Inspectorate for their organisation. The tasks of these specialists with regard to enforcement of the Regulation 259/93 are as follows:

- Train and support their colleagues;
- Make a first selection of shipments;
- Carry out a first physical inspection or second opinion together with their own colleagues.

The cooperation is formalised in an agreement and brought in practice via joint inspections. The VROM-Inspectorate gives support to customs and police officers. Only in simple cases Customs and Police carry out criminal enforcement actions by their selves. In some other cases they contact the VROM-Inspectorate and handle the case over to the VROM

Inspectorate. Administrative enforcement actions are always taken by the VROM-Inspectorate.

Cooperation with other countries

Within the framework of IMPEL-TFS cooperation is also established with important other countries, like other European and Eastern Asia⁷ countries. International cooperation is brought in practice by exchanging information and giving support with returns of illegal shipments. This cooperation is carried out on informal bases.

8.4

LEGAL POWERS

The VROM Inspectorate is actively carrying out transport inspections and company inspections. The reason for inspections is mostly originating upon signals of others. The inspection does not operate on selection or registration of organizations and transports (preventive operation).

In preparation of the inspections the VROM Inspectorate relies on consulting documents and having contact with other competent authorities, like provinces and municipalities. The actual inspections are done by administrative and physical checks, sometimes followed by sampling and analyses of waste.

If the given situation is not in accordance with the legislation in general or the given permit, criminal prosecution and administrative measures follow. Sanctions that are given when operating in conflict with the legislation are return of shipments, legal penalties or administrative sanctions. The Inspectorate can withdraw given permissions, but this sanction is not often used.

The results of inspections are registered in the VROM Inspectorate database.

Tasks and qualifications

The VROM Inspectorate has qualified personnel for executing their competences in enforcement tasks. The table also indicates how often the competences are actually used.

Qualifications	Extent of usage
Stop a vehicle for inspection	Sometimes
Open containers or shipments	Always
Carry out inspection	Always
Inspect documents	Always
Sampling	Sometimes
Analyse	Sometimes
Detain shipments for closer investigation	Always
Block shipments	Sometimes
Legal proceeding	Always

8.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The VROM Inspectorate experiences the following difficulties in the enforcement of EU Regulation 259/93:

⁷ Another project that is currently carried out under the umbrella of IMPEL-TFS is the TFS-Asia project. Within this project information is exchanged and cooperation is established on TFS shipments with Asian countries.

- Unclear legislation;
- Lack of cooperation with other organizations (mostly international);
- Lack of national/international exchange of knowledge;
- Unclear definitions/ misinterpretations of concepts;
- Different opinions between member states about waste, non-waste and green-amber-red listed waste.

CHAPTER

9

Poland: Szczecin–
Swinoujscie and Gdynia

9.1

PORTS FACTS

The port in Szczecin and the port in Swinoujscie are both administrated by “Authority of Szczecin and Swinoujscie Seaports”. They are located near the Odra river estuary which ensures suitable connection between Eastern and Western Europe. Furthermore ports provide the access to Baltic Sea for countries such as Czech Republic, Slovakia and Hungary.

The characteristics of the port of Szczecin - Swinoujscie are summed up in the table below.

Facts and Figures Port Szczecin - Swinoujscie	
Total quayside	8,3 km
Surface area (total)	541 ha
Szczecin	407 ha
Swinoujscie	134 ha
Commercial sites	540.000 m ²
Roofed commercial sites	55.000 m ²
Estimated throughput capacity (tons/year)	24.000.000
Containers throughput in 2004 (TEU)	27.680
Incoming	10.921
Outgoing	16.759

The Port of Gdynia is located on the coasts of the South Baltic Sea. Construction of the Port started in the 1920`s. The Port is situated at the intersection of the principal European transport routes, providing the most convenient connection between both Central and Eastern Europe and Scandinavia as well as between Western and Eastern Europe. Additionally, for countries such as the Czech Republic, Slovakia, Ukraine, the Belarus Republic and Hungary, the Port of Gdynia provides easy access to the Baltic Sea.

The characteristics of the port of Gdynia are summed up in the table below.

Facts and Figures Port Gdynia	
Total quayside	10 km
Surface area	240 ha
Commercial sites	630.000 m ²
Roofed commercial sites	230.000 m ²
Bulk goods in 2004 (metric tons)	10.744.600
Containers throughput in 2004 (TEU)	377.236
Incoming	unknown
Outgoing	unknown

9.2

INVOLVED ORGANISATIONS

In the following table the involved organizations and their authority is presented, together with general characteristics on their tasks and competences, number of employees and their general knowledge level regarding to waste shipment regulations.

Organisation	Level	Grant permission	Enforcement Authority	No. of employees EC regulation	Knowledge level
Chief Inspectorate for Environmental Protection	National	Yes	Yes	9	High
Regional Inspectorate for Environmental Protection (<i>Voivodship</i>)	Regional	No	Yes	Differences occur between Inspectorates	Moderate

Regional Inspectorates (*Voivodship*) are in general responsible for all inspection activities. The Regional Inspectorates carry out inspections of transfrontier waste shipments quite frequently through planned or ad hoc controls.

