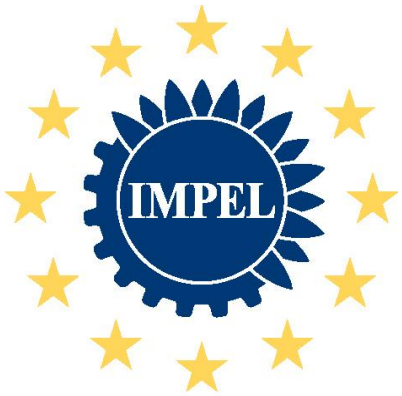
IMPEL – TFS Enforcement Actions III
Project Report
Final Report (March 2012 – December 2013)

Enforcement of the European Waste Shipment Regulation



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Introduction to IMPEL

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

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

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

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

Information on the IMPEL Network is also available through its website at: www.impel.eu

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Disclaimer: This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrative.	

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1. Executive Summary

The European Regulation (EC) No 1013/2006 on shipments of waste concerns the prevention of the illegal shipment of waste. Obligations are placed on Member States to carry out waste shipment inspections, to cooperate with each other, and to establish appropriate penalties and fines to deter illegal shipments. The Enforcement Actions III (EA III) Project is the seventh inspection project under the umbrella of IMPEL-TFS. It follows on from the Seaport projects I & II, the Verification projects I & II (running from 2003 up to June 2006) and the Waste Enforcement Actions II (EAII) Project (from 2008 to 2012). It aims to promote and improve inspections and enforcement of waste shipments through and out of the European Union.

The project objectives included carrying out inspections on waste shipments, knowledge exchange and capacity building in order to harmonise the level of enforcement and expertise within the participating countries. For this purpose joint activities were carried out over six inspection periods throughout 2012 (Year 1) and 2013 (Year 2). This report covers the results for the inspection periods in both Years 1 and 2.

Thirty countries participated in the project; these were Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, England, Wales, Scotland and Northern Ireland of which, 24 countries submitted inspection results. Where joint border controls occurred, one country submitted the inspection results. Contact was also made with Iceland, Greece, Hungary, Macedonia, Italy, Slovakia, Turkey and Ukraine with an attempt to involve them in the project.

A total of 9335 administrative and 6964 physical transport inspections were undertaken in Year 1, with the majority conducted on roads or at ports, combining a mix of random, on site and targeted inspections. Waste shipments accounted for 21.4% of these inspections, of which 28.5% (424) were in violation of the Waste Shipment Regulation (WSR). Over the same period, 225 company inspections took place, of which, 184 were waste-related, with 42 violations detected.

A total of 2555 administrative and 3560 physical transport inspections were undertaken throughout Year 2. The proportion of waste shipments was 27.4% (1673) and, of these waste-related transport inspections, a total of 587 (35 %) were in violation of the WSR. Over the same period, 210 company inspections took place, of which, 170 were waste related, with 58 violations detected.

When combining the transport and company inspections, the waste shipment violation level has increased from 28% in Year 1 to 35% in Year 2.

It should be noted that the reported figures do not reflect the overall number of inspections and violations in Europe, as the project gives a ‘snapshot’ of total inspection activity within the participant countries.

Nevertheless, the results clearly show the active participation of the majority of Member States in the EA III project. The sustained level of inspections, plus the participation of customs officers, police officers and port authorities indicate that enforcement of the EU waste shipment regulation remains a priority in many Member States. The violations captured in this project also clearly demonstrate that there is still effort needed to move towards a level playing field of enforcement.

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2. Foreword

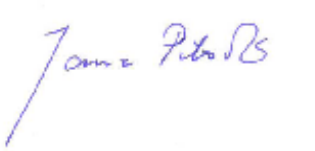
IMPEL has been a key partner to the Commission in combatting illegal waste shipments. The enforcement actions coordinated by IMPEL have contributed to increasing the frequency and improving the quality of waste shipment inspections.

As reflected in the IMPEL report, violations of the EU waste shipment regulation are still increasing and illegal shipments continue to cause environmental and health hazards. It is clear that further actions are needed to prevent illegal waste shipments, in particular those destined to developing countries. This is why the Commission proposed to strengthen the EU waste shipment regulation in July last year by granting additional powers to national inspectors and improving Member States' planning of inspections. This proposal has now been adopted by the European Parliament and the Council.

When the future legislation comes into force Member States will have to establish inspection plans to target the most problematic and high-risk waste streams. These plans will need to include the elements needed to establish sufficient inspection capacity and effectively prevent illegal shipments. They will also need to ensure effective coordination and cooperation between authorities and assess the needs for focused training programmes. The new regulation will support national inspectors by enabling them to request documents and evidence that are necessary to verify compliance.

I believe the new EU regulation contains the right tools to prevent illegal waste shipments. However, it is necessary that the new requirements are followed by consistent and well-targeted actions on the ground. Effective inspections must be established in all Member States so that the current practices of 'port hopping' will be avoided in the future.

IMPEL will continue to play an important role in addressing these problems. I hope that all Member States take the opportunity to participate in future actions organised by IMPEL with the aim to prevent illegal waste shipments.



Janez Potočnik
European Commissioner for Environment

3. Introduction

Improper or inadequate treatment of waste can cause severe damage to the environment and human health. However, waste is a global resource in a world of rapidly declining raw material reserves. This pressure has led to an enormous increase in waste transports around the globe.

The European Community has set up strict rules for waste management and targets for recovery to minimise the risks associated with the management of waste. European Regulation (EC) No 1013/2006 on shipments of waste (WSR) contains a number of measures to prevent the illegal shipment of waste, including obligations on Member States (MS) to carry out waste shipment inspections, to cooperate with other MS and to establish appropriate penalties and fines. In addition to the work of the environmental authorities, active participation is needed from other authorities involved in the inspection, control and prosecution of illegal waste shipments, e.g. customs, police services and legal prosecutors.

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

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation.

Currently, the work of IMPEL is grouped into two active clusters; Cluster 1 focuses on permitting, inspection enforcement and smarter regulation, whereas Cluster 2 concerns the Transfrontier Shipment of Waste (TFS) regime. Since 2003 the IMPEL-TFS cluster has carried out several enforcement projects with the aim of supporting effective cross-border control of waste shipments and targeting those waste shipments suspected of being illegal.

The Seaport I & II projects focussed on waste shipments via seaports; the Verification I & II projects concentrated on shipments within Europe. Both the Seaports and the Verification projects ran from 2003 until 2006. The objectives of these projects were continued in the Enforcement Actions I, Enforcement Actions II (EA II) and Interim Enforcement Actions projects. These projects showed the need for cross-border collaboration at an operational level in order to implement and enforce the WSR effectively. During these projects, valuable experience was gained on inspection methods, the planning of inspections and the exchange of staff and technical information.

Terms of Reference (ToR), which are included in Annex IV of this report, were adopted by the IMPEL plenary in late 2011. The IMPEL-TFS Enforcement Actions III (EA III) project has come to a successful end, after fulfilling six inspection periods and this report contains the results, conclusions and recommendations of this project, covering the inspection period March 2012 to December 2013.

The main objectives of this project are similar to those of the previous Enforcement Actions project including the following:

- To work towards an adequate level of inspections in all Member States;
- To introduce complete measures in order to prevent and detect illegal waste shipments and to deter illegal waste exporters;
- To verify waste destination and the treatment at destination within or outside Europe;
- To set up training and exchange programmes for inspectors; and

- To maintain and improve the network and collaboration of front line inspectors and other competent authorities.

The report includes comparison of data where there has been noticeable trend change between EA III Year 1 and Year 2 and draws comparisons in relation to EA II where appropriate to do so. The results of this project will be distributed to various stakeholders such as the IMPEL network, the European Commission, Member States, IMPEL-TFS National Contact Points, the European Parliament, the Waste Shipment Correspondents Group, the Basel Secretariat and NGOs, and be published on the IMPEL website.

4. Project Approach, Workflow and Progress

The IMPEL-TFS Enforcement Action III Project has enabled joint inspections and exchange programmes under Regulation EC (No) 1013/2006 to take place. These inspections have covered road transport, harbours and railheads, as well as waste producers and waste management companies.

Internal and external communications were established via an online communication platform (Basecamp), newsletters, press releases and physical and online meetings.

The coordinator of the project has been the Scottish Environment Protection Agency (SEPA) under the umbrella of the IMPEL-TFS cluster. Funding of a support consultant has been provided by IMPEL.

This report covers inspection results and project outcomes from March 2012 through to December 2013. Further details for the different inspection periods are provided in two interim reports:

- 'IMPEL – TFS Enforcement Actions III, Enforcement of the European Waste Shipment Regulation, Project Report for Year 1 (March – October 2012).
- 'IMPEL – TFS Enforcement Actions III, Enforcement of the European Waste Shipment Regulation, Project Report for Year 2 (January – September 2013).

Note: The third inspection period for Year 2 was carried out after the submission of the Year 2 report, therefore the report does not contain this final set of results however they have been incorporated into this Final Project Report.

4.1 Overall Developments since Enforcement Actions II

Within Enforcement Actions III the number of participating countries was 30, of which 24 reported inspection activities. By comparison, the number of participating countries during EA II was 32, of which 29 reported inspection activities. A reduction in resource for TFS inspections within some competent authorities has been cited as the reason for certain competent authorities being unable to submit results.

Enforcement Actions III reported a total of 22,414 physical and administrative transport inspections, of which 3162 (14.1%) were related to transfrontier shipment of waste. This is lower than EA II which reported 26,705 inspections, of which 3,897 were waste related (14.6%) but is related to the change in the way administrative results were recorded under Enforcement Actions III from March 2013. Transport inspections are most frequently carried out at the roadside, due mainly to the high number of intra-EU movements reported in the project. This was also the case in EAII.

The total number of company inspections related to transfrontier shipment of waste in EA III was 354 whereas 120 were carried out in EA II. Overall, 15 countries reported company inspections in EA II, whereas in EA III only 11 different countries provided company inspections.

4.1.1 Interim Enforcement Actions Project

Although this report covers the main period of inspection for EA III, an interim period of inspections was also carried out between the end of EA II and the beginning of EA III, and was reported in the following document:

- Katie Willis; Adam Liddle; 'IMPEL-TFS Enforcement Actions III, Enforcement of the European Union Waste Shipment Regulation', Interim Project Report September-October 2011'

The objective of this interim project was to sustain momentum with a voluntary round of inspections before the next phase of Enforcement Actions began in 2012. Sixteen countries recorded inspection results, totalling 1547 transport inspections over September and October 2011. Of these, 1358 were physical transfrontier shipment of waste inspections, resulting in 54 discovered violations.

The limited scope of this interim project only focussed on a single inspection period, therefore not all European countries were able to carry out inspections and record results. Consequently, it was difficult to draw sufficiently robust conclusions from a smaller data set than was achieved in previous projects. However, it is clear that there had been a shift in detecting and preventing the movement of hazardous waste to developing countries.

Further details of the findings of the Interim period have been included in Annex II.

4.1.2 Changes to Waste Shipment Regulation

The European Regulation (EC) No 1013/2006 covers rules for shipments of waste both within the EU and between the EU and third countries. They specifically prohibit exports of hazardous waste to countries outside the OECD and exports of waste for disposal outside EU.

On 22nd January 2014, MEPs voted in favour of plans to alter the European Union's laws around illegal shipments of waste across borders. The plans include toughening the inspection requirements for waste shipments, and to give authorities greater powers to demand evidence from suspected waste importers and exporters. The proposed amendments are also being discussed in the European Council.

Plans are due to be put to a vote by the full Parliament in a session in Strasbourg between April 14-17 2014. Although these proposed changes have had no impact on the EA III Project, they may impact on the inspection results and methods for future Enforcement Action Projects.

4.2 Participating Countries

In Year 1, 26 countries participated in the project; these were Austria, Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovenia, Sweden, Switzerland, United Kingdom (England, Scotland and Northern Ireland) of which, 19 countries submitted inspection results. In Year 1 contact was also been made with Croatia, Iceland, Greece, Hungary, Macedonia, Italy, Spain, Slovakia, Turkey and Ukraine with an attempt to involve them in the project.

By Year 2, 30 countries were now taking part in the project including all the countries in Year 1 with the addition of Croatia, Spain, Bulgaria and Wales. In total 20 countries submitted inspection results in Year 2.

A breakdown of the contributions of days of participation spent on the EA III project by all participating countries combined is provided in Table A. The number of days contribution is broken down depending on the type of project contributor, and details are provided of the tasks associated with these days. The aim is to get a general picture of how much time resource IMPEL derives from its members.

Note: The total number of days participation is indicative only, as individual contributions are not provided by each participating country.

Table A: Overview of participation for EA III

Project Role	Number of Days Participation	Details of Time Spent
Project Manager	80	Project management, report writing and technical editing, data analysis and communicating to project team members
Consultancy Technical Support	16	Data analysis of inspection results submitted by all participating countries. Originator for summary and final reports for Enforcement Actions III. Host of Webinar sessions.
Project Member (s)	1940	(100 inspectors (2 per country from competent authority and two from other regulatory authorities) participating in 18 days of joint inspections to October + report filling for countries) + best practice meeting of 30 member countries + best practice meeting preparation and fulfilling actions + WebEx participation
Cluster Secretary	4	Communicating with project and support in arranging best practice meeting
Overall total	**2040**	

4.3 Communications between Participating Countries

For each participating state, a country coordinator was appointed responsible for the implementation and coordination of the project. The EA III coordinator of the communications has been the Scottish Environment Protection Agency (SEPA) under the umbrella of the IMPEL-TFS cluster

Communications between each of the participating countries has been carried out using the following methods:

- Exchange of Inspectors;
- Basecamp on-line data sharing;
- Case Studies;
- Webinars;
- Best Practice Meetings; and
- An on-line survey.

Further efforts to strengthen communications between all of the project participants and interested parties include:

- Distribution of an Enforcement Actions newsletter via Basecamp, compiled by the Scottish Environment Protection Agency;
- Implementation of the 'snowball effect' in an effort by existing participants to engage neighbouring countries – this has resulted in participation by Spain and Bulgaria;
- Attendance at European Parliament debate in November 2012;
- Regular updates and meetings with National Contact Points, IMPEL-TFS Steering Committee and IMPEL Board;
- Display of progress poster at an IMPEL conference hosted by Malta
- Template press release was produced for use by the competent authorities

Further details of each of these communication methods is provided below

4.3.1 Exchange of Inspectors

Joint inspections and exchange programmes under the project have been undertaken as Regulation EC (No) 1013/2006 requires Member States (MS) to co-operate bilaterally or multilaterally in order to facilitate the prevention and detection of illegal shipments. These inspections included road inspections and inspections at ports, as well as inspections at waste producers and waste management companies' sites.

Exchange inspections typically target priority waste streams, e.g. Waste Electrical and Electronic Equipment (WEEE), End-of-Life Vehicles (ELVs), or they will target a particular transport route of mutual concern or importance. Best practice was exchanged by participating competent authorities with those involved discussing the way in which inspections were planned and carried out in the host country. Feedback on experience gained through most of the exchanges will be provided at the next project meeting.

In total, 13 exchanges were carried out between Member State competent authorities in both 2012 and 2013. Further details of these exchanges are included in section 5.7.

4.3.2 Basecamp Data Sharing

Basecamp – an online communication platform – is used by participants to discuss Enforcement Action issues, such as inspection planning, best practice techniques, exchange arrangements and the upload of inspection results. It has been used as a forum regularly throughout EA III, with frequent posts from most member countries.

4.3.3 Case Studies & Newsletters

A newsletter was prepared in July 2013 and distributed to the project participants and other concerned authorities in EU Member States, disseminating latest results, practical experience, and upcoming news from the project. The EA III Newsletter contained the following information:

- An update on the IMPEL-TFS Enforcement Action Project;
- An update on the overall IMPEL EA III Project ;
- Summary of a case study of how German authorities managed cases of illegal transboundary waste shipments;
- Summary of a case study of a repatriation of polluted plastics from Malaysia to the Netherlands and Belgium;
- Summary of a case study of SEPA's efforts to prevent to illegal export of WEEE from Scotland to Africa;
- Summary of a case study of how Finnish authorities investigated the fate of waste exported to Africa; and

- Summary of a case study of an illegal waste shipment from Nigeria to Sweden; and
- Forthcoming milestones for the EA III Project.