9.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

The Inspection for Environmental Protection cooperates with customs, Border Guard and the Inspection of Road Transport. The cooperation with the Inspection of Road Transport has a form of official agreement (cooperation covenant).

Cooperation with other countries

Poland cooperates with every country that needs or requires such cooperation and it is carried out on informal bases. Official cooperation in the field of transfrontier waste shipments has been established with Germany. It is brought into practise by organizing annual meetings of Polish-German Working Group on Waste. During these meetings not only implementation of environmental law but also particular enforcement problems are usually discussed. The first Polish-German joint inspections were carried out in June 2005 on the bordering area.

9.4

LEGAL POWERS

The Inspection for Environmental Protection actively performs inspections which solely concern company. The inspections are initiated by:

- Selection (preventive measures);
- External signals;
- Annual plans.

The Inspectorate does not carry out transport inspections.

The Inspection for Environmental Protection relies on consulting documents while preparing the inspections. Third parties are not consulted actively. The inspection contains administrative and physical checks that is sometimes followed by waste sampling and analyses.

The Inspection for Environmental Protection can initiate criminal prosecution or administrative measures if the infractions are detected (breaking the rules of legislation or permits given). Other sanctions that can be applied are:

- Return of illegal shipments;
- Withdrawal of permits;
- Financial penalties.

Exchange of knowledge

Information about permissions that have been granted is registered in the Chief Inspectorate for Environmental Protection and they may be obtained by other authorities on their request.

Tasks and qualifications

The Inspection for Environmental Protection has a number of qualifications and competences for executing their enforcement task with regard to waste shipment regulations. The frequency of using them is presented in the following table.

Qualifications	Extent of usage
Stop a vehicle for inspections *	Sometimes
Open containers or shipments	Sometimes
Carry out inspection	Always
Document check	Always
Sampling	Sometimes
Analysis	Sometimes
Detain shipments for closer investigation	Sometimes
Arrest	Never
Legal proceeding	Never

* Only in case of joint actions with Inspection of Road Transport

Besides the above mentions qualifications the Inspection for Environmental Protection is also qualified to impose administrative penalties.

9.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The Inspection for Environmental Protection experiences a number of difficulties during the enforcement of waste shipment regulation. Poland joined the EU in May 2004 and uses the EU regulations for not so long period of time. The difficulties mentioned must be reviewed in context to the inexperience with the regulation. The difficulties as mentioned are:

- Lack of capacity;
- Unclear definitions;
- Misinterpretations of concepts.

CHAPTER

10

Portugal: Lisboa
and Setúbal

10.1

PORT FACTS***Lisboa***

The port of Lisboa is located on the Tejo estuary and it is managed by Administração do Porto de Lisboa, S.A, (APL, SA) a publicly owned limited company with jurisdiction over the majority of the Tejo estuary and its banks. Its area of jurisdiction extends from a line draw between the tower of S. Julião da Barra and the Bugio lighthouse downstream, to the bridge at Vila Franca de Xira upstream. The port authority interacts with eleven municipalities.

Facts and Figures of Lisboa Port (2005)	
Incoming ships	3543 Units
Sea-borne cargo	12 465 111 Ton
Solid bulk	5 202 884 Ton
Liquid Bulk	1 608 827 Ton
Containerised cargo	4 040 127 Ton
Ro-Ro cargo	11 915 Ton

APL, SA is responsible for controlling shipping in the port in close cooperation with the Port Captaincy, the Customs Service, The Maritime Health Authority and the Aliens and Frontiers Service. In this role, APL, SA. acts as the regulator and coordinator of all ships and the others users. In parallel, it is also responsible for maintaining the port infrastructures and supervision of all matters concerning traffic management and environmental protection within the port area.

Setúbal

The port of Setúbal is located on the Sado estuary, at 40 km south of Lisboa, being at the 3rd place at the major Portuguese ports ranking (in handled cargoes value, according with the Bremen rule). It's located on the following geographical co-ordinates: Latitude: 38 ° 30' N; Longitude: 8° 55' W.

Facts and Figures of Setúbal Port (2005)	
Incoming ships	1905 Units
Sea-borne cargo	6 642 136 Ton
Solid bulk	3 100 000 Ton
Liquid Bulk	1 100 000 Ton
General cargo	2 300 000 Ton

It is managed by Administração dos Portos de Setúbal e Sesimbra, S.A, (APSS, SA) a limited company of public funds and it has for purpose the management of the Setúbal and Sesimbra ports, aiming to its economic exploitation, maintenance and development, embracing its legal capacity and privileges as port authority.

10.2

INVOLVED ORGANISATIONS AND RESPONSIBILITIES

The table below presents a short description of the *administrative structure, way of working and legal responsibilities* of organisations involved in:

- Notification and permitting of transfrontier waste shipments, also regarding the three day pre-notification;
- Enforcement of waste shipment regulations.

Organisation	Level	Grant permission	Enforcement Authority	Number employees involved EC Regulation
IGAOT - Inspeção-Geral do Ambiente e do Ordenamento do Território (Inspectorate for the Environment and Land Planning)	National	No	Yes	10 inspectors (involved in inspections of all waste management companies and other companies)
INR – Instituto dos Resíduos (Waste Institute)	National	Yes	No	3 (also with others waste matters)
DGAIEC - Direcção-Geral das Alfândegas e Impostos Especiais sobre o Consumo (Customs)	National (local services)	No	Yes	1737 (in anti-fraud, economic, taxes and aware with waste matters) all employees
GNR/SEPNA – Guarda Nacional Republicana / Serviço de Protecção da Natureza e do Ambiente (Police for the Environment)	National (regional services)	No	Yes	500 (in all environmental matters)

The IGAOT ((Inspectorate for the Environment and Land Planning) is part of the Ministry of Environment, Land Planning and Regional Development (MAOTDR) and is the competent authority to enforce all the environmental and land planning laws. Is a central service for

inspection, environmental and land planning control which seek to guarantee the achievement of legal regulations related to the environment as well as ensuring administrative authority for the related services

The INR is also part of MAOTDR and is the competent authority for all the notification procedures related to the EWSR.

The DGAIEC is part of the Ministry of Finances and Public Administration and is the competent authority for enforce the maritime movements of wastes and includes the customs.

The GNR/SEPNA is part of the Ministry of Internal Administration and is the competent authority for enforce the terrestrial movements of wastes.

10.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

The IGAOT (Inspectorate) cooperates with INR - Waste Institute (competent authority for the notification procedures), GNR/SEPNA (Police for the Environment) and DGAIEC (customs).

All the organizations exchange information related with EWSR.

IGAOT and INR has provided training to the police and to the customs.

Since some years ago, IGAOT and the police have been collaborating in a regular way and several wastes movement controls had been took place.

In 2005 IGAOT began the collaboration with the customs and it was already possible to do some inspections in two ports (Lisboa and Setúbal). They are now aware of the EWSR and inform IGAOT and INR about the detected wastes movements. It is necessary to implement more contacts with the customs of the North region (namely on Porto Port).

Cooperation with other countries

Until now the cooperation with other EU countries for TFS enforcement regarding waste shipment has been punctual, mainly when became necessary to exchange information.

We are trying, also to improve collaboration between Portuguese and Spanish entities, despite of the lack of interest of Spain on control EWSR

10.4

LEGAL POWERS

The IGAOT is carrying out transport inspections (2-4 weeks/year) and company inspections related with illegal movements and others planning inspections.

The inspections are done by administrative and physical checks, sometimes followed by sampling and analyses of wastes, namely on companies.

Related to environmental infringements, we only apply administrative fines.

Regarding illegal movements we force the return of the transports to the origin or to a legal destination.

The table indicates the available competences, how often they are used and the necessity of collaboration.

Qualifications	Extent of usage
Stop a vehicle for inspection	Always together with police

Open containers or shipments	Always together with police or customs
Carry out inspections (waste shipments)	Always together with police or customs
Carry out inspections (at site) in case of TFS	Always
Checking documents	Always
Sampling and analysing	Sometimes (analyses in Environmental Institute)
Detain shipments for closer investigation	Sometimes (customs)
Block shipments	Sometimes (customs)
Legal proceeding	

10.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The Inspectorate of Environment experiences some difficulties in the enforcement of EU Regulation 259/93:

- Lack of capacity/human resources;
- Lack of cooperation with other organizations (national/international);
- Lack of national/ international exchange of knowledge;
- Unclear definitions/ misinterpretations of concepts/ The need of European uniformity on the classification of waste and on allowable contamination levels.

CHAPTER

11

Slovenia: Koper

11.1

PORT FACTS

The Port of Koper is situated in the heart of Europe and represents the southern gate to international commercial links between Europe and overseas. It lies on the shortest transport route linking commercial centres in the Central and Eastern Europe with both Mediterranean countries and countries along the Suez. These facts contribute to the development of the Port of Koper into a logistic and distribution centre significant at all times.

With its entire offer of quality essential and additional port service, affirmed by the ISO 9001 quality certificate, as well as with all the advantages offered by the Free Trade Zone, the Port of Koper establishes opportunities for partners' business success. In making contacts, it also offers logistic, marketing, financial, information and investment support.

The Port of Koper also pays great attention to environment. Therefore, in accordance with ISO 14001 standards, the environmental management system was introduced.

Some general characteristics of the Port of Koper are summarized in the table below:

Facts and figures Port of Koper (2004)	
Total quay length	2.897 m
Quay surface	8.418 m ²
Surface area	
▪ Commercial sites	2.408.125 m ²
▪ Water roads	no
▪ Basin	1.747.748 m ²
▪ Rail roads	30.006 m
▪ Roads	83.665 m ² (approx. 12 km)
Containers throughput (TEU/year)	
▪ Incoming	71.094 TEU
▪ Outgoing	82.253 TEU
Dry bulk goods	
▪ Incoming	5.654.206 ton
▪ Outgoing	1.757.018 ton
General Cargo (metric tons/year)	
▪ Incoming	180.134 ton
▪ Outgoing	747.088 ton

11.2

INVOLVED ORGANISATIONS

In the following table the involved organisations are presented together with general characteristics on their tasks and competencies, number of employees and their knowledge level with regard to waste shipment regulation:

Organisation	Level	Grant permission	Enforcement authority	No. employees EC regulation	Knowledge level
ARSO	National	Yes	No	3	High
IRSOP	National	No	Yes	6	High
Customs	National	No	Yes	All employees (73 for Luka Koper)	All level
Police	National	No	Yes	18	Medium
Maritime directorate	National (only at sea and in seaports)	No	Yes (inspection of safety at sea and on pollution from ships)	4	High

The Environmental Agency of RS and The Inspectorate of RS for the Environment and Spatial Planning are the bodies within The Ministry of RS for Environment and Spatial Planning

The Environmental Agency of RS (ARSO) is the designated competent authority of the Republic of Slovenia according to the provisions of Basel Convention and Waste Shipment Regulation 259/93/EGS. One of the main tasks is granting permissions for transboundary waste shipments.