A copy of the newsletter is attached as Annex I.

4.3.4 Webinars

Several 'webinars' (internet enabled conference calls), which allow participants to access a presentation and discussion at their own desks, have been hosted within 2012 and 2013. They are a useful tool in sharing best practice information, and following each presentation there was an opportunity for those attending to discuss issues and to put questions to the presenter in an open forum.

The content and host country is rotated as the primary objective of the webinars is to maximise communications and sustain project momentum throughout inspection periods and in between annual conferences.

In Year 1 the first webinar focussed on an exchange programme between Malta and Romania. Each country took a turn at hosting the other and we heard interesting experiences from both legs of the exchange. The presentation and photographs provided led to worthwhile discussion over best practice relating to enforcement action and waste classification.

The following webinars were hosted for Year 2 of Enforcement Actions III:

- Repatriation of Waste, presented by Belgium (17th April 2013);
- Improvements in data reporting, presented by Slovenia
- Updates to IMPEL's 'Repatriation Manual', led by Poland
- Interaction with Waste Sites II project, led by Germany
- Preparation for Utrecht, presented by Scotland (5th June 2013); and
- Deep Sea Ports, presented Netherlands (4th December 2013).
- IMPEL-Asian Network Collaboration and Verification WebEx (16th January 2014)

From October 2013, each webinar was recorded and placed upon Basecamp so that those authorities, who were unable to take part, were able to view the presentation at a later date. Feedback on the webinars has been positive and they are proving to be a valuable tool in maintaining communications and sharing information throughout inspection periods and between annual best practice meetings.

4.3.5 Best Practice Meetings

Best Practice meetings took place in Utrecht in June 2012 and June 2013. The principal objective of both meetings was to discuss the barriers countries encounter on a day-to-day basis in enforcing the WSR, and to learn from each other's inspection and enforcement experiences. Further details of these meetings are available for participants on Basecamp, including copies of the presentations given at each meeting.

The programme for the 2013 meeting was broken down into five key groups, each with a different country Group Leader to co-ordinate the main discussion points:

- Deep Sea Port Inspections;
- Communications;
- Inspection Process and Data Reporting;
- Repatriation of Waste; and
- Inspections at the Point of Loading.

Actions were recorded and published in a meeting report that was circulated to the full project group on Basecamp. These actions can form discussion topics and objectives to build upon in future projects. Examples are:

- Update of the guidance document on repatriation of waste;
- On-going action to carry out more company inspections to identify more waste at point of loading;
- On-going assistance to involve countries that are not yet participating and
- Various countries volunteered to attempt to foster better links with Customs Authorities.

A poster was prepared for a separate wider IMPEL TFS Conference in Utrecht based on the progress of the EA III project to date including a summary of the participating countries, the exchanges that have taken place, the findings of the Year 1 report, the 2013 survey results and examples of illegal transboundary shipment. A copy of this poster can be downloaded from the Basecamp website (uploaded on 20/09/13).

4.3.6 On-line Participation Survey

A survey was conducted in 2013 open to all participants to express their views on the progress of the IMPEL EA III project, highlight details of the types of inspections they carry out in their respective countries and outline the areas in which they need further assistance.

In total, there were 27 respondents from 25 different countries. A summary of the main results are provided in Table B.

Table B: EA III Survey Findings

Topic	Main Findings
Intelligence and Risk Assessment	• 70% have intelligence capacity • 75% use risk assessment • 85% concentrate on specific waste streams • 90% concentrate on specific operators
The Inspectors and Inspections	• 50% increased inspections over last two years • 20% have decreased inspection frequency over last two years • 72% taken part in an exchange under the Enforcement Actions projects • 77% would like to do so again • 33% have no training in TFS provided within their organisations and rely on IMPEL • 1 to 52 inspectors on TFS in organisation, median around 6 officers • 83% inspect other regimes too, e.g. REACH
Inspection Reporting & Guidance	• Most have no problems with inspection forms • Problems with recording violations and subsequent actions • Most use 'IMPEL TFS Enforcement Actions Guidelines'
Co-operation	• 66% co-operate with Police • 89% co-operate with Customs • 44% co-operate with harbour/ train operators • 50% have formal agreements with other partners • Of those that do port inspection 92% use manifests
Communications	• 83% have media relations department • 50% have press releases about their inspections

Topic	Main Findings
	• Majority have attended webinar • Most feel they can participate • Reasons for non-participation: Technical problems and international calling
Legal issues	• Half encounter problems - prosecutors not willing to take action, lack of experience, waste definition issues, when export starts (can't prosecute for an attempt to ship), Police prioritise other crimes, time-consuming to do cases, hazardous waste classifications issues • 50% would like amendments to their national legislation • Requests: admin offences for minor breaches, status of foreign waste carriers clarified, green waste shipments should be registered, review penalties

Survey respondents were also asked about the future of the project. The response (96%) indicated that the Enforcement Actions project should continue and it has assisted them in:

- providing support for identifying illegal transports;
- better understanding of legal requirements;
- sharing of best practice;
- increasing co-operation;
- joint control at border crossings;
- easier repatriations and the development of ready-made methodologies.

Testimonials included:

- "We are a small country with very few people so it is very difficult for us to prepare certain methods for inspections. Using ready-made solutions from IMPEL is very helpful for us"

- "Through the Enforcement Actions projects, inspectors gain better knowledge on possible illegal shipments and identify direct contacts with other competent authorities"

- "Best Practice exchange of information was very helpful and also the inspections guidelines were very useful"

Improvements suggested by respondents were limited, as most believe the project is run successfully, however, suggestions did include improving the exchange of sensitive information between countries. They also indicated that, through the project, they will be looking to seek additional guidance on the following areas:

- collecting waste samples;
- hosting awareness raising events;
- working with businesses;
- legal powers;
- how to increase co-operation;
- how to get more resources;
- methods for verifying final destination; and
- which waste streams are accepted at receiving countries.

4.4 Inspection Selection Methods

A development objective of the EA III Project is to increase the level of risk assessment used to pre-select and plan where and when inspections happen, with the intention to increase the percentage of inspections targeted to trans-frontier shipments of waste. It is anticipated that this approach may then have a subsequent increase in the number of violations recorded by participating countries.

This data can be captured via the inspection forms. This aspect of reporting has not featured heavily in previous projects, nor is it comprehensively completed by all participating countries, therefore it is difficult to draw conclusions and make comparisons to earlier projects.

However, data captured on the inspection forms does suggest that the majority of participating countries are implementing an intelligence-led approach, either by collaboration with partner agencies such as police or border control agencies, or by information gathered by the inspecting officers directly. It should be noted however, that not all inspection results submitted under the project had this part of the form completed; therefore the statistical data on this aspect are not representative of the full range of inspections carried out in 2013. In addition, competent authorities did not record the number of inspections that were subject to a specific inspection process. Therefore it is difficult to determine the success of the different selection methods.

A number of countries carried out 'random' inspections. Some potential reasons for this may include:

(i) the inspecting country does not have the resources to approach inspections in any other way;
(ii) it has been decided that random spot checks at the chosen location is the best way to approach inspections for that particular participating country;
(iii) The inspecting country may wish to ascertain the number of waste shipments, and the proportion of these that are illegal waste shipments moving through their respective countries. One of the most straightforward ways of achieving this is to undertake random inspections.

Co-operation with other authorities (both within a Member State and with competent authorities in other countries) remains at about the same level. Most inspections take place with the assistance of other authorities, especially national Police and national Customs authorities. This is an important area of regulation and a better understanding of the collaboration will allow for optimisation of resources, and ultimately a more successful violation rate amongst competent authorities.

5. Inspection Results

5.1 General Considerations Regarding Interpretation of Reported Data

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

The focus of the project has been on transport inspections. Company inspections were introduced for verification purposes and for authorities that have limited possibilities for transport inspections or where site inspections are a more effective tool for particular waste streams.

As agreed with the Enforcement Actions III Project Manager (SEPA), in order for the reported results to be comparable to previous data, the statistical reporting of the 2012 and 2013 inspection periods closely follows the format reported during previous IMPEL-TFS Enforcement Actions projects.

5.2 Number of Inspections

5.2.1 Data Comparison Limitations between Year 1 and Year 2

Note: Inconsistencies in the reporting methods used by participating countries in Year 1 of the project have led to some complications when comparing the inspections between the datasets for both Years 1 and 2. When a country carries out a physical transport or company inspection, it should not also be counted as an administrative inspection. This occurred a number of times in Year 1, therefore a proportion of administrative inspections which should not have been counted has lead to an artificially high figure.

It should be noted that, by Year 2, the participating countries were made aware of this misinterpretation and the duplication of inspections was omitted from the remainder of the project duration.

This has had a knock-on effect for the waste detection figure for Year 1. However from discussion in the project team, it was agreed that the total waste inspections percentage would be as reported as proportion of the total number of physical inspections only. This was also the method used for the Enforcement Actions II project.

For comparison purposes only, an alternative figure has been produced whereby the waste inspection percentage has been accounted for as a total of the physical and admin figures. However this figure cannot be compared with the previous Enforcement Actions projects or the Year 1 data.

5.2.2 Number of Transport Inspections

Table C shows the total number of transport inspections carried out and the violations found by each participating competent authority for the combined EA III Year 1 and 2 data. The inspections should be recorded as either an administrative check or a physical inspection. Figure 1 summarises the total number of transport violations recorded for each of the participating countries.

Administrative inspections could consist purely of a review of the paperwork associated with import/export traffic e.g. review of port manifest documents to highlight any shipments for further inspection.

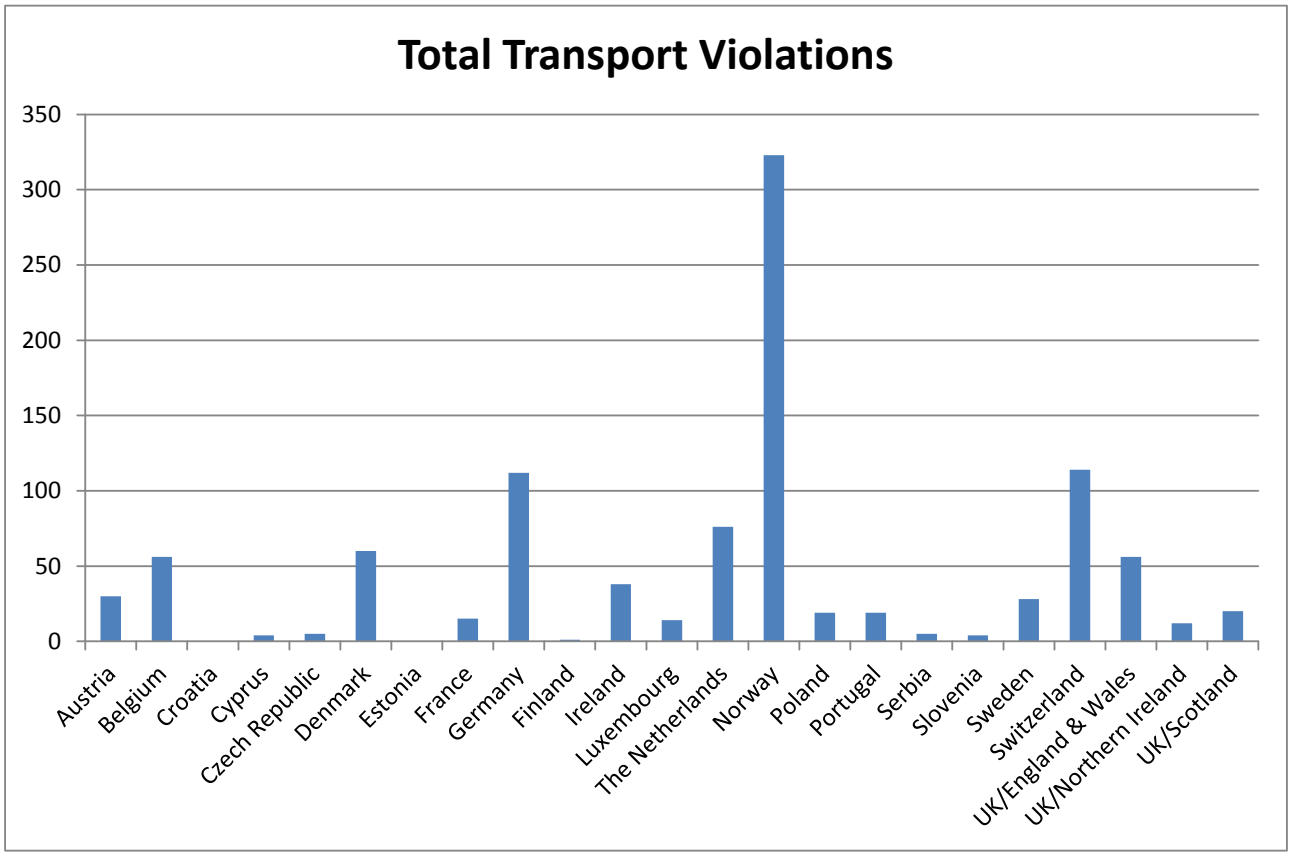
The physical inspections comprised a visual inspection of the consignment usually at a roadside location or a seaport if recorded as a transport inspection; however it could also take place at a known waste export site or reprocessing facility. It also usually involves an inspection of any paperwork travelling with the consignment but should not also be counted as an administrative inspection. From these physical inspections, authorities then identified how many of the consignments inspected concerned a trans-boundary shipment of waste and how many of these were in violation of the WSR. These figures are explored in more detail in the sections below.

Table C: Reported number of transport inspections and violation rate (Overall)

Combined Years 1 and 2 Inspection Results						
Transport Inspections						
Participant	Admin	Physical	Waste Inspections	Waste Inspections (%)	Violations	Violations (%)
Austria	1045	1553	350	22.54%	30	8.6%
Belgium	15	143	112	78.32%	56	50.0%
Croatia	0	13	13	100.00%	0	0.0%
Cyprus	0	219	11	5.02%	4	36.4%
Czech Republic	808	895	22	2.46%	5	22.7%
Denmark	289	406	329	81.03%	60	18.2%
Estonia	1	62	4	6.45%	0	0.0%
Finland	101	35	5	14.29%	1	20.0%
France	7	20	16	80.00%	15	93.8%
Germany	439	1299	315	24.25%	112	35.6%
Ireland	186	207	227	100%	38	16.7%
Luxembourg	0	82	57	69.51%	14	24.6%
The Netherlands	36	458	258	56.33%	76	29.5%
Norway	377	109	377	100.00%	323	85.7%
Poland	7652	1936	393	20.30%	19	4.8%
Portugal (with Spain)	433	1880	180	9.57%	19	10.6%
Serbia	22	40	32	80.00%	5	15.6%
Slovenia	327	153	103	67.32%	4	3.9%
Sweden	7	69	39	56.52%	28	71.8%
Switzerland	0	62	62	100.00%	114	100
UK/England & Wales	0	151	151	100.00%	56	37.1%
UK/Northern Ireland	61	619	59	9.53%	12	20.3%
UK/Scotland	84	113	47	41.59%	20	42.6%
Overall total	11890	10524	3162	30.0%	1011	31.97%

*Note: All results showing a higher amount of waste inspections as a percentage of physical inspections have been capped at 100%.

Figure 1: Total Transport Violations



Of the total number of inspections, 3162 were found to be waste inspections over all the EA III inspection periods. The ratio of waste inspections compared to the total number of physical inspections varies from 2.5% to 100%. The recorded average for EA III was 30%. More than half of the reporting countries had a ratio of waste inspections above 50%. The average increased from 21% in Year 1 to 47% in Year 2. This could be due to changes in the type of inspection activity and the inspection selection methods employed – this is detailed further below.

The percentage of transport inspection violations range from 0% to 100% over the EA III inspection period with an average of 31.97%; this is the average number of violations found as a proportion of the physical waste inspections that were undertaken. The average increased from 28.5% in Year 1 to 35% in Year 2.

Comparison with Enforcement Actions II

It is difficult to draw comparisons from EA II against the data above due to the previously detailed inconsistencies in reporting methods. Nevertheless, comparisons can be made concerning the number of violations and the percentage of violations for each country. A summary of the results of each country for EA II and EA III (including the Interim results) are provided in Table D.