The Inspectorate of RS for the Environment and Spatial Planning, environmental inspection (IRSOP) is in general responsible for all inspection activities.

Customs' control includes the inspection of documents, physical control of waste and the sampling in order to test at customs laboratory.

Police is responsible for checking the adequacy equipment of vehicles (ADR), transporting documents and physical control of waste.

The Maritime Directorate, Port State Control carries out all tasks regarding the inspection of safety at sea. The Slovenian Maritime Directorate takes care of the environment through the Maritime Safety Inspectors who cover the inspection on prevention of pollution from ships.

In the following table the involved organizations are presented, together with general characteristics on their tasks and competencies, number of employees and their knowledge level with regard to waste shipment regulation.

11.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

The Inspectorate of RS for the Environment and Spatial Planning, environmental inspection (IRSOP) cooperates with The Environmental Agency of RS (ARSO), Customs and Police on

the legal basis. The cooperating organizations exchange information mostly on case-by-case basis and spot checks on border crossings. IRSOP and ARSO work in close cooperation also in the procedure of granting permits for transfrontier shipments of waste. The cooperation with Maritime Directorate is on voluntary basis.

Cooperation with other countries

Cooperation is established with administrative and other authorities of countries Parties to the Basel Convention and international organizations, competent for enforcement and implementation of legislation regarding shipment of waste and other inter-State organizations directly or through the Secretariat of the Basel Convention, via exchange of information, the promotion of environmentally sound technologies and the development of appropriate codes of good practice. Furthermore deeper cooperation has been established with Austrians for exchanging information and carrying out joint inspections.

11.4

LEGAL POWERS

IRSOP is actively carrying out company inspections. The company inspections are planned in annual plans, but can also be initiated upon external signals and are done by administrative and physical checks. Port inspections are carried out as a result of this project in cooperation with customs and police.

Also transport inspections are carried out together with customs and police usually on boarder crossings.

Exchange of knowledge

Information on permission that has been granted is registered in The Environmental Agency of RS and is delivered to IRSOP and customs.

Tasks and qualifications

The involved organisations have a lot of qualifications and competences for executing their enforcement task with regard to waste shipment regulations which are presented in following table. The table also indicates how often the qualification is actually used.

Qualifications	Extend of usage Customs	Police	
		Police	IRSOP
Stop a vehicle for inspections "	Always, depend on risk analysis	Always	-
Open containers or shipment	Sometimes, depend on risk analysis	Always	-
Carry out inspections (waste shipment)	Sometimes	Sometimes	Sometimes
Carry out inspections (at site) in case of TFS	-	-	Always
Checking documents	Always	Always	Always
Sampling and analysing	Sometimes	Sometimes	Rare, only possible with accredited laboratory
Detain shipments for closer investigation	Sometimes	Sometimes	Sometimes
Block shipments	Sometimes	sometimes	Never
Legal proceeding	Rare	1 (in 2004)	Never

11.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The Inspectorate of RS for the Environment and Spatial Planning experiences some difficulties in the enforcement of EU Regulation 259/93:

- Lack of capacity;
- Lack of practical experience especially with illegal shipments;
- Unclear provisions of WSR regarding information which shall be accompanied to assist the tracking of shipment of green listed waste and for any other type of shipment of the green listed waste for which it is not laid down in WSR that it must be accompanied with Art. 11 information;
- Lack of national/international exchange of knowledge;
- Unclear legislation;
- Unclear definitions/misinterpretations of concepts.

CHAPTER

12 Spain: Barcelona

12.1

PORT FACTS

The Port of Barcelona is located in the Mediterranean Sea, on the coast of Catalonia - an autonomous community of the north-eastern part of Spain. The main area served is the Mediterranean Sea. Most of the traffic comes from or has destination to Italy/France (5 million tonnes/year), the North of Africa (4.7 million tonnes/year) and to a lesser extent, the Eastern Mediterranean/Black Sea/Caspian Sea/Near East (altogether 3 million tonnes/year) and the Far East and Japan (2.9 million tonnes/year, mainly container export). The most common goods unloaded are hydrocarbons, and most of loaded goods consist of chemical products. The Port of Barcelona also has a Logistic Activities Area (ZAL), which offers an international multi-mode platform (port, train, road, and a current link with the airport being developed).

The following table summarises the characteristics of the Port of Barcelona. However, it is currently undergoing an important expansion that will probably double total transit. It will most likely be finished by 2011.

Facts and Figures of the port of Barcelona (2004)	
Total quayside	20 km
Surface area (land)	829 ha
Logistic Activities Area	200 ha
Commercial sites	
Containers	
▪ Throughput (TEU/year)	1,882,878
▪ Incoming (TEU/year)	949,184
▪ Outgoing (TEU/year)	933,695
Bulk goods (metric tons/year)	
▪ Hydrocarbons (t/year)	9,678,037
▪ Other liquids (t/year)	1,533,205
▪ Solids (t/year)	3,675,977
General Cargo (metric tons/year)	24,467,548
Other indicators:	
Vessels (number/year)	8,671
Passenger traffic (number/year)	1,962,992
Automobile traffic (number/year)	787,715

12.2

ORGANISATIONS INVOLVED

Spain is divided into autonomous communities (or regions). Environmental competencies are shared between the state government, and the regional governments (in our case the Catalan Government). The Environmental Department of Catalonia has different agencies -

each of which is competent in one of the environmental topics (air, water, waste), and the Catalan Waste Agency is competent for all issues related with waste.

As regards transfrontier waste shipment in the Port of Barcelona, the involved authorities are:

- The Spanish Ministry of Environment. It's the authority who formally grants permissions for shipments outside the European Union and transit.
- The Catalan Waste Agency. It is competent for granting permission for shipments within the European Union, as well as for enforcement.

In the following table these two organizations are presented briefly, together with general characteristics on their tasks and competencies, number of employees and their knowledge level with regard to waste shipment regulation.

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
Spanish Ministry of Environment	National	Yes (Into/ out of the EU and transit)	No	---	---
Catalan Waste Agency	Regional	Yes (within EU members)	Yes	6 of 150	High/Moderate

12.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

Enforcement on transfrontier waste shipment is just being started in the Port of Barcelona. As regards enforcement, the Catalan Waste Agency is the only competent authority. However, to implement it, cooperation is being established with the Customs authorities and with the Port authorities. At the moment the cooperation is based only on verbal agreements (there is no formal agreement).

Cooperation with other countries

Up to now, the cooperation with other countries for TFS enforcement has been on a one-by-one basis (mainly when it became necessary to exchange information concerning specific cases), besides attending to the regular meetings of the IMPEL-TFS group and the cooperation in the framework of this project.

12.4

LEGAL POWERS

Inspections are carried out by personnel from the Catalan Waste Agency. Inspections are carried out based on examination of Customs data. The main criteria are selection of suspicious signs in documentation. If irregularities are found or are suspected during the administrative check, physical inspections are carried out in selected shipments too.

Knowledge exchange

The results of inspections are registered in the Catalan Waste Agency database and in the forms of the Viadesk data base system.

Tasks and legal powers

The Catalan Waste Agency has qualified personnel who carry out their competences in enforcement tasks. When waste enforcement takes place in the port facilities within the framework of this project, the assistance of the Customs authorities is needed to be able to execute some of the powers. These cases are marked by (*). As enforcement in the Port in Barcelona is still in the initial steps, not all the powers are being used at the moment and it is not possible to know yet the extent of usage of each of them.

Legal powers	Extent of usage	
	Type	Usage (1)
Open containers	Yes (*)	---
Carry out inspection	Yes	---
Inspect documents	Yes	---
Sampling	Yes (*)	---
Analyses	Yes	---
Detain shipments for closer investigation	Yes (*)	---
Block shipments	Yes/ (*)	---
Legal proceeding	Yes	---

(*) To execute this power the assistance of Customs authorities is needed.

(1) The extent of usage of the powers is not known yet, as TFS enforcement in the port of Barcelona is in its initial steps at the moment.

12.5**CURRENT DIFFICULTIES IN ENFORCEMENT**

As the enforcement of the EC Regulation 259/93 in the Port of Barcelona is being just established, the most important difficulties are:

- Lack of experience;
- Lack of knowledge;

No inspectors are dedicated exclusively to this task.

CHAPTER

13

Sweden:
Stockholm, Gothenburg and
Södertälje

13.1

PORT FACTS

Stockholm

The Ports of Stockholm group comprises the ports in Stockholm, Kapellskär and Nynäshamn on the Swedish East Coast. The Port of Stockholm is the central port for freight and passengers to and from Finland, Russia and the Baltic States. The feeder ships link Stockholm to Hamburg and Bremerhaven and ocean-going vessels. This makes it easy for containers to reach virtually any part of the world.

The ports of Kapellskär, 90 km north of Stockholm, and Nynäshamn, 60 km south of Stockholm, are the outports which their shorter entrance channels, form a supplement to the central port. The port in focus for Seaport II is however the central port.

Important types of cargoes in the port of Stockholm are bulk goods (sand, cements etc.) oil products and general cargo (containers, lorries and trailers).