Table D: Reported number of transport inspections and violation rate (Overall)

Participant	EAII Violations	EAII Violations (%)	Interim Violations	Interim Violations (%)	EA III Violations	EA III Violations (%)
Austria	33	18.4	6	66.7	30	8.6
Belgium	108	36.9	9*	39.1	56	50
Bulgaria	13	100.0	-	-	-	-
Croatia	5	8.3	-	-	0	0.0
Cyprus	7	53.8	-	-	4	36.4
Czech Republic	9	47.4	1	100	5	22.7
Denmark	34	30.9	18	18.1	60	18.2
Estonia	4	57.1	-	-	0	0.0
Finland	7	35.0	-	-	1	20.0
France	13	50.0	-	-	15	93.8
Germany	105	15.7	-	-	112	35.6
Hungary	9	69.2	-	-	-	-
Ireland	181	27.6	0	0	38	16.7
Lithuania	1	100.0	-	-	-	-
Luxembourg	-	-	1	33	14	24.6
The Netherlands	91	20.4	2	6.25	76	29.5
Norway	51	40.8	-	-	323	85.7
Poland	29	14.8	2	12	19	4.8
Portugal	47	17.3	-	-	19	10.6
Romania**	N/A	2.0	0	0	-	-
Serbia	6	33.3	0	0	5	15.6
Slovakia	2	16.3	-	-	-	-
Slovenia	8	84.6	1	4	4	3.9
Spain	N/A	4.3	-	-	-	-
Sweden	84.6	0.0	1	50	28	71.8
Switzerland	4.3	4.3	-	-	114	100.0
Turkey	0	0.0	-	-	-	-
UK/ England and Wales	22	91.7	9	100	56	37.1
UK/Northern Ireland	33	10.7	1	20	12	20.3
UK/ Scotland	1	100.0	3	21.43	20	42.6
Overall total	833	21.4	54	16.77	1011	31.97

* Note –this includes joint inspections undertaken as part of an exchange with Germany
There is a notable increase in the violation rates from the results of EA II where 21.4% of physical inspections resulted in a WSR violation. In EA III this figure increased to 32%. The overall number of violations has also increased between the two projects. Germany, Belgium and Norway recorded a particularly high number of violations.

5.2.3 Number of Company Inspections

Table E shows the combined total number of company inspections and violations identified by each competent authority for Year 1 and Year 2 of the EA III inspection periods. These inspections were carried out either at waste producers' sites, waste exporting sites, waste storage sites or waste treatment facilities. Figure 2 summarises the total number of company violations recorded for each of the participating countries.

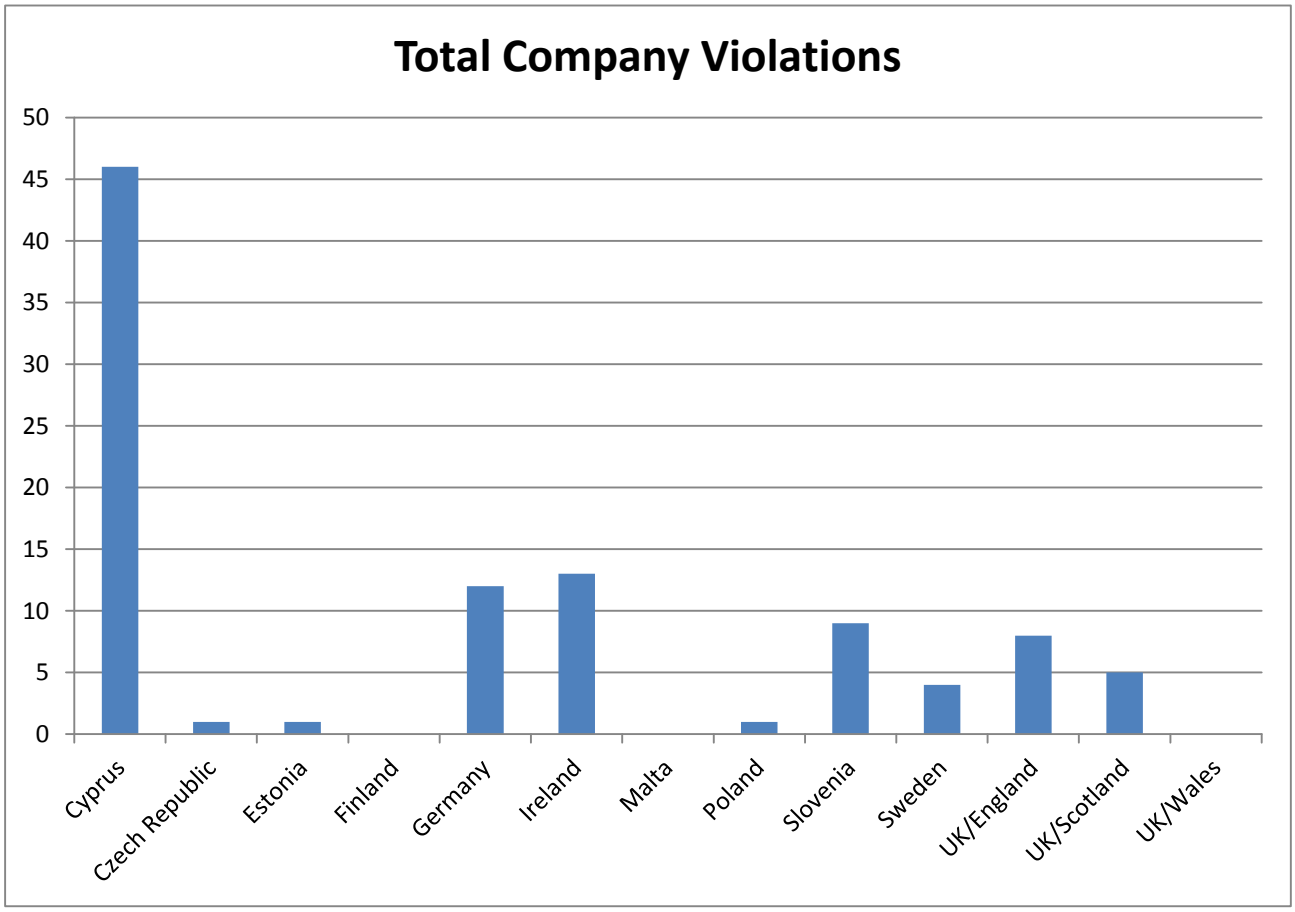
These inspections involved a visual inspection of the waste to assess its compliance with the WSR. Again, we have chosen not to report the total number of inspections for the same reasons as mentioned for the transport inspections.

Table E: Reported numbers of inspected companies and violation rate (Overall)

Combined Year 1 and Year 2 Inspection Results						
Company Inspections						
Participant	Admin.	Physical	Waste Inspections	Waste Inspections (%)*	Violations	Violations (%)*
Cyprus	97	77	158	100%	46	29.11%
Czech Republic	0	1	1	100%	1	100%
Estonia	1	1	1	100%	1	100%
Finland	2	4	4	100%	0	0%
Germany	18	15	12	80%	12	100%
Ireland	29	24	30	100%	13	43.33%
Malta	9	37	37	100%	0	0%
Poland	5	5	5	100%	1	20.00%
Slovenia	4	37	37	100%	9	24.32%
Sweden	7	5	12	100%	4	33.33%
UK/England	0	9	9	100%	8	88.89%
UK/Scotland	0	47	47	100%	5	10.64%
UK/Wales	1	0	1	100%	0	0%
Overall total	173	262	354	98%	100	28.25%

*Note: All results showing a higher amount of waste inspections as a percentage of physical inspections have been capped at 100%. The overall total waste inspection percentage is calculated as an average of the individual waste inspection percentages including those capped at 100%.

Figure 2: Total Company Violations



The ratio of waste inspections compared to the total number of physical inspections varies from 80% to 100%, with the average being 98%. There is less of a variation in results compared to transport inspections as company inspections tend to be pre-targeted to known waste facilities, or to industrial processing plants with a potential waste output. The average increased between Year 1 and Year 2 from 94.9% up to 100%.

The percentage of company inspection violations ranges from 0% to 100% over the inspection period with an average of 28.3%; this is the average number of violations found as a proportion of the physical inspections that were undertaken. The average increased from 25.1% in Year 1 to 31% in Year 2.

When we combine the transport and company inspections, the level of detection of waste shipments has more than doubled from 23.2% in Year 1 to 51.01% in Year 2 of EAIII. The increased level of detection suggests inspecting officers are better targeting their inspections to known shipments of waste.

Comparison with Enforcement Actions II

Comparisons between the EA II and the EA III company data cannot be made due to the limited level of detail provided in the company data for the EA II summary report. This is because the focus of the EA II project was on transport inspections and company inspections were introduced at a later stage. A summary of the results of each country for the EA III Interim and full project data are provided in Table F.

Table F: Number of inspected companies and violation rate

Participant	Interim Enforcement Action Violations	Interim Enforcement Action Violations (%)	Enforcement Action III Violations	Enforcement Action III Violations (%)
Cyprus	-	-	46	29.11
Czech Republic	1	100	1	100.00
Estonia	-	-	1	100.00
Finland	-	-	0	0.00
Germany	-	-	12	100.00
Ireland	-	-	13	43.33
Malta	-	-	0	0.00
Poland	-	-	1	20.00
Slovenia	1	50	9	24.32
Sweden	0	0	4	33.33
UK/England	-	-	8	88.89
UK/Scotland	8	40	5	10.64
Overall total	**10**	**17.5**	**100**	**28.25**

*Note: Data is not reported to this level of detail in the Enforcement Actions II report

When we combine the transport and company inspections, the level of detection of waste shipments has increased from 18% in EAII to 33% in EAIII. As with the comparison between EA III Year 1 & Year 2, this again suggests inspecting officers are increasingly able to target their inspections to known shipments of waste. In addition to the increase in waste shipment detection levels, it was also seen that the violation rate has increased from 21% in EA II to 31.6% in EA III.

5.3 Transport Violation Data Analysis

The total number of transport violations recorded during the EA III inspection periods was 1011. The underlying offences have been grouped into three main categories:

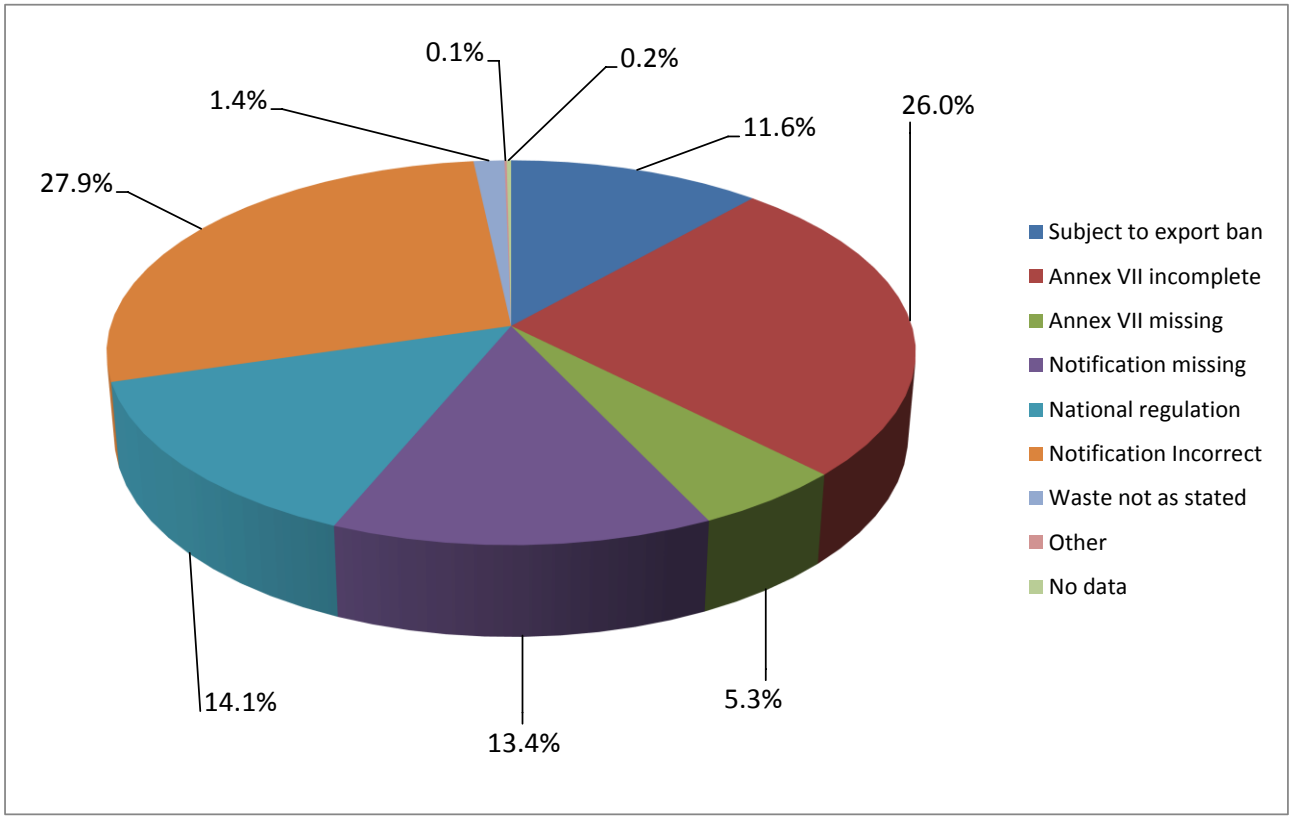
- Administrative violations, e.g. missing or incomplete Annex VII forms;
- More serious offences such as missing notifications; and
- Shipments subject to the export ban (hazardous waste to non-OECD countries).

Figures 3-5 and Tables G-J show the breakdown of transport inspections into the most frequent types of violations, a breakdown of the different waste streams shipped illegally, and the most common destination of illegal shipments.

Table G: Types of Transport Violations

Type of Violation	Total (Year 1)	Total (Year 2)	Overall Total
Type of Violation not recorded	18	2	20
Subject to export ban	63	52	115
Annex VII incomplete	128	130	258
Annex VII missing	28	25	53
Notification missing	53	80	133
National regulation	91	49	140
Notification Incorrect	43	234	277
Waste not as stated in notification/Annex VII documents	-	14	14
Other	-	1	1
Total	**424**	**587**	**1011**

Figure 3: Types of Transport Violations (Overall)



As is evident from the chart and supporting data above, the most common type of violation is an 'incorrect notification'. However there were also a significant number of reported violations relating to national regulations, incomplete Annex VII forms or the shipment being subject to the export ban.

The Year 2 results show some major differences from Year 1. The number of missing notifications has increased substantially from 53 to 80 incidents. However over the same period the number of National Regulation violations has reduced from 91 to 49. The main difference between the two years is the number of incidents related to errors with the movement documentation, which are part of notification requirements. In Year 1 there were only 43 incidents of errors to the notification, however this increased substantially to 234. The majority of these, 222 of the Year 2 incidents, are attributed to one targeted inspection period between two countries (Norway and Sweden).

Comparison with Enforcement Actions II

The most frequent type of violation differs for both the EA II and EA III projects. They involved missing or incomplete Annex VII forms for EA II but incorrect notifications for EA III. A summary of the frequency of violations for both projects is included in the table below.

Table H: Types of Transport Violations

Type of Violation	EA II (%)	EA III (%)
Missing or Incomplete Annex VII Form	52%	31%
Export Ban or Notification Error	34%	53%
Violations Related to National Rules	14%	14%
Other/No data	0%	2%

The percentage of violations concerning missing or incomplete Annex VII forms has dropped between the projects from 52% in EA II to 31% in EA III. Both show a high percentage of violations related to export bans or notification errors, however this has increased substantially from EA II to EA III (a rise from 34% to 53%). This shows competent authorities are moving towards increasing their levels of detection for the most serious types of illegal shipment. The number of violations related to national rules was recorded at 14% of violations for both projects, although the number of incidents has declined between Years 1 and 2 of EA III.

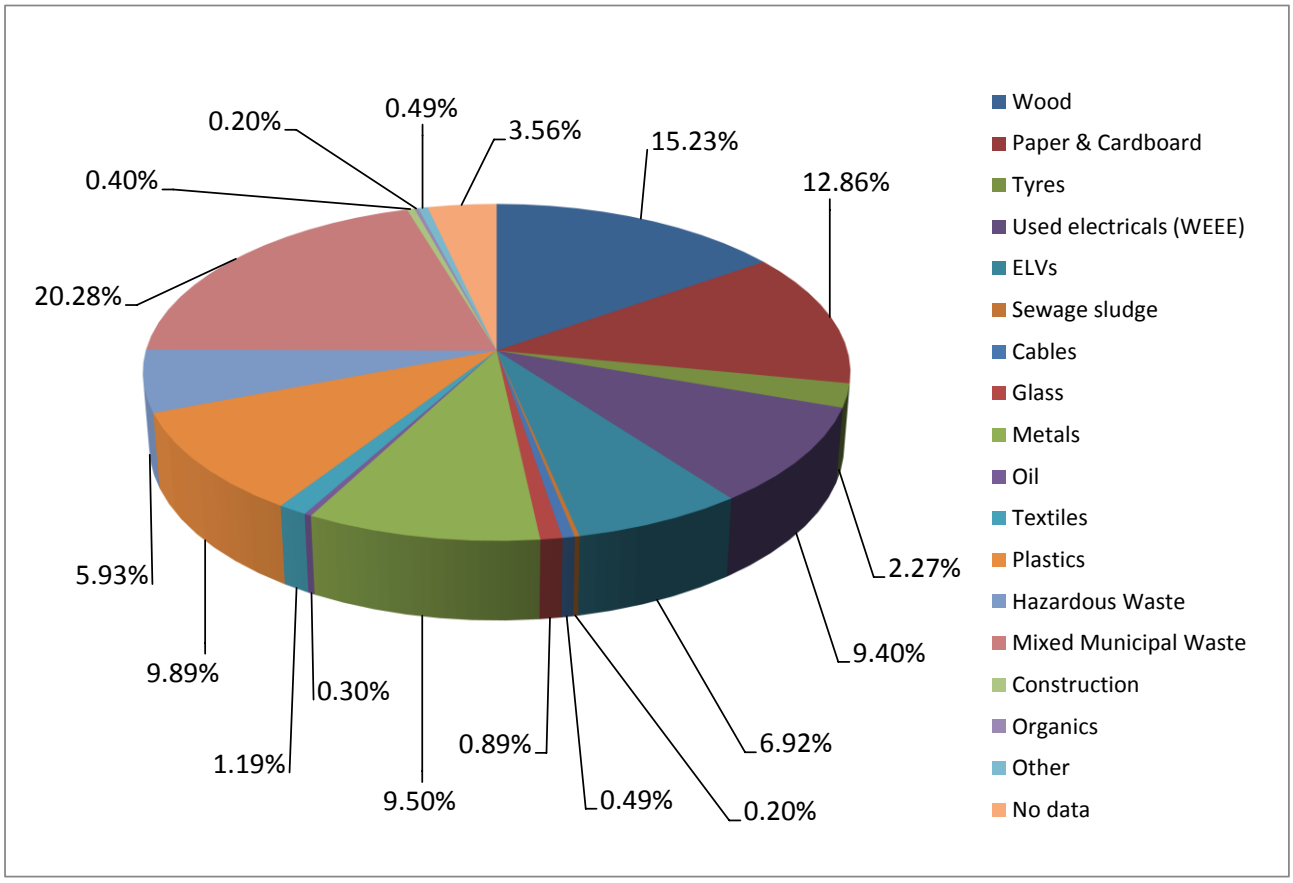
Table I: Transport Violations by Waste Stream

Waste Description	Year 1 Frequency	Year 2 Frequency	Overall Frequency
Wood	14	140	154
Paper & Cardboard	51	79	130
Tyres	19	4	23
Used Electricals (WEEE)	60	35	95
ELVs	38	32	70
Sewage Sludge	2	0	2
Cables	1	4	5
Glass	6	3	9
Metals	50	46	96
Oil	2	1	3

Waste Description	Year 1 Frequency	Year 2 Frequency	Overall Frequency
Organics	0	2	2
Textiles	5	7	12
Hazardous Waste	34	26	60
Plastics	74	26	100
Mixed Municipal Waste	33	172	205
Construction	0	4	4
Wastes not otherwise specified	1	2	3
Other*	-	2	2
No data	34	2	36
Total	**424**	**587**	**1011**

* The description of some waste streams were considered difficult to categorise into existing waste descriptions for comparison between Years 1 and 2 and EA II. These materials have been classified as 'Other' and include waste from 'waste water treatment' and 'mixture of waste'.

Figure 4: Transport Violations by Waste Stream (Overall)



The waste streams identified in violations during the EA III project show no particular material was present in a substantially higher amount than all others. The major waste streams involved in transport violations were mixed municipal waste (20%), wood (15.2%), paper & cardboard (12.9%), plastics (9.9%), metals (9.5%) and waste electrical and electronic equipment (9.4%). Further analysis of the violations relating to

paper and plastics is needed to ascertain whether these related to issues with the quality of these recyclates.

It should be noted that there is overlap between illegal WEEE and ELV shipments, and often both waste streams were identified within one shipment. Where this has been the case we have only counted one shipment with one waste stream, not both waste streams as this would result in 'double counting' of violation data. For the purposes of this project these materials have been classed as 'WEEE'.

A comparison of the waste stream data between Years 1 and 2 shows some substantial differences. The number of violations related to wood has increased from 14 to 140. The amount of hazardous or potentially hazardous materials has decreased, particularly for materials such as WEEE and tyres. Mixed Municipal Waste has shown a substantial increase from 33 violations to 170 violations. However most of these violations can be accounted for in one inspection period between Norway and Sweden.

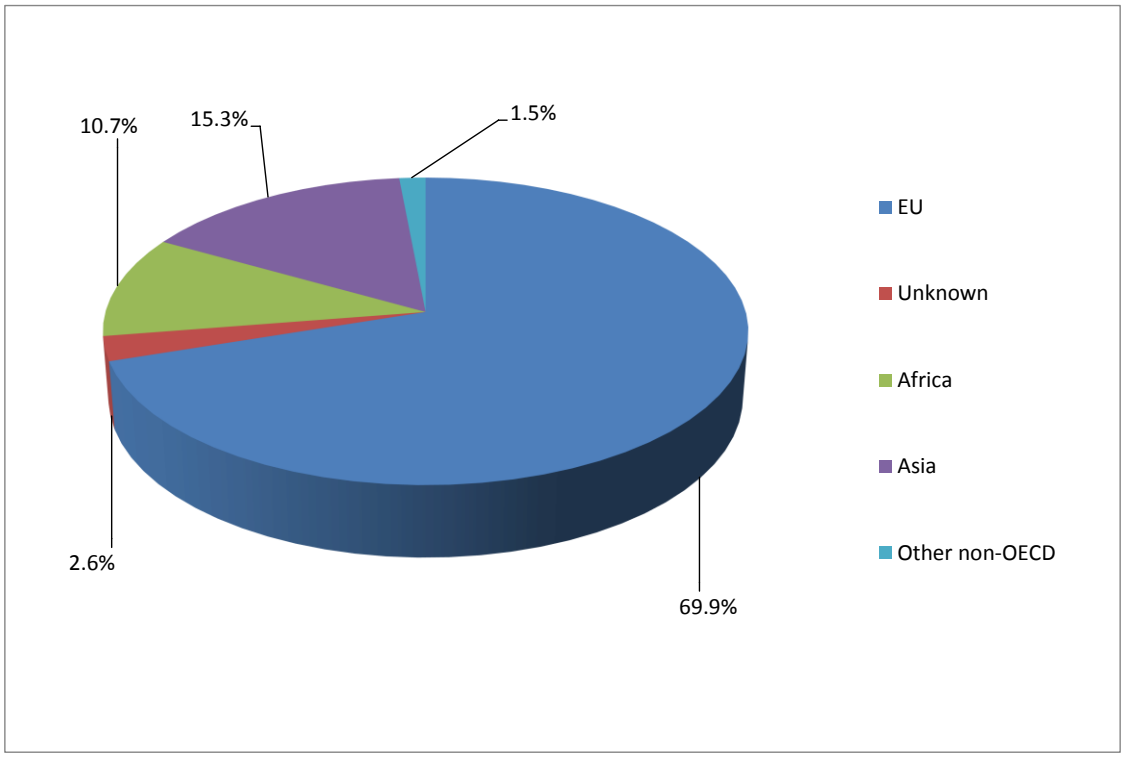
Comparison with Enforcement Actions II

In the EA II project the most frequently reported categories of waste where violations have been observed are paper & cardboard, metal, plastic and mixed waste. This is a similar outcome to that of EA III as shown above, however the presence of wood is minimal in the EA II project compared to EA III. In both of the projects, WEEE and ELVs are present in a substantial amount of the violations.

Table J – Transport Violations by Destination Country

Destination Countries for illegal shipments	Total (Year 1)	Total (Year 2)	Overall Total
EU	227	480	707
Africa	70	38	108
Asia	98	57	155
Other non-OECD	5	10	15
Unknown	24	2	26
Total	**424**	**587**	**1011**

Figure 5: Transport Violations by Destination Country (Overall)



The transport inspection data above shows that, as expected, the majority of violations concern shipments within the EU (70%). However 27% of violations identified were bound for Africa, Asia, and other non-OECD countries. The number of violations between year and 1 and 2 destined for the EU has increased from 54% to 70% whereas the number of incidents for Africa and Asia has dropped from 40% to 16%. This is possibly due to the high number of violations between Norway and Sweden, which reduced the proportion of illegal shipments bound for non-OECD countries. The number of violations with unknown destinations has decreased substantially in Year 2, possibly showing an improvement in the recording of waste movements.

Comparison with Enforcement Actions II

The data from the EA II project shows that 64% of the violations occurred within the EU, 6% less than the same figure for the EA III project. In EA III the total proportion of violations bound for Africa, Asia and other Non-OECD countries is 27%, which is 7% less than that of the same figure from the EA II project.

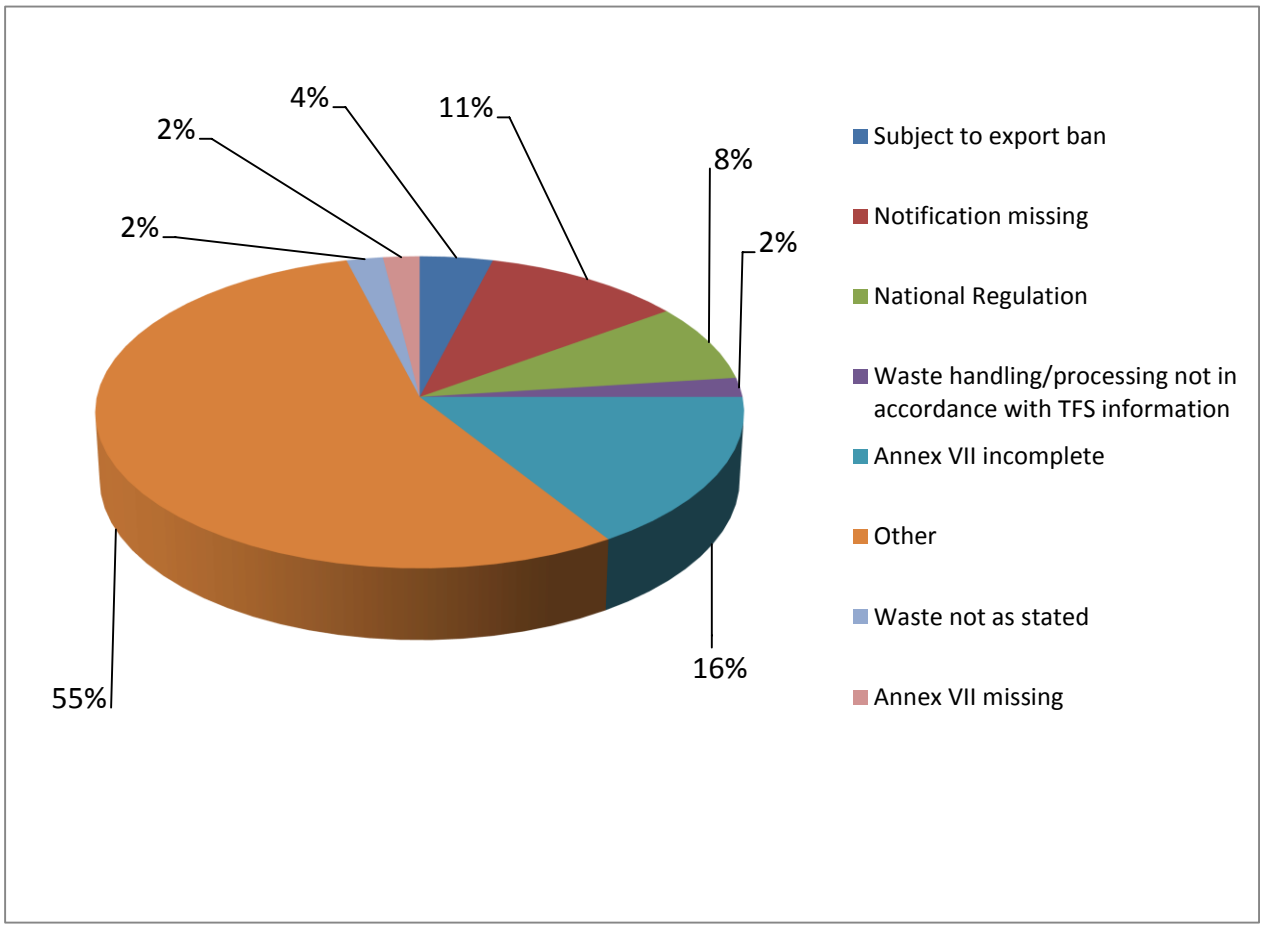
5.4 Company Violations Data Analysis

Tables K-M, and Figures 6-8 show the breakdown of company (waste site) inspections into the most frequent types of violations, a breakdown of the different waste streams shipped illegally, and the most common destination of illegal shipments, in line with that illustrated above for transport inspections. 13 countries provided company violation data in a total of 100 inspections as detailed below.

Table K: Types of Company Violations

Type of Violation	Total (Year 1)	Total (Year 2)	Overall Total
Subject to export ban	2	2	4
Notification missing	7	4	11
National Regulation	7	1	8
Waste handling/processing not in accordance with TFS information	1	1	2
Annex VII incomplete	7	9	16
Waste not as stated	-	2	2
Annex VII missing	-	2	2
Other	18	37	55
Total	**42**	**58**	**100**

Figure 6: Types of Company Violations (Overall)



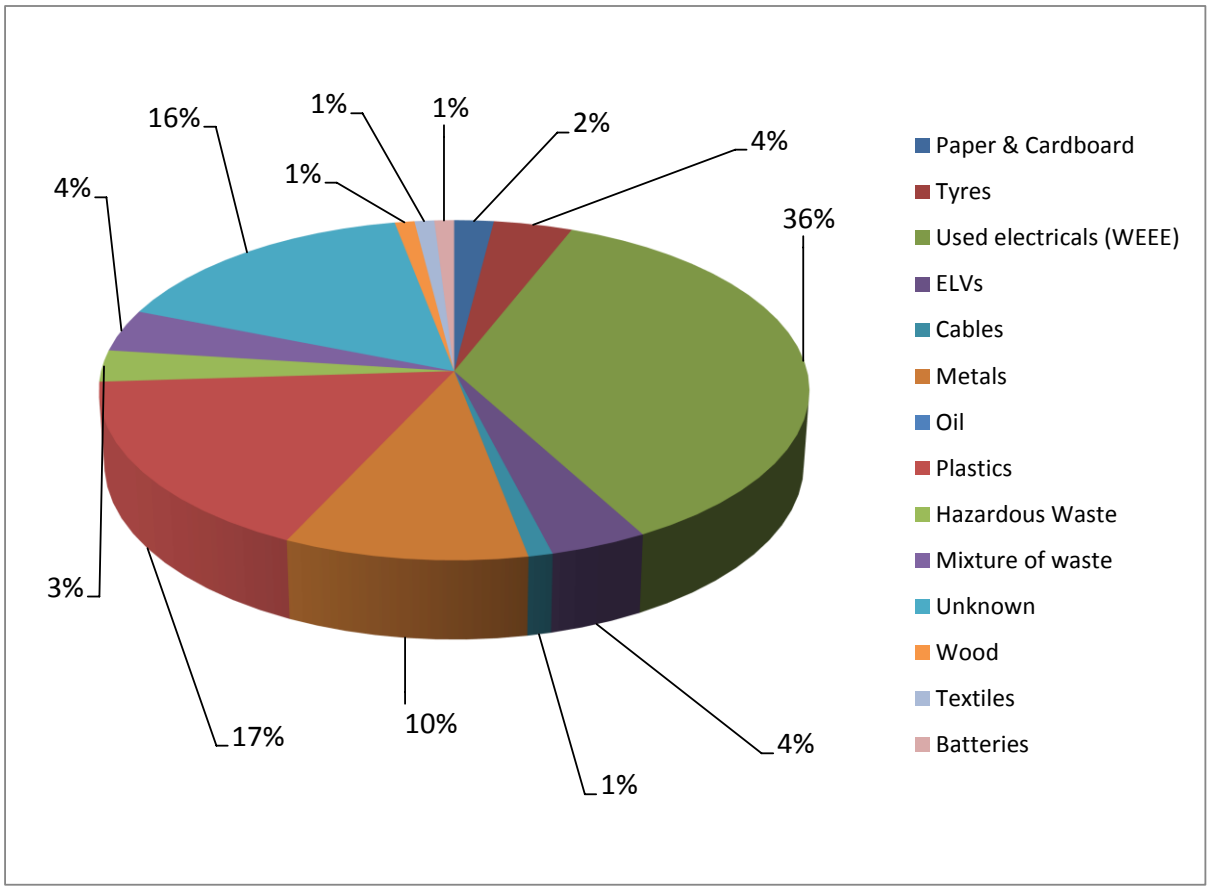
By comparison with the types of violation shown from the transport inspections above, it is clear that, because company inspections are carried out at the site of loading or at a waste producer's site, there is

more complexity to the nature of violations recorded by inspecting officers. Of these violations the most commonly occurring are 'Annex VII incompletion', 'missing notifications' and illegal movements due to National Regulations. Fifty-five violations were recorded under the category of 'other', which in the majority of cases related to permit violations or offences related to respective national waste regulations.
The difference in the inspection results between Year 1 and Year 2 are minimal due to the low number of violations recorded. However, the number of violations classed as 'Other' has doubled from Year 1 to Year 2 and the number of 'National Regulation' violations has dropped from 7 to 1.