Facts and Figures of the port of Stockholm	
Surface area	1 500 000 sq metres
Commercial sites	
Water and (rail)roads	
Containers (TEU/year)	33 500(2003)
Throughput	
Incoming	22 500 (2002)
Outgoing	13 900 (2002)
Bulk goods (metric tons/year)	1 300 000 (2003)
General Cargo (metric tons/year)	5 400 000 (2003)

Gothenburg

The port is situated on the Swedish West Coast. It lies within the city limits of Gothenburg. Sweden's second largest city and its main port. The port of Gothenburg has grown up around the Mouth of River Göta

The port of Gothenburg is the largest port in the Nordic area. The port is serving the whole of the Nordic region and about one-fifth of the general cargo is being transhipped between a Nordic country other than Sweden and countries outside Europe. North America and the

Far East are the most frequent deep-sea destinations. However, the bulk of its traffic has always been intra-European.

The most important cargo passing through the port of Gothenburg in terms of tons are oil products. Then come unitised general cargo, forest products, steel and cars.

Facts and Figures of the port of Gothenburg ¹ (2004)	
Surface area	3,6 million sq meters
Commercial sites	
Water and (rail)roads	
Containers (TEU/year)	731 000 TEU
Throughput	
Incoming	
Outgoing	
Bulk goods (metric tons/year)	130 000 (2003)
General Cargo (metric tons/year)	16 900 000

Södertälje

The Port of Södertälje is situated 40 km south of Stockholm. The port is serving mainly other ports in Sweden and the Baltic states, Germany and the Netherlands. Important types of cargoes in the Port of Södertälje are cereals, cars and general cargo (containers, lorries and trailers).

Facts and Figures of the port Södertälje	
Surface area	450 000 sq metres
Commercial sites	
Water and (rail)roads	
Containers (TEU/year)	33 000 teu's (2005)
Throughput	
Incoming	17 000 teu's (2005)
Outgoing	16 000 teu's (2005)
Bulk goods (metric tons/year)	645 000 ton (2005)
General Cargo (metric tons/year)	243 000 ton (2005)

13.2

INVOLVED ORGANISATIONS

The Environmental Protection Agency (SEPA) is the legal competent authority of Sweden for handling of notifications concerning transboundary waste shipments. SEPA receives around 500 notifications per year (2005). SEPA is also responsible for guiding, evaluating, advising and coordinating the operative inspectorates (who carry out inspections and enforcement).

Sweden is divided into 21 County Administrative Boards and 290 Municipalities. All those authorities are involved in the enforcement of the Waste Shipment Regulation. Regional and local authorities have a shared responsibility for the cooperation concerning the enforcement and inspections. Regional and local authority shall co-operate in the enforcement and inspections together with the Swedish Customs. The Customs are investigating smuggle-related environmental offences.

Not many pro-activities are done, due to lack of knowledge and resources.

Within the Seaport project the County Administrative Boards of Stockholm and Västra Götaland and the municipalities of Stockholm and Gothenburg participated.

The County Administrative Boards are responsible for co-operation between local authorities, regional prosecutor and the police according to environmental crime.

The Office of the Prosecutor-General has a special organisation for the fight against criminal activities in the field of environmental crime. This Office consists of a central environmental crime unit at the Prosecutor-General secretariat and composed of specialist public prosecutors. In all, some 20 specialist public prosecutors are engaged in the fight against environmental crime. At our 21 national police authorities about 70 police officers have received special training in the investigation of environmental crime.

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
Environmental Protection Agency	National	Yes	Yes	2	High
County Administrative Board	Regional	No	yes	3(Stockholm and Gothenburg)	moderate
Municipality	Local	No	Yes	2 (Stockholm and Gothenburg)	low
Customs	National	No	No	?	moderate
National Criminal Police, environmental crime unit	National	No	No	1 of 4	High
Prosecutor authority, environmental crime unit	National	No	No	2	Moderate

13.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

Under the provisions of the Swedish Environmental Act, law enforcement agencies and environmental authorities shall cooperate in the combat against environmental crime. Interaction between authorities at central level is supervised by a special Environmental Crime Council, the secretariat of which is located at the environmental crime unit of the Prosecutor-General. The purpose of the Environmental Crime Council is to identify new developments in environmental crime at an early stage, serve as a forum for discussions on the coordination of the activities conducted by the authorities engaged in the fight against environmental crime and to initiate joint actions designed to prevent and combat environmental crime.

Two years ago the Environmental Crime Council set up a working team with instructions to interact in criminal matters involving transboundary shipment of waste. In this working team there are a cooperation between the Environmental Protection Agency, the Swedish Customs, The Prosecutor authority, The Police - National Criminal Investigation Department and the County Administrative Board of Stockholm. The working team has called attention to the lack of knowledge and inspections in regard to the Waste Shipment

Regulation. As a result, all Swedish environmental police, prosecutors and some customs officers have been trained in the EC Waste Shipment Regulation during 2004.

Operational working relations between organizations are:

- Joint enforcement activities between regional- local environmental authorities and the customs.
- The Customs and the National Police cooperate about intelligence and risk analysis.

Co-operation with other countries

The SEPA cooperates with other competent authorities concerning notifications on shipments of waste. There is also a cooperation concerning illegal shipments on a case by case basis.. Within the framework of IMPEL-TFS cooperation is also established with other countries.

The National Criminal Investigation Department includes a special Environmental Crime Unit which is an intelligence service with particular focus on the illegal trade in waste, chemicals (especially ozone depleting substances) and endangered flora and fauna species. The National CID Environmental Crime unit, operating via the Swedish NCB, is the contact point for information to and from Europol and Interpol involving environmental crime. Sweden is a member of the Action Group against organised crime in the Baltic Sea region.