Table L: Company Violations by Waste Stream

Waste Description	Total (Year 1)	Total (Year 2)	Overall Total
Paper & Cardboard	1	1	2
Tyres	2	2	4
Used electricals (WEEE)	20	16	36
ELVs	1	3	4
Cables	1	0	1
Metals	4	6	10
Plastics	6	11	17
Hazardous Waste	2	1	3
Mixture of waste	4	0	4
Wood	-	1	1
Textiles	-	1	1
Batteries	-	1	1
Unknown	1	15	16
Total	**42**	**58**	**100**

Figure 7: Company Violations by Waste Stream (Overall)



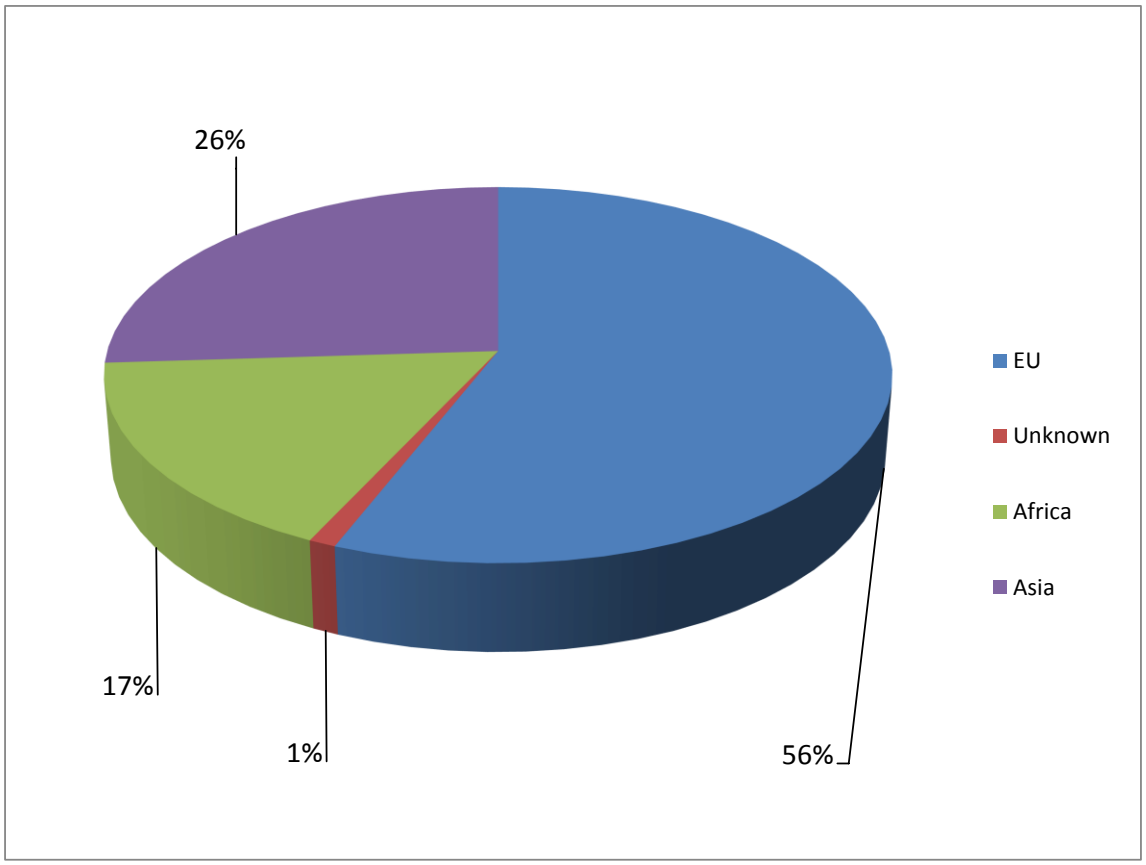
Company inspections are often carried out at known facilities, by comparison with transport inspections which tend to be more random roadside checks. This means inspecting officers are able to target company inspections towards those handling or treating priority waste streams, such as WEEE, and this is shown in the violations data in Table L. Where it has been impossible to record one waste stream over another from the data captured by the inspecting officers, we have opted to record these shipments as 'mixtures of waste'. There were four shipments identified as 'mixtures of waste' - usually a combination of WEEE, ELVs and tyres, as well as cables and plastics.

The table above identifies that the most common waste types accounted for in the violations are WEEE, metals and plastics. The number of plastics in Year 2 is almost double that of Year 1; however most of the other waste streams have a similar presence in the violations for each year. The number of 'Unknown' violations increased substantially in Year 2.

Table M: Company Violations by Destination Country

Destination Countries for illegal shipments	Total (Year 1)	Total (Year 2)	Overall Total
EU	17	39	56
Africa	12	5	17
Asia	13	13	26
Unknown/No Data	0	1	1
Total	**42**	**58**	**100**

Figure 8: Company Violations by Destination Country (Overall)



The countries of destination company inspection violations are similar to that of the transport inspections in that the majority of the loads were destined for EU countries (56%). The next most common destination was Asia (26%), followed by Africa (17% - including mostly non-OECD destinations). China is by far the most common non-OECD destination and it can be assumed that the majority of shipments to Hong Kong are also bound for a final treatment destination in China. The number of EU destinations has more than doubled between Year 1 and Year 2, whereas the number of loads destined for Africa has halved. The level of loads destined for Asia has remained the same for both years. This may indicate that companies within Europe are increasingly finding alternative destinations in the EU where the waste would have previously been transported to Asia or Africa, however this would only become clear over a longer project study period.

More comprehensive analysis of the non-OECD shipments is provided in Section 5.5.

5.5 Non-OECD Shipment Violations

5.5.1 Overall Non-OECD Shipment Violations

Figure 9: Transport & Company Violations to Non-OECD Destinations (Overall)

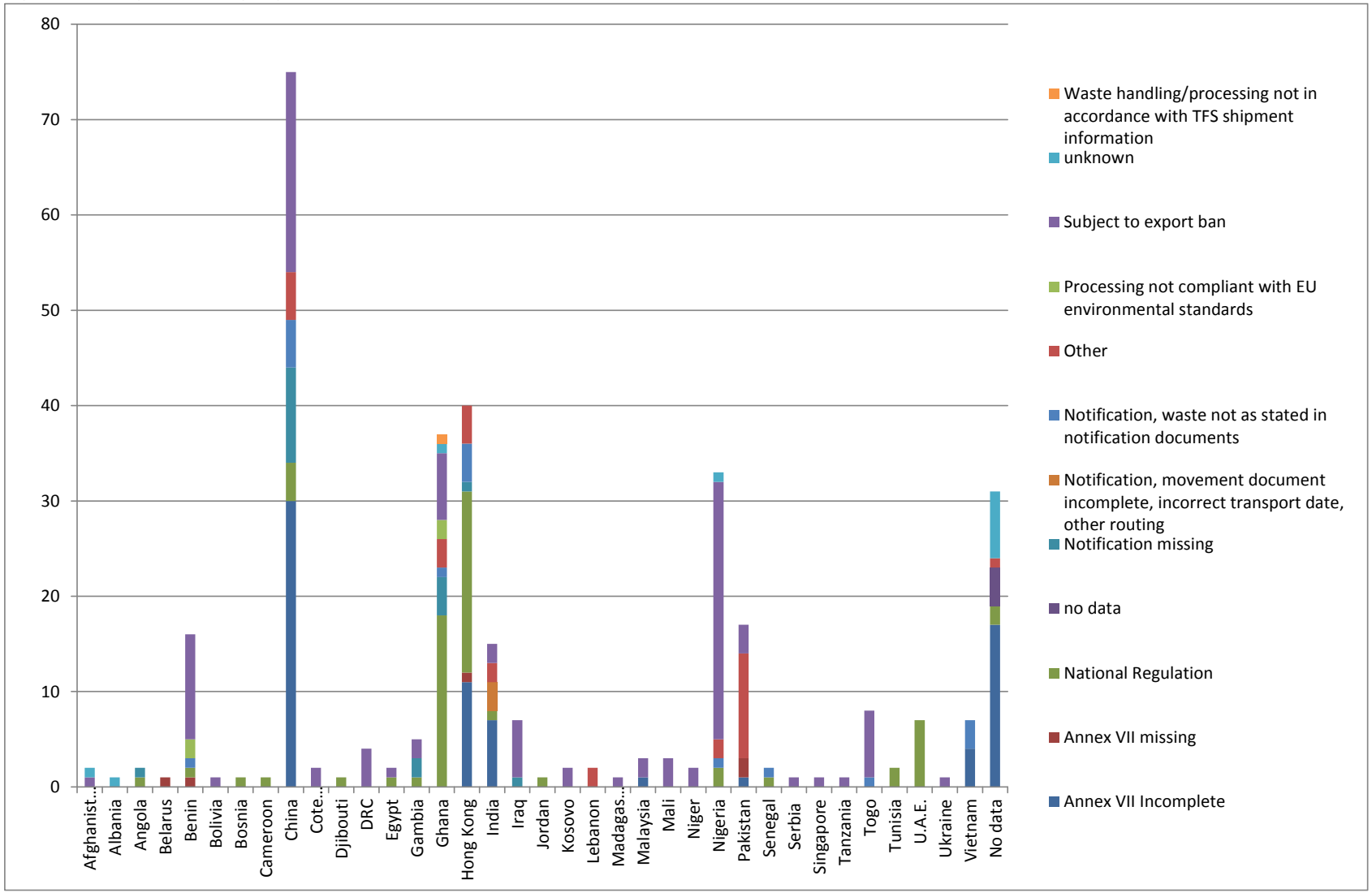


Figure 9 identifies the specific destinations of all illegal shipments (from transport and company inspections) and the nature of these violations to non-OECD countries. This chart shows the key geographical areas for shipments of waste. Of all the illegal shipments to non-OECD countries, China and Hong Kong are the preferred destinations, accounting for almost 34% of the total, whilst the West African coastline (Benin, Ghana & Nigeria) constitutes over 25% of the total shipments.

It is interesting to note that almost half of the illegal shipments to China and a quarter of those to Hong Kong are due to an incomplete Annex VII form. It can therefore be assumed that these shipments may not consist of hazardous materials but may be dry recyclables such as paper, cardboard and certain polymers of plastics.

By contrast, the shipments to West Africa have been classed as a violation for other reasons - mainly National Regulation violations and, for Nigeria in particular, violations due to export bans. Materials that are subject to the export ban generally include WEEE, ELVs, hazardous wastes and mixed wastes that do not have a single point of classification.

5.5.2 Non-OECD Shipment Violations by Region

A breakdown of the non-OECD countries in each region are provided in Figures 10-12, which show the following:

- Asia (Figure 10) – China, Hong Kong and Pakistan account for the most violations. Of these, the most common are 'Annex VII Incomplete', 'National Regulation' and 'Subject to Export Ban'.

- Africa (Figure 11) – Ghana, Nigeria and Benin account for the most violations. Of these, the most common violations are 'Subject to Export Ban', 'National Regulation' and 'Annex VII Missing'.

- Europe (Figure 12) – There have been limited violations attributed to non-EU European destinations, so the results are less robust than those for Africa and Asia. But the data shows Kosovo has the most violations, and the most common violation type is 'Subject to Export Ban'.