13.4

LEGAL POWERS

General description

The County administrative boards and the local authorities are responsible for inspection and enforcement of transboundary shipments of waste together with Customs. They have the right to control vehicles and containers and to open containers and to block them. If there is a suspicious crime going on the authorities are obliged to report to the prosecutor and police for further investigation.

There is no database, except Viadesk, in Sweden for registered inspections.

Tasks and legal powers

Legal powers	Extent of usage	
	type	usage
Open containers	yes	Sometimes
Carry out inspection	yes	Sometimes
Inspect documents	yes	Sometimes
Sampling	no	Never
Analyses	no	Never
Detain shipments for closer investigation	no	Never
Block shipments	yes	Sometimes
Legal proceeding	yes	Sometimes

13.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The Swedish experiences a number of difficulties during the enforcement of the EU Regulation 259/93 which are summarized below:

- Lack of resources;
- Lack of knowledge and practical experiences;
- Unclear legislation;
- Lack of cooperation with other organisations;
- Lack of exchange of knowledge on national, regional, local and international level;
- Vague definitions;
- Unclear roles and authorizations.

CHAPTER

14

United Kingdom:
Felixstowe, Southampton and
Thamesport

14.1

PORT FACTS

During 2004 60% of all UK Port traffic was attributed to inward traffic, this amounted to imports of 342.4 million tonnes and shows a 6% increase on 2003 figures. During 2004, the ports of Grimsby & Immingham were the UK's leading ports for handling bulk materials (57.4 m tonnes), Dover was the leading unitised traffic port for road goods vehicles and unaccompanied trailers (1.98 m tonnes) while Felixstowe was again the UK's leading port handling containers. During 2004 Felixstowe handled 1.71 million units (TEU's).

Felixstowe

The Port of Felixstowe is the largest container port in the United Kingdom. The port is currently undergoing a significant expansion (5 times the size they were 25 years ago). Felixstowe Port is a member of the Hutchison Port Holdings (HPH) Group, a wholly owned subsidiary of the multinational conglomerate Hutchison Whampoa Limited (HWL). Every continent is served by deep-sea services calling at Felixstowe and short sea operators. The latter ones use the Port to connect countries from Portugal up to Finland, Russia and the Baltic region and Africa through the Mediterranean to the Middle East and the Black Sea.

Felixstowe is also one of the UK's leading RO/RO Ports and RO/RO traffic accounts for almost 15% of Felixstowe's total unitised throughput. Felixstowe Docks also has two Railheads which are used to transport on the region of 400,000 containers each years.

The characteristics of the Felixstowe Port are summed up in the table below.

Facts and figures Port of Felixstowe ⁸	
Total quayside	4 km
Surface area	700 acres
Commercial sites	
- Warehousing	1.4 million Square feet
- Office space	200,000 Square feet
Water and (rail)roads	2 Railheads
Containers throughput (tonnes/year)	1,700.100(TEU)) (19,600,000
Foreign traffic	tonnes)
- Imports	- 11,350,000
- Export	- 7,622,000

⁸ Source: Department of Transport – Marine Statistics 2004 & Port of Felixstowe

Facts and figures Port of Felixstowe ⁹	
- Domestic traffic	- 635, 000
Bulk goods (liquids & Others) (metric tonnes/year)	-142,000
Forestry Products	- 696,000
General cargo & containers <20'	- 26,000
All other general cargo traffic	- 722,000
All traffic (metric tonnes/year)	- 23.4 million tonnes

Felixstowe is a point of export for much of the UK's mixed municipal, waste electrical and end of live vehicle waste.

Port of Southampton

An overview could not be provided.

Port of Thamesport

An overview could not be provided.

14.2

INVOLVED ORGANISATIONS

In the following table the involved organisations are presented, together with general characteristics on their tasks and competencies, number of employees and their knowledge level with regard to waste shipment regulation.

Organisation	Level	Grant permission	Enforcement Authority	No. employees EC regulation	Knowledge level
The Environment Agency (TFS National Service 1)	National	No	No	12 of 14000	High
The Environment Agency (Local office 2)	Local Level	Yes	Yes	3	Moderate

- 1) The TFS National Service, based at Warrington in North West England, acts as a focus for the Agency's role as Competent Authority. It provides technical and administrative support to other Agency staff, external customers (such as industry) and allows for effective links with other Competent Authorities (regulators) working in the UK (such as the Scottish Environmental Protection Agency and the Northern Ireland Department of Environment) and overseas. It also carries out the reporting obligations under the Waste Shipments Regulation and acts as a focal point for the Agency's enforcement of TFS.
- 2) The Area offices are responsible for the technical assessment of notifications. Responsibility for enforcement at Felixstowe is delegated to the 'Environment Management' Teams based at the Agency's Ipswich office, these teams also have many other enforcement and other duties. Currently only two or three officers have any experience in this area of enforcement, largely as a result of this project.