Figure 10: Transport & Company Violations to Asia

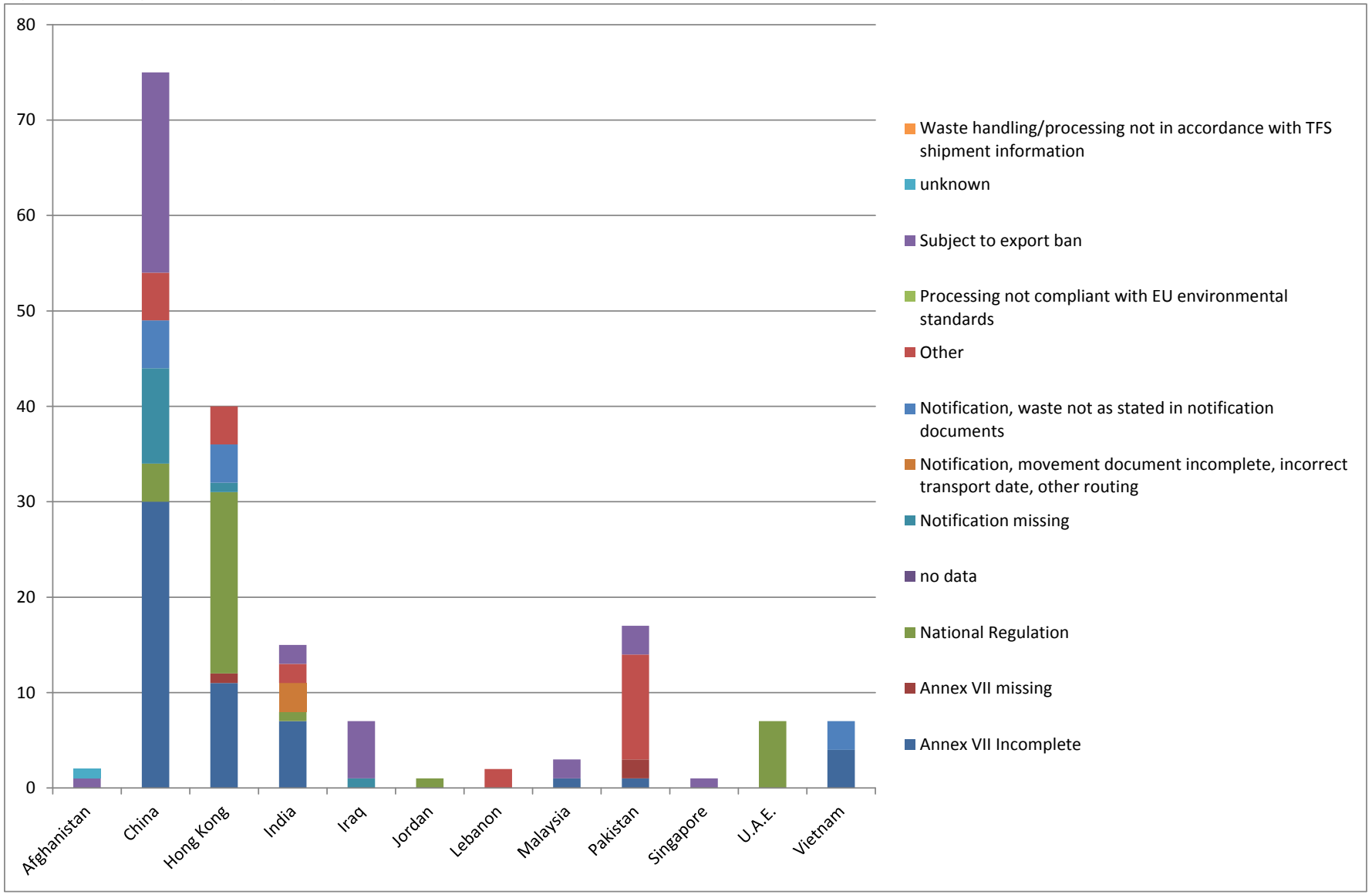


Figure 11: Transport & Company Violations to Africa

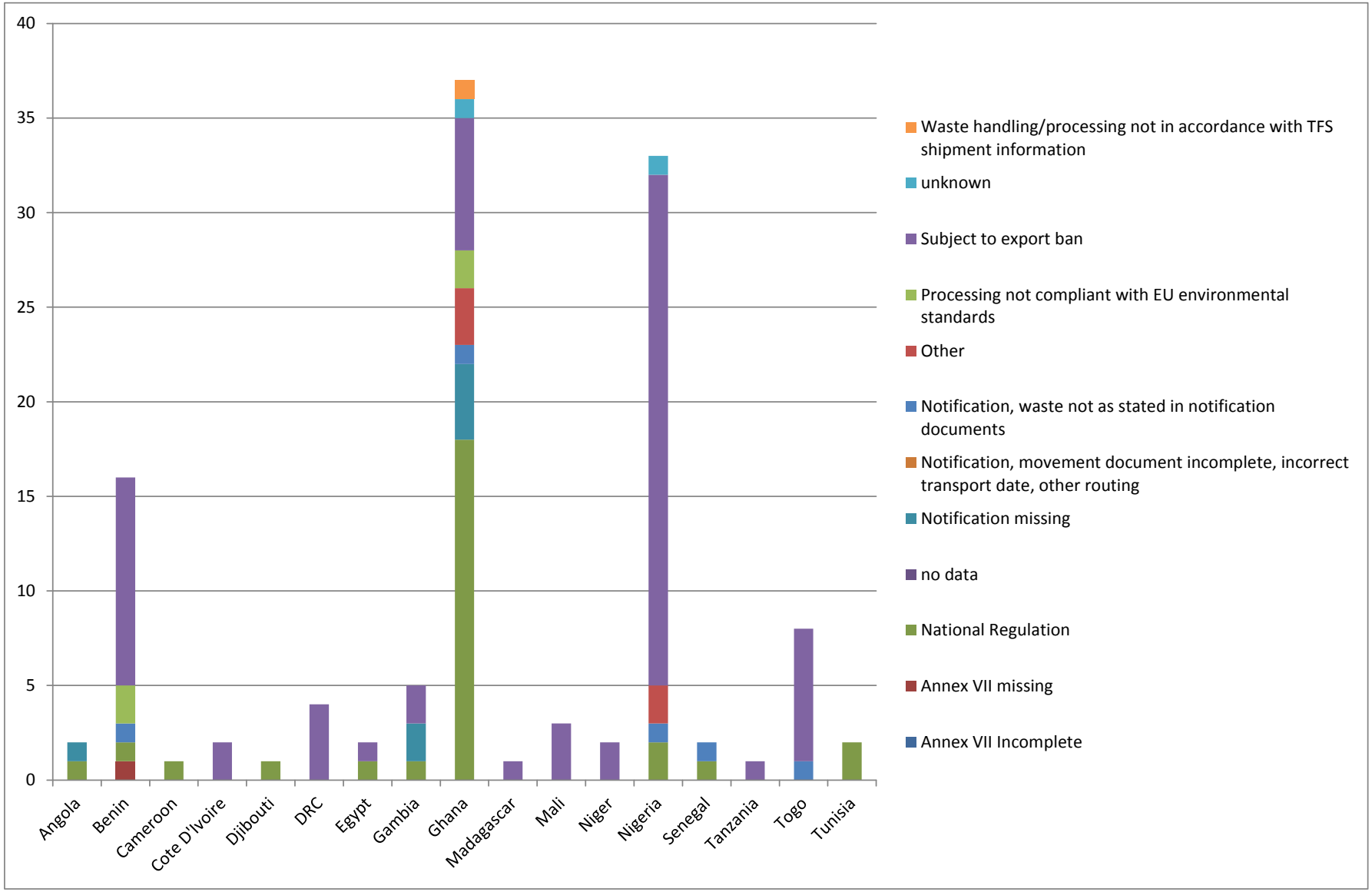
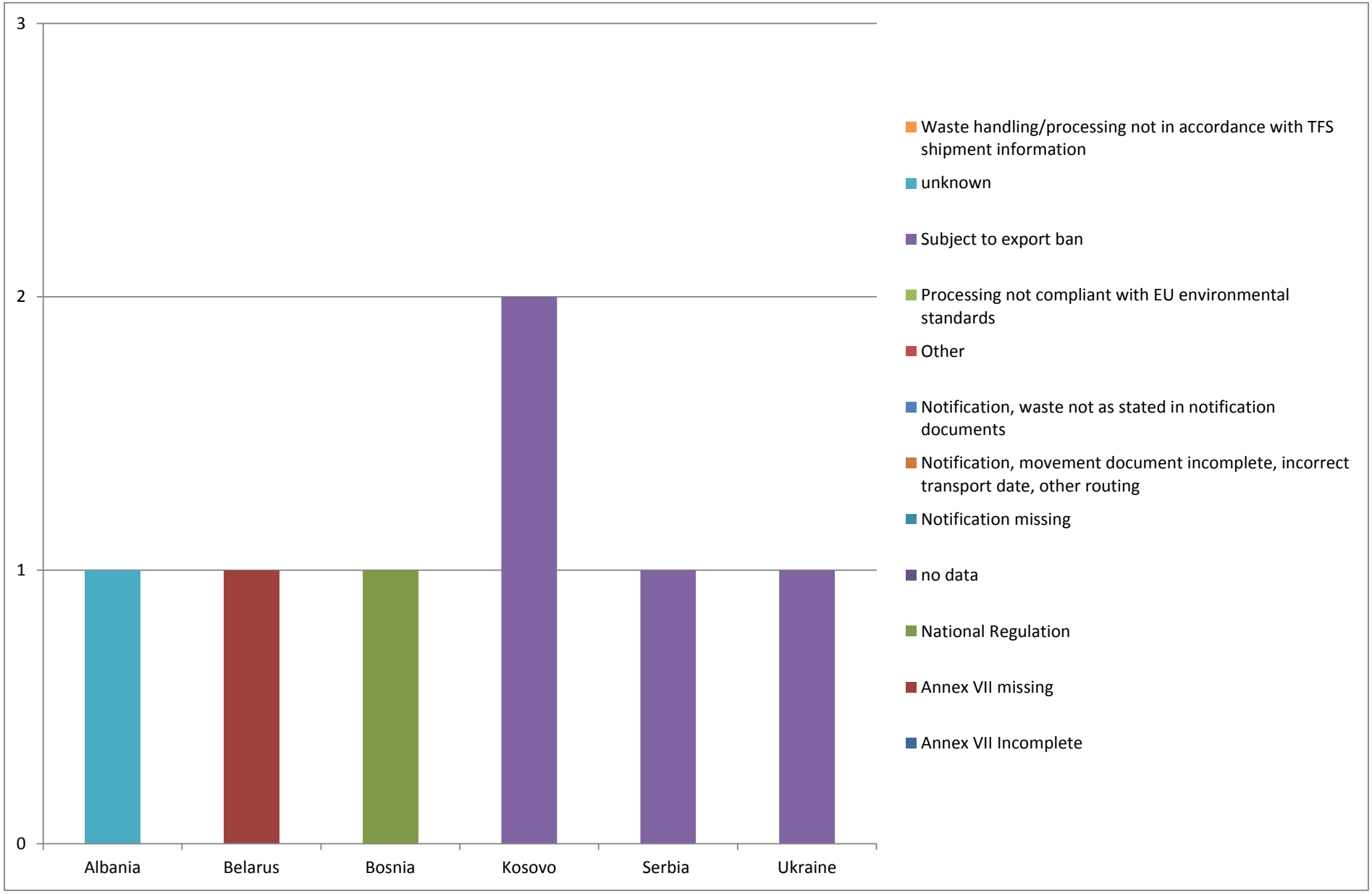


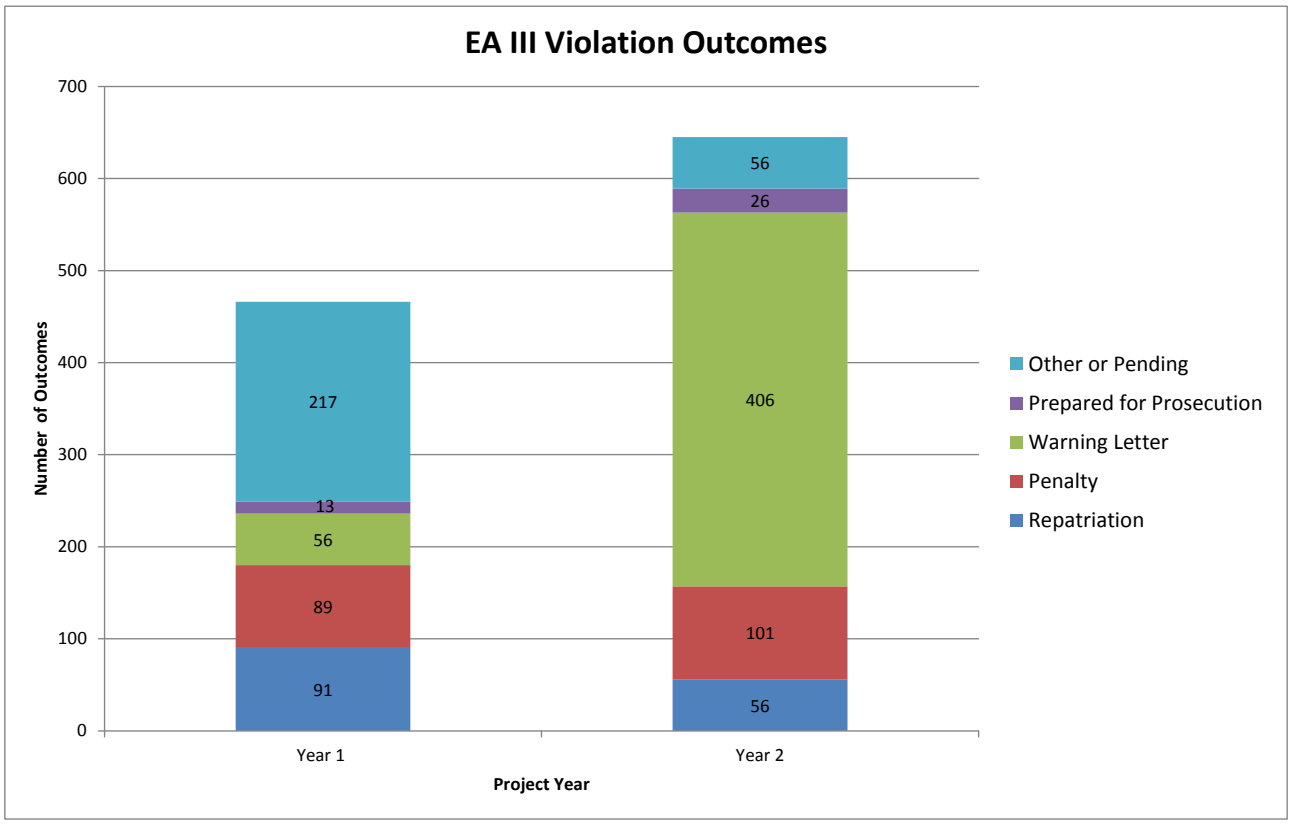
Figure 12: Transport & Company Violations to Europe



5.6 Violation Outcomes

The figure below summarises the outcomes of the violations for each of the years of the EAIII project.

Figure 13: EA III Violation Outcomes Summary



5.6.1 Outcomes: Year 1

The figure above shows that in Year 1, repatriations were the most common response to the detection of an illegal movement, with 91 consignments sent back to the country of origin. Eighty-nine penalties were given (including administrative sanctions), and warnings were given in a further 56 instances. Thirteen cases are being, or have been, prepared for prosecution.

Many countries recorded 'other' or 'pending' as outcomes of the inspections. This may be because the illegal shipments detected were still being dealt with at the time of reporting and the regulatory outcome was not yet known. Or it could be the course of action taken was to address an offence under national/domestic regulation rather than the Waste Shipment Regulation. The 'pending' cases were followed up during Year 2 and further information is provided in Section 5.6.4.

5.6.2 Outcomes: Year 2

The figure above shows that in Year 2, penalties and warning letters were the most common response to the detection of an illegal movement, with 101 penalties being given (including administrative and financial sanctions). Warnings were given in a further 406 cases. Repatriations accounted for 56 cases, and another 26 are being, or have been, prepared for prosecution. As in Year 1, several countries recorded 'other' or 'pending' as an outcome of the inspections.

5.6.3 Overall EA III Outcomes

Overall, warning letters (462) and penalties (190) were the most common response to the detection of an illegal movement of waste. Repatriations accounted for 147 cases and a further 39 are being, or have been, prepared for prosecution.

The large increase from Year 1 in the number of warning notices issued is largely down to the high figure reported by Norway. If we discount this 'outlying' statistic, there would appear to be a far more even spread of violation response types across the project. However, we have still seen a drop in the number of repatriated shipments recorded in Year 2. Over a two year period it is difficult to identify a trend to account for this drop, particularly where so many violation outcomes are recorded by inspecting countries as 'Other' or 'Pending'. In many of these cases, investigations may be on-going and the final outcome may indeed end up as either a repatriation, penalty, warning letter, or in more serious cases, a prosecution, but at the time of the inspection it was simply not known what the final outcome would be.

5.6.4 Pending Outcomes

As identified in sections 5.6.1 and 5.6.2, over the course of the Enforcement Actions III Year 1 inspection period, several countries recorded 'pending' as an outcome of the inspections, because it wasn't clear at the time of the inspection what the final outcome would be. This could be down to lengthy investigation periods due to the number of parties involved, or a particularly complex technical matter that needs to be resolved. Since this inspection period was completed, some of these pending cases have been updated and an outcome identified. Table N summarises the updated outcome of these violations.

Table N: Pending Prosecutions from Year 1 Outcomes

Inspecting Country	Country of Dispatch	Country of Destination	Waste Description	Violation	Updated Outcome
Austria	Italy	Germany	Construction materials containing asbestos	Notification, movement document incomplete, incorrect transport date, other routing	Administrative fine of 4000 Euros has been issued.
Austria	Italy	Germany	Fly ash containing dangerous substances	Notification missing	Report has been submitted to the administrative penalty authority (outcome unknown)
Switzerland	Switzerland	Germany	Non-ferrous metal dust and particles	Notification missing	Returned to sender due to lack of notification documents. Once these were produced, the waste was re-exported as originally planned.
Cyprus	Egypt	Cyprus	Used cooking oils	Annex VII Missing	The load was not suitable for the production of biodiesel, so was delivered & treated at a permitted oil treatment facility in Cyprus, with the shipping company bearing the cost
Ireland	Ireland	Nigeria	ELVs	Subject to export ban	The ELVs were ordered to be disposed of safely, and certificates of destruction have been received.
Poland	UK	Poland	ELVs	Notification missing	Still in progress. Initially considered repatriation to UK, but this has been discarded.
Poland	Poland	Egypt	ELVs	Notification missing	Notifier was ordered to arrange for the waste to be treated in Poland, but the notifier is now suing the CA.
Poland	France	Poland	ELVs	Notification missing	Notifier was ordered to arrange for the waste to be treated in Poland, but the notifier is now suing the CA.
Austria	Germany	Austria	Mixed Shredded WEEE	Notification missing	Report has been submitted to the administrative penalty authority (outcome unknown)
Ireland	Ireland	China	Paper	Waste not as stated in notification documents	Case has been closed, no legal action taken. Follow up inspections have since taken place To ensure compliance.