The Environment Agency was established by the Environmental Act of 1995. In total approximately 14,000 employees work for the Environment Agency, which makes it the largest environmental organisation in Europe. The Environment Agency operates through national centres on a national level. The employees who work in these national centres are experts on specific subjects e.g. flood warning, hazardous substances and the transfrontier shipments of waste.

Over a 12 month period during 2004 and 2005, the UK Environment Agency established a national specialist enforcement team solely for the purpose of seaport inspections and enforcement of the EWSR. These inspections were conducted in collaboration with HM Revenue and Customs using intelligence lead profiling with technical and legal support being provided by the TFS National Service. Over the initial six month period this dedicated team of elite officers carried out 278 documentation inspections and 153 physical examinations at 7 UK docks and as a result of these inspections they successfully prevented the illegal export of 133 loads of UK waste to destinations across the world. Looking forward, the work carried out during 2005 has provided the foundation for a large programme of intelligence lead inspections which will be carried out during 2006.

14.3

COOPERATION BETWEEN NATIONAL ORGANISATIONS AND OTHER COUNTRIES

Cooperation between national organisations

The Environment Agency has developed co-operation locally with Her Majesty's Revenue & Customs. The co-operation is not formalised, but is a local arrangement between the Agency's local office and Customs at Felixstowe. It is hoped that in future a Memorandum of Understanding may be developed between the two organisations to facilitate collaborative working.

Cooperation with other countries

Co-operation with other countries within the United Kingdom exists with Scotland and Northern Ireland, namely the Scottish Environmental Protection Agency and the Northern Ireland Environment and Heritage Service, as competent authorities in their areas. This co-operation takes the form of regular meetings, good working relationships and the sharing of intelligence, information and working methods.

14.4

LEGAL POWERS

The Environment Agency actively carries out port inspections at Felixstowe, but largely as a result of this project, however during 2005 intelligence lead inspections were conducted at Felixstowe by the national port inspection team.

Inspections are carried out by firstly conducting administrative documentation checks using profiles based on intelligence and/or commodity codes of interest. If a shipment of interest is found during this documentation search, a physical examination will be performed and sampling of the waste will occur if required. If the inspected waste export is not in accordance with the legislation, then the shipment will be detained. Shipments are detained at the request of the Environment Agency with the assistance of Customs. Once a shipment is detained, a full investigation is launched and prosecution may follow.

Tasks and qualifications

The Environment Agency currently has limited personnel with the required competencies for executing their enforcement duties in relation to the EWSR at Felixstowe, however during 2006 this will change. In the following table these qualifications are presented. The table also gives an insight into how frequently these competencies are used.

Qualifications	Extent of usage
Stop a vehicle for inspection	Never
Open containers or shipments	Sometimes
Carry out inspection	Sometimes
Inspect documents	Sometimes
Sampling	Sometimes
Analyse	Sometimes
Detain shipments for closer investigation	Sometimes
Block shipments	Sometimes
Arrest	Never
Legal proceeding	Sometimes

14.5

CURRENT DIFFICULTIES IN ENFORCEMENT

The Environment Agency experiences difficulties in the enforcement of EU Regulation 259/93, and these are summarised below:

- Lack of dedicated resource – the Environment Management teams are responsible for TFS enforcement work at Felixstowe are not dedicated solely to TFS work, they have many other priorities such as regulation of waste management facilities and responding to reports of pollution incidents. TFS enforcement work is not necessarily seen as high priority. As the profile of this work is raised, it is hoped that its priority compared with other work will also be raised and greater resources released.
- Lack of knowledge – although knowledge of TFS issues in the national team is high, at local level knowledge and experience of this work is very low.
- Complex legislation – TFS legislation, namely the EWSR is considered to be somewhat complex; UK domestic legislation, the Transfrontier Shipment of Waste Regulations 1994 are clearer especially in relation to criminal offences.
- This project has highlighted the importance of co-operation between the Environment Agency and HM Revenue & Customs and the need for more formalised working practices possibly in the form of a formal Memorandum of Understanding – this could be a national agreement and would greatly assist with enforcement work at all ports.
- Lack of exchange of knowledge at a national and international level– this project has highlighted the importance of the exchange of intelligence between colleagues within the Environment Agency, between organisations and also countries;
- Differences in interpretations – there appears to be some differences of opinion in the interpretation of the European Waste Shipment Regulation by different Member States. This would be greatly improved by a new clearer European Waste Shipment Regulation.

COLOPHON

VERSION:

FINAL

CLIENT:

VROM Inspectorate, The Netherlands

STATUS:

Final project report, September 2004 – May 2006

AUTHORS:

Ms Sandra Kraan ARCADIS

Mr Charles Nijssen ARCADIS

CHECKED AND APPROVED BY:

Mr Charles Nijssen ARCADIS

RELEASED BY:

Ms Nancy Isarin VROM Inspectorate

ARCADIS Ruimte & Milieu BV
Beaulieustraat 22
P.O. Box 264
6800 AG Arnhem
The Netherlands
Tel +31 26 3778 899
Fax +31 26 4457 549
www.arcadis.nl

©ARCADIS. All rights reserved. Apart from certain exceptions allowed by the law, no part of this document may be copied and/or made public by means of printing, reprographics or digital reproduction or by any other means without the written permission of the copyright owners.