5.7 Exchange of Inspectors

The project also funds a successful exchange programme. This enables inspectors from one or more countries to visit a host country and either observe inspection and enforcement practices in another jurisdiction, or participate in joint inspections at a border point.

The focus of the exchange is down to the participating inspectors, but will typically involve a priority waste stream or mutually important transit route. Some of these exchange visits have been written up and presented back to the project group via a 'webinar', and it is clear to see that sharing experiences and opinions on the ground is a very effective training tool.

During the EA III project, there have been 13 official exchanges of inspectors financed by IMPEL, with 16 participating countries and the involvement of 35 officers. A summary of each exchange is provided in table O.

Table O: Inspectors Exchange Details

Project Year	Host Country	Other Participating Country/Countries	Exchange Details
1	Malta and Romania (two legs, each taking a turn to host);		• Methodology used for road site inspections • The exchange also included a site visit to a recycling facility and road inspections at the Romania/Hungary border.
	Belgium	Germany	• Learn the screening, control and repatriation procedures of the Belgian authorities • Gain an understanding of the importance of Antwerp harbour for attracting illegal waste shipments. • The exchange included visits to a customs scanning station, unloading facility, shipping company and a meeting at the River Schelde Police Station.
	Sweden, The Netherlands and Slovenia		• Exchange best practice between the countries and assist in capacity building with the County Administrative Board of Norrbotten • Joint road inspections with Swedish Police • Road inspections at Ljubljana, Croatian border • Inspections at an end-of-life vehicle treatment facility • Port checks at Koper
	Austria	The Netherlands	• Joint inspections focussing on e-waste traders • Joint inspections on shipments from new EU Member States that would be trans-shipped through Rotterdam and Antwerp.
	Poland	Estonia	• Inspection planning procedures, risk assessment, co-operation with Customs, police and municipalities, punishment procedures in environmental crimes. • Training and of inspectors through joint inspections
2	Romania	Germany	• Understand how waste moving from Germany to Romania was recovered at specific sites following a number of illegal shipments. • The visit and inspections took place in the western part of Romania and included seven company visits and two meetings with the authorities. • Exchange undertaken in conjunctions with IMPEL-TFS Waste Sites II project

Project Year	Host Country	Other Participating Country/Countries	Exchange Details
	England	Republic of Ireland	• Share information on intelligence gathering • Observe inspections of WEEE sites and observe an inspection of a returned illegal shipment. • The exchange included a meeting at the EA Intelligence office in Birmingham and a site visit to an unauthorised WEEE site.
	The Netherlands	Republic of Ireland	• Discuss the transit of waste shipments through the Netherlands • Discuss repatriation of shipments from the Netherlands to Ireland • Observe the Dutch Inspectorate system of tracking, profiling and investigating waste shipments • The exchange included a number of meetings and site visits including a physical inspection at the Rotterdam Port.
	Belgium	Northern Ireland and Scotland	• Build relationships with colleagues from other regulatory bodies and exchange information to work more effectively • The exchange consisted of presentations of each regulatory body's work and a site visit to Antwerp Port with container inspections
	The Netherlands & Belgium	Austria	• Observe Dutch operational profiling and investigation of shipments and the collaboration the Inspectorate has with Customs • Joint port inspections at Rotterdam and Antwerp
	Belgium	Bulgaria	• Establish contacts between countries after a number of illegal shipment cases • Share best practice and enforcement methods
	Switzerland.	Scotland & Romania	• Establish contacts between the three countries, compare inspection methods and compare methods and regulation for exporting tyres • The exchange consisted of three company visits and two meetings with the Swiss Federal Office of the Environment

5.7.1 Exchange Outcomes

In EAII there were several productive outcomes from the exchanges, for example some countries purchased better personal protection equipment to carry out inspections more safely, and some acted as experts to train less experienced inspectors in the project. These productive and beneficial outcomes have continued into EA III.

Several countries have written up reports detailing the experiences and outcomes of the exchanges, and uploaded these to Basecamp to share with other users. Details of the outcomes are provided in Table P.

Table P: EA III Exchange Outcomes

Exchange Countries	Exchange Outcomes	
Switzerland, Romania and Scotland	- Knowledge was shared of practical tools on how to inspect companies and how to improve collaboration between the administrations and the private sector (e.g. through associations) and how to smartly enforce the WSR. - During the discussions and meetings the attendees come to know about important topics and problems within the frame of transboundary waste shipments which concern many of the European countries. - All participant countries agreed these exchanges are very fruitful and essential to the implementation of the WSR.	
Romania and Germany	- During the exchange the attendees learned about important topics and problems within the frame of transboundary waste-shipments (i.e. cooperation with Hungarian authorities) which concern many European countries and would be forwarded to a broader audience of IMPEL (and to the EU Commission). - Both authorities agreed to cooperate more intensively in the future with regard to illegal waste shipments and to continue with awareness training via TV, press and meetings. - Both countries agreed that these exchanges are very fruitful and essential to the implementation of the WSR.	

Exchange Countries	Exchange Outcomes	
Ireland and the Netherlands	- The exchange programme proved very informative for all participants. Each country's administration and enforcement of the WSR was discussed at length through meetings, presentations, and inspections. This highlighted how the high level of co-operation between Dutch Customs and Enforcement/ILT has improved the level of enforcement of the Regulations in the Netherlands. All participants became more informed of the common issues and difficulties encountered by each country. The forum enabled Inspectors to discuss at length current repatriation procedures and the potential for improvement. - Physical inspections in the Port of Rotterdam proved a worthwhile exercise to see the very close similarities of each country's procedure for the physical inspection of trailers at the port. - Overall the exchange of information and observations made will assist both organisations and enhance their working relationship and future co-operation.	
Ireland and the UK (England)	- As the UK is Ireland's closest neighbour and the destination for a large amount of waste exports, it proved very beneficial for the Irish inspectors to learn of any potential increased risk for exports to waste facilities in the United Kingdom. - It was found that both authorities encountered similar challenges during enforcement of the WSR and these were discussed during the visit. Information was also exchanged in relation to carrying out a risk based approach to inspecting sites, and the different approaches in terms of enforcement and	

Exchange Countries	Exchange Outcomes	
	intelligence gathering, were also discussed. Overall, the exchange proved to be informative and beneficial.	
Northern Ireland and Belgium	- The NIEA considered the exchange a definite success. It provided an opportunity to build relationships with colleagues from other regulatory bodies and the exchange of information will allow all regulatory bodies to work more effectively. - The exchange countries demonstrated the use of different types of equipment for container inspections that could benefit both parties. The Belgium inspectors made use of a Gas Detector, something that the NIEA currently don't have access to but have now raised with their managers as this is deemed an invaluable piece of equipment to ensure safe working around the containers as they have detected high levels of toxic gases previously. In exchange the NIEA inspectors introduced their Belgian equivalents to the use of Telescopic Infra-Red inspection cameras as a cost effective inspection tool.	

6. Conclusions and Recommendations

The development in 2012 and 2013 confirmed that the Enforcement Actions III (EA III) project has been very successful. It has further contributed to the overall objective of improved enforcement of the EU Waste Shipment Regulation, both in number and quality of inspections performed, as well as in level of knowledge and expertise shared between participating countries.

6.1 Conclusions

From a review of the inspection information provided by the participant countries during EA III inspection periods, 12 key conclusions have been reached:

1. The number of recorded waste inspections (as a percentage of the total physical checks undertaken) has increased significantly from 18% in EA II to 30% in EA III. This would suggest that participating countries are becoming more focussed on targeting their inspections using various sources of intelligence. Data is gathered for inspection selection methods, however not all countries chose to disclose this; therefore we should not draw conclusions or comparisons from this data set. However, outline data would suggest that participating countries are increasingly confident in targeting inspections to deliver a more positive outcome.

2. The number of recorded violations (as a percentage of the total waste inspections) has also increased significantly from EA II to EA III. Again, this could be due to countries becoming more confident in targeting inspections through use of intelligence, enabling them to better identify shipments in breach of the WSR, or national regulations. This is supported by the statistic showing that, whilst in EA II transport waste violations accounted for 21.4% of the total waste inspections, in EA III this rose by more than 10% to 32%.

3. There has been a significant increase in the number of inspections undertaken during EA III compared with the interim project (undertaken in 2011 between EA II and EA III). During the interim project there were 1358 transport physical inspections, 920 transport administrative inspections and 44 company inspections. This compares to 7140 transport physical inspections, 9382 transport administrative inspections and 167 company inspections in EA III Year 1. In EA III Year 2 there were 3646 transport physical inspections, 2681 transport administrative inspections and 120 company inspections. During the interim project there were 10 company violations detected. In the EA III Year 1 inspection period, 42 company violations were detected; however this increased to 58 violations for Year 2. During the Interim project there were also 54 transport violations detected. In the EA Year 1 inspection period 424 transport violations were detected; however this increased to 587 violations for year 2.

4. The number of company inspections undertaken has almost trebled compared EA II. There has been a rise from 120 during EA II to 354 during EA III.

5. Penalties and warning letters were the most common response to the detection of an illegal movement, with 462 warnings issued and 190 penalties. Repatriations accounted for 147 responses to the detection of an illegal movement and 39 cases are being (or have been) prepared for prosecution. It is worth noting that a large proportion of warning notices came from one country, and that excluding this country's data there would appear to be a more even spread of violation actions.

6. Most illegal shipments appear to be intra-EU movements. However shipments to Asia are the most common non-OECD destination, particularly China and Hong Kong.

7. There are definite waste streams that are detected in violations more frequently than others in the EA III project. These are:

    a. For transport inspections, dry recyclables (including wood, paper and card, metals and plastics). It should be noted that, whilst the most common material found during the EA III project was reportedly 'mixed municipal waste', the majority of this is attributed to one country's set of inspections and significantly alters the materials found in violations across the project as a whole, which tended to be dry recyclables. This is a similar outcome to that of EA II; however the presence of wood is much greater in EA III. In both projects, WEEE and ELVs are present in a substantial amount of the violations.
    b. For company inspections, WEEE accounts for 36% of the total violations (for transport inspections the equivalent figure was 9%). There is little comparison that can be done to EAII as there was very little focus on company inspections during the previous project.

8. Communication remains a key driver to the success of this project. There is a continued decrease in face-to-face conference time for the project group to discuss best practice and share valuable enforcement and inspection information. Therefore other avenues of communication have been explored and developed to compensate for this. For example, the staging of regular webinars began during EA III, whereby a different host country leads an online presentation to the group on a chosen topic. The full list of online presentations is detailed in Section 5.7.

9. Exchange of inspectors remains an invaluable project tool for training officers and sharing best practice. This has been valued across the whole project group, following webinar discussions and online presentations surrounding various exchanges.

10. The level of co-operation with other authorities (e.g. police and customs) remains high. This may be one of the key factors driving up waste inspection detection levels and violation rates. Availability of resources is always a consideration for inspecting agencies, and external agency assistance helps improve efficiency. This is an area that is regularly pushed, as it is always possible to improve links, so all countries are encouraged to foster links with other regulatory bodies.

11. The project is clearly having a positive impact on the daily inspection and enforcement work of participating countries. This is evidenced by survey responses indicating participants want the project to continue, and suggesting the project has been helpful. It has provided support for identifying illegal transports, better understanding of legal requirements, sharing of best practice, increasing co-operation, joint control at border crossings, easier repatriations and the development of ready-made methodologies.

12. Although considerable improvements in participation have been made, there is a slight reduction in the number of countries submitting results, compared with EA II. This reduction in the number of countries submitting results means that the objective of bilateral and multilateral collaboration remains a problem in certain regions. The effect is that the waste shipment regulation is not completely implemented and an unlevel playing field of waste

shipment controls still exists. Illegal trafficking within Europe and port hopping remain on-going challenges and risks.

6.2 Recommendations

Based on the EA III project results, 10 key recommendations for future joint enforcement actions and follow-up projects can be given for future project work:

1. Continue to improve on cooperation with customs, police and other regulatory authorities, for example via formal agreements, in order to build on the benefits already achieved.

2. Expand on the number of countries participating in the project and encourage more existing members to provide inspection data for the next project phase. Support by the European Commission may improve participation and involvement of countries not yet sharing inspection practice and results.

3. Increase effectiveness of collaboration on a global level (e.g. the IMPEL-TFS Asia collaboration project) to improve understanding of the impacts of the transport of waste to non-OECD countries and ensure effective verification of the final recovery of shipped wastes.

4. Clarity of data reporting should be a target area for future inspection periods. The reporting of administrative and physical inspections should be closely monitored to ensure reliability and consistency of data for future projects. It is evident that existing guidance is not fully used by participating countries and support will be given in order to ensure that authorities are recording the number of inspections in the same way. Consideration will be given to making changes to the inspection recording form to ensure that the data is recorded in a robust and consistent manner.

5. Continue use of exchange platforms via electronic communications and physical meetings. In particular the use of Webinars and exchanges between countries has proved to be beneficial for all participants, and new exchanges should be arranged during the next project to allow other countries to benefit first hand.

6. Given that the results of the EA III inspection periods indicate that most of the illegal shipments identified were movements from EU to other EU countries, further work in targeting specific waste streams or operators may be beneficial.

7. For future transport inspections, dry recyclables (such as wood, paper, card, metals and plastics) would be the key areas to focus on. This is based on the data from EA III inspection periods, which indicates that these materials tend to be detected in container violations more frequently than others.

8. Verification of the final recovery site for waste shipments remain a vital tool to ensuring that waste is handled in an environmentally sound manner. Further analysis of the outcome of these checks would be beneficial to the project.

9. Carry out an additional member survey at the next project phase, as the responses received during EA III have been advantageous at improving the way in which the project is executed.

10. Follow up the 39 cases which have been prepared for prosecution. Analyse to what extent the IMPEL-TFS Prosecutors Project (which raises the awareness amongst prosecutors of the

waste shipment regime) has affected the level and quantity of penalties applied to waste shipment violations.

7. Literature and References

Final Report for Enforcement Actions II Project

- Anke Joas; Alexander Greßmann; 'IMPEL-TFS Enforcement Actions II, Enforcement of EU Waste Shipment Regulation "Learning by doing"'. Final Project Report (October 2008 – February 2011).

Interim Reports for Enforcement Actions III Project

- Katie Olley; Adam Liddle; 'IMPEL-TFS Enforcement Actions III, Enforcement of the European Union Waste Shipment Regulation', Interim Project Report September-October 2011'

- Katie Olley; Adam Liddle; Mark Keegan; Jane Bond; Nicky Leggatt; 'IMPEL – TFS Enforcement Actions III, Enforcement of the European Waste Shipment Regulation', Project Report for Year 1 (March – October 2012).

- Katie Olley; Naomi Ross; Adam Liddle; Mark Keegan; Nicky Leggatt; 'IMPEL – TFS Enforcement Actions III, Enforcement of the European Waste Shipment Regulation', Project Report for Year 2 (January – September 2013).

IMPEL-TFS

Enforcement Actions III Update

July 2013

Impel Update:

The Waste Shipment Regulation (1013/2006/EC) requires Member States to inspect shipments of waste and co-operate with each other. The Impel-TFS Enforcement Action project was established to support this obligation and enable effective enforcement of the waste shipment rules.

The Enforcement Action project objectives include carrying out inspections on waste shipments, knowledge exchange and capacity building in order to harmonise the level of enforcement and expertise within the participating countries. For this purpose joint activities are to be carried out over six inspection periods throughout 2012 and 2013.

You can read more about the project's achievements so far by looking at the examples of close collaboration amongst participating countries.

If you have enquiries or need more information about any of the items covered in the update, please contact Katie.Olley@sepa.org.uk.

Update from the project

The report on 2012 inspections has now been finalised and will shortly be available on IMPEL's website (http://impel.eu) Twenty-eight countries are now participating in the project and between them a total of 9382 administrative checks and 7140 physical inspections were carried out last year. Of the consignments that were physically checked during transport inspections, 1489 related to transfrontier shipments of waste. Transport inspections were mainly conducted on roads or at ports, and were a mix of random and targeted inspections. Of the TFS waste inspections, 424 (28.5%) were in violation of the Waste Shipment Regulation (WSR). The most common illegal exports concerned waste plastics, waste electronics, end-of-life cars and paper waste.

Update from Germany: How the authorities managed their cases of illegal transboundary waste shipments

Working closely with customs, German authorities identified 52 cases of illegal transboundary waste shipments. Of these, 29 cases were handed over to our prosecutors. These were as follows:

- 15 illegal shipments of WEEEs and ELVs, primarily destined for Nigeria
- 6 illegal shipments of used textiles destined for Bulgaria & Romania
- 3 illegal shipments of solid plastic wastes mixed with other wastes
- 2 illegal shipments of used tyres
- 1 illegal shipment of damaged rims
- 1 illegal shipment of metal turnings, containing machining oils
- 1 illegal shipment of precious-metal-bearing catalysts containing hazardous substances)

These two photos show a container of ELVs, car parts & used tyres destined for Ghana, on initial inspection and after it was repacked.

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Update from Netherlands & Belgium: A repatriation of polluted plastics destined for Malaysia, and E-waste inspections at the Antwerp Port

In May 2012 Belgian Inspectors checked the contents of seven containers destined for Malaysia. The shipment of 143 metric tonnes of consumer plastics turned out to be very polluted and was categorised a hazardous waste. The containers were blocked at Antwerp Port, awaiting return to the country of dispatch. As the Dutch exporter did not have a license for processing hazardous waste, they had to find an alternative site, though were not at all enthusiastic about it. Following a repatriation procedure, the waste was returned to The Netherlands in January 2013 to be burnt in a recovery facility in the south of the country. The result was several administrative and court procedures. Collaboration with Belgian officials Marc de Strooper, Hans Vermeire and Peter Coene was excellent.

For further details: nico.bartels@ilent.nl and jeannine.pensaert@health.fgov.be

In November & December of 2012 Belgian and Dutch Environmental Inspectorates worked closely together fighting illegal export of E-waste to Africa. During this period nine containers of second hand electronic items destined for African countries such as Ghana and Burkina Faso were inspected at Antwerp Port. As safety testing certificates were lacking, the shipments were returned to The Netherlands, for prosecution of the offenders.

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Update from Scotland: SEPA's approach to prevent the illegal export of WEEE to Africa

The illegal export of WEEE from Europe to Africa has been identified as a major problem, impacting on environmental and human health. SEPA (Scottish Environment Protection Agency) has been acting to prevent illegal exports of WEEE from Scotland under the waste shipment rules, which ban the export of hazardous waste to developing countries. Key areas of work have included:

- Producing guidance for exporters of second hand electrical appliances, to ensure they are able to demonstrate, through relevant safety and functionality tests, that their goods are in working order and thus acceptable for export.
- Improving awareness within the export community of SEPA's role and power to stop shipments suspects of breaking the rules. This has led many new exporters to contact SEPA prior to setting up sites or exporting containers
- Developing working relationships with exporters and sites of loading to assist with intelligence-led inspections of high-risk operators. Exporters notify SEPA prior to shipments taking place, giving details of testing records, material to be exported, destination country, and the time and date of export.

As a result there has been significant improvement in the quality of second hand electronics exported and related to this, major improvements to the material quality that exporters are purchasing. Examples include:

- A significant reduction since 2010 in the number of sites collecting R12 refrigerators (containing ozone depleting substances) for export, which is a banned export product.
- Improved compliance with relevant environmental legislation (licensing, duty of care etc.) through the closure of those illegal sites which could not be brought into compliance, using enforcement action and joint work with local teams and external partners.

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Annex II: EA III Interim Project Summary

INTERIM ENFORCEMENT ACTIONS PROJECT EXECUTIVE SUMMARY

The interim Enforcement Actions III Project was the seventh inspection project under the umbrella of IMPEL-TFS. It follows on from the Seaport projects I & II, the Verification projects I & II (running from 2003 up to June 2006), the Waste Enforcement Actions I project (from September 2006 to June 2008), and the European Enforcement Actions II Project (from 2008 to 2010). It aimed to further promote and improve inspections and enforcement of waste shipments through and out of the European Union.

The project objectives included carrying out inspections on waste shipments, knowledge exchange and capacity building in order to harmonise the level of enforcement and expertise within the participating countries. For this purpose joint activities were carried out over a single inspection period throughout September and October 2011.

During the inspection period 1547 checks to place; documents for a total of 920 transports were checked and 1358 (roughly 88% of the total inspections) underwent physical inspections. Of the consignments that were physically checked during transport inspections, 23.71% related to transfrontier shipments of waste. Transport inspections were mainly conducted on roads or at ports, and were a mix of at random and targeted inspections. Of the waste inspections, 54 (16.77%) were in violation of the Waste Shipment Regulation (WSR).

Over the same period September to October 2011 a further 44 company inspections took place, with 10 WSR violations detected. Only five countries undertook company inspections, therefore it is difficult to draw conclusions from the results.

It should be noted that the reported figures do not reflect the number of inspections and violations in Europe. Nevertheless the results clearly show the active participation of sixteen Member States in the interim Enforcement Actions III project. The continued level of inspections, plus the participation of customs and police officers indicates that enforcement of the EU waste shipment regulation remains a priority in many Member States. The violations captured in this single short inspection period, however, also clearly demonstrate that there is still effort needed to move towards a level playing field of enforcement.

The most frequent violations were shipments subject to the export ban, closely followed by a missing notification. This is a clear shift from Enforcement Actions II where the most frequent violations were administrative (52%), and shows competent authorities placing greater emphasis on illegal shipments, rather than administrative offences.

There has also been a shift in the type of waste involved in violations. During Enforcement Actions II, paper and cardboard were the most frequent type of waste. This has now shifted to waste electrical and electronic equipment. The next highest was end-of-life vehicles and car parts. This shows a movement by competent authorities to detect and prevent the illegal export of hazardous waste. The majority of these exports were to non-OECD countries (countries not members of the Organisation for Economic Co-operation and Development). One of the recommendations of the previous project was to direct inspections towards shipments to non-OECD countries, rather than intra-EU movements. This has been realised during this project.

Annex III: EA III Participants

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Annex IV: Terms of Reference

TERMS OF REFERENCE FOR IMPEL PROJECT

* Please read the supporting notes before filling in each section of this form.

1. Project details

No	Name of project
2012/15	*IMPEL TFS Enforcement Actions III*

2. Scope

2.1. Background	The Waste Shipment Regulation (1013/2006/EC) requires Member States to inspect shipments of waste and to co-operate with each other. The Enforcement Actions project was set up for the following reasons: - Some Member States expressed the need for a formalised project framework in order to integrate this with the enforcement inspections in their own countries; - International cooperation is essential to tackle international environmental problems; and - The network of enforcers in the field should be maintained and extended to cover all Member States. These reasons are still valid for extending the project. Enforcements Actions II has allowed participants to gain valuable experience on inspection methods, enforcement structures, planning inspections and exchange of staff and information. Responses to a recent questionnaire of participants of the Enforcement Actions II project revealed that without this project, they would have less impetus to plan and undertake TFS inspections. Overwhelmingly, they want this project to continue. Draft terms of reference will be presented to the General Assembly in November 2011 for an Enforcement Actions III project. Given that Enforcement Actions II had participants from 25 Member States and seven other countries, it is felt that an 'exchanges' project be undertaken in order to maintain the momentum for collaborative waste shipments enforcement.
2.2. Directive / Regulation / Decision	Regulation 1013/2006/EC on shipments of waste
2.3. Article and description	Article 50(2) – 'Member States shall, by way of measures for the enforcement of this Regulation, *inter alia,* for inspections of establishments and undertakings.' Article 50(5) – 'Member States shall cooperation, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments'
2.4 Link to the 6th EAP	Articles 3(2) and 8(1) of the EAP Council and EP Decision
2.5. Link to MAWP	IMPEL-TFS has a Multi-Annual Working Programme. A third phase of the

	Enforcement Actions Project would accord well with the aims of the MAWP in that it promotes: - Capacity building - Improving methodologies - Development of good practice, and - IMPEL and dissemination of its products
2.6. Objective (s)	The objectives of this project are: 1. To work towards an adequate level of inspections in all Member States and a consistent level of enforcement at all exit points of the EU; 2. Promote site inspections at points of loading and encourage a cradle-to-grave approach to inspection to minimise illegal shipments; 3. To verify waste destination and the treatment at their destination within or outside Europe; 4. To provide an easily accessible European enforcement project for all Member States, and encourage them to co-operate; 5. To detect illegal shipments and deter future ones through effective communication and guidance; 6. To facilitate take-back procedures after an illegal shipment has taken place; 7. To maintain and improve the network of front line inspectors, inspection methods, exchange of information and knowledge; and 8. Demonstrate that the Member States take the enforcement of the WSR seriously.

3. Structure of the project

3.1. Activities	Co-ordinated exchanges between participating countries during 2012 and 2013. Inspections during three months in 2012 and 2012. - undertaking an adequate level of inspections with other competent authorities (such as Police and customs) on waste shipments (harbours, trains, companies and road traffic) - Chain approach: competent authorities to check the recovery facility in order to check that a shipment accords with the principle of 'environmentally sound management'. Also verification within non-OECD countries which have interrelation with another TFS-project on the establishment of an enforcement network in Asia. - Communication about this project and the different inspections. - Collation and analysis of the results of the inspections by a consultant - Organisation of an 'annual best practice' meeting - 16 exchanges of front-line inspectors during inspections periods. - Attendance at National Contact Point meeting in September 2012 and 2013 to reflect upon project and discuss requirements and proposals for next phase. - Attendance at General Assembly to present draft ToRs for Enforcement Actions III.
3.2. Product(s)	- A report that contains the following information: ➢ The results of the exchanges and the lessons learned by inspectors; ➢ An evaluation of existing enforcement gaps, based on the

	results of inspections and verifications, Enforcement Actions II outcomes and co-ordinated analysis by competent authorities (and possibly Europol); ➢ The maintenance of a network of operational contacts, extending to all Member States (if possible); incorporating the principles of Article 50 of the EU waste shipment regulation; and ➢ Recommendations for future activities. - Template press release for use by participant competent authorities. - A network of contacts in countries needed for the collaboration on enforcement of the Regulation, e.g. the Police and Customs. - Update newsletters to participants - Guidance on risk-assessment and information-led operations - A recommendation for a minimum level of inspections and enforcement of the Waste Shipment Regulation in order to institutionalise waste shipment enforcement.
3.3. Planning (Milestones)	January 2012 onwards – approval of exchanges and organisation February 2012 – Best Practice meeting and Meeting of Project Group February 2012 – Dissemination of questionnaire on risk assessment March 2012 – Inspection and exchange period June 2012 – Inspection and exchange period October 2012 – Inspection and exchange period November 2012 - Compilation of results into Interim Report and update to General Assembly February 2013 – Best Practice meeting and Meeting of Project Group March 2013 – Inspection Period October 2013 – Inspection Period November 2013 – Update to General Assembly and Final Conference December 2013 – Finalisation of Project Report February 2014 - Best Practice meeting and Meeting of Project Group to approve report. Spring 2014 – Presentation of final report to General Assembly

4. Organisation

4.1. Lead	Katie Olley, Scottish Environment Protection Agency
4.2. Project team	Scotland, Northern Ireland, The Netherlands, Germany and Malta. (Sweden, Austria, Germany, Northern Ireland and The Netherlands have agreed to review the Road Inspections Matrix and guidance on risk assessments).
4.3. Participants	The following countries participate actively within the current Enforcement Actions project: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, England and Wales, Estonia, Finland, France, Germany (some Federal States), Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Macedonia, The Netherlands, Northern Ireland, Poland, Portugal, Romania, Scotland, Serbia, Slovenia, Spain and Sweden. Others to be encouraged to join: Greece, Italy, Iceland and Slovakia. Also Croatia, Norway, Turkey, Serbia and Switzerland participate in the

	previous Enforcement Action.

5. Quality review

NCP meeting and IMPEL-TFS Steering Committee.

6. Communications

6.1. Dissemination of results	When completed, the (interim) results will be disseminated to the various stakeholders: IMPEL network, European Commission, INECE, Member States, National Contact Points, European Parliament, Waste Shipment Correspondents Group, Basel Secretariat and NGOs. Furthermore the reports will be published on the IMPEL Website together with a news item.
6.2. Main target groups	European Commission, IMPEL and Member States' competent authorities.
6.3. Planned follow up	Enforcement Actions III (2012-14)

7. 1 Project costs/Resources required (2012)

Project meetings in total	**Estimated costs**	**Budget requested from IMPEL, 2012 (€)**
Meeting 1: **Best Practice Meeting**		
No of Participants: (15 inspectors)	15	15
Travel (15*360):	5400	5400
Accommodation:	2700	2700
Catering:	750	750
Meeting venue:	300	300
Subtotal:	9350	9350
Meeting 2: **Exchange of Inspectors**		
No of Participants: Countries (8 inspectors)	4	4
Travel (8*360):	2880	2880
Accommodation:	2160	2160
Catering:	600	600
Sub-Total:	5640	5640
Meeting 3: **Presentation of Enforcement Actions III at General Assembly**		
No of participants:	1	1
Travel:	360	360
Accommodation:	180	180
Catering:		
Meeting venue:		
Sub-Total:	540	540
• **Consultant:**	17500	17500
• **Translation:**		
• **Dissemination:**		
• **Attendance for Project Manager at Cluster meetings (National Contact Point):**	540	540
• **Other (specify):**		
TOTAL	**33370**	**33370**

Human Resources	**Project Manager time – 25 days** **Project team – 10 days** **Inspector days – 156 days (based on 32 countries inspecting and 30 attending best practice meeting)**

7.2 Project costs/Resources required (2013)

Project meetings in total	**Estimated costs**	**Budget requested from IMPEL 2013 (€)**
Meeting 1: **Best Practice Meeting**		
No of Participants: (30 inspectors)	30	30
Travel:	10800	10800
Accommodation:	5400	5400
Catering:	1500	1500
Meeting venue:	500	500
Sub-Total:	18200	18200
Meeting 2: **Exchange of Inspectors**		
No of Participants: Countries (16 inspectors)	8	8
Travel:	5760	5760
Accommodation:	4320	4320
Catering:	1200	1200
Sub-Total:	11280	11280
Meeting 3 **Presentation of Enforcement Actions III at General Assembly**		
No of participants:	1	1
Travel:	360	360
Accommodation:	180	180
Catering:		
Meeting venue:		
Sub-Total:	540	540
• **Consultant:**	20000	20000
• **Translation:**		
• **Dissemination:**		
• **Attendance for Project Manager**	650	650

at Cluster meetings (National Contact Point):		
• **Other (specify):**		
TOTAL	**50670**	**50670**
Human Resources	**Project Manager time – 25 days** **Project team – 10 days** **Inspector days – 156 days (based on 32 countries inspecting and 30 attending best practice meeting)**	

7.3 Project costs/Resources required (2014)

Project meetings in total	**Estimated costs**	**Budget requested from IMPEL, 2014 (€)**
Meeting 1: **Best Practice Meeting** - Approval of final report		
No of Participants: (30 inspections)	30	30
Travel:	10800	10800
Accommodation:	5400	5400
Catering:	1500	1500
Meeting venue:	500	500
Sub-Total:	18200	18200
Meeting 2: **Presentation of Enforcement Actions III at IMPEL-TFS Conference**		
No of participants:	1	1
Travel:	360	360
Accommodation:	180	180
Catering:		
Meeting venue:		
Sub-Total:	540	540
Meeting 3: **Presentation of Enforcement Actions III at IMPEL General Assembly**		
No of participants:	1	1

Travel:	360	360
Accommodation:	180	180
Catering:		
Meeting venue:		
Sub-Total:	540	540
• **Consultant:**	5000	5000
• **Translation:**		
• **Dissemination:**		
• **Other (specify):**		
TOTAL	**24280**	**24280**
Human Resources	**Project Manager time – 12 days** **Project team – 5 days** **Inspector days – 60 days (best practice meetings)**	

7.4 Project costs/Resources required (Total over 2012, 2013 and 2014)

	Estimated costs	Budget requested from IMPEL 2013 (€)
TOTAL	**125620**	**125620**
Human Resources (over three Years)	**Project Manager time – 38 days Project team – 25 days Inspector days – 372 days**	

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