

European Commission, Brussels



**ORGANISATION OF AWARENESS-RAISING EVENTS CONCERNING THE
APPLICATION AND ENFORCEMENT OF COMMUNITY LEGISLATION ON
SHIPMENTS OF WASTE**

REFERENCE: 070307/2007/481226/MAR/G4

FINAL REPORT

30 November 2008

BIPRO

Beratungsgesellschaft für integrierte Problemlösungen

Table of Content

1 BACKGROUND AND OBJECTIVES	4
1.1 Background	4
1.2 Objectives and tasks.....	6
2 SUMMARY ON INFORMATION EXCHANGE AND AWARENESS RAISING EVENTS ...	8
2.1 Selection of Member States to be covered by events	8
2.2 Preparation and organisation of events.....	12
2.3 Standard presentations prepared for the events	13
3 OVERALL PROBLEMS AND DEFICITS IN IMPLEMENTATION	16
3.1 Characterisation of the situation in Member States	16
3.2 Summary of common challenges and deficits	17
3.3 Detailed compilation of deficits as identified during information events	22
3.4 Summary of examples of good practice	30
3.5 Detailed compilation of good practice as identified during information events	31
3.6 Summary on priorities for Member States	34
3.7 Detailed compilation of priorities as identified during information events	35
3.8 Summary of proposals, suggestions and needs addressing the EU Commission	38
3.9 Detailed compilation of proposals for the EU Commission as identified during information events	38
4 CONCLUSIONS AND RECOMMENDATIONS.....	43
4.1 State of implementation and enforcement.....	43
4.2 Priority activities for Member States.....	44
4.3 Priorities for EU Commission	45

INDEX OF TABLES

Table 2-1:	Ranking of European ports in the World Port Ranking List	9
Table 2-2:	Non-hazardous waste generated, exported and imported in MS in 2004	11
Table 2-3:	Hazardous waste generated, exported and imported in MS in 2004	12
Table 2-4:	Overview on shipment events	13

1 Background and Objectives

1.1 Background

The production of waste increased constantly over the last decades. Therefore the recycling, recovery, treatment and environmental sound disposal of waste are main priorities on the environmental agenda of the European Union. The current EU legislation sets high standards regarding the disposal of waste within landfills and the transfrontier shipment of waste to other countries. Correspondingly legislation contains obligations for Member States to take appropriate measures for implementation and enforcement including the establishment of the necessary administrative and technical infrastructure, permitting, monitoring, control and reporting.

However, statistics, studies and projects also show, that envisaged targets set by the European corresponding legislation have not always been sufficiently achieved and that efforts and standards in the waste sector are not similar in all EU Member States. In addition results showed that whereas the legal framework is well established at European scale the level of implementation is not always sufficient. This situation is reflected in the high number of petitions, complaints and infringement cases in the waste area (e.g. illegal shipments of waste). Lack of compliance in this area might be in part due to the fact that correct waste management and treatment is associated with significant costs, which might be regarded as disadvantage in international competition and constitute a potential incentive for non-compliance in a global market. In addition especially awareness on environmental impacts and health risks from waste and related responsibility of consumers or producers is in part low in the general population ("waste does not pay") and waste management might not be seen as a priority issue in local, regional or national policy. Therefore correct implementation of existing EU legislation is a matter of major practical importance and increasing political importance, as intended effects and harmonised standards throughout the European Union can only be achieved if legal provisions are correctly and fully implemented and enforced.

The major background to the project is therefore formed by the overall objective of European Commission policy to support, enhance and monitor the implementation of waste legislation addressing especially the fields of shipment of waste. In order to minimise the need of infringement cases the priority is on putting in place a preventive approach, focusing on cooperating with Member States authorities and affected stakeholders for facilitating them to apply correctly the EU waste legislation.

The new Regulation (EC) 1013/2006 on shipments of waste came into force on 14 June 2006 and has to be applied since 14 June 2007. This Regulation replaced Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community and lays down specific procedures and rules for the shipments of waste for disposal and recovery.

The new Regulation has been elaborated in order to implement OECD Decision C(2001) 107 (e.g. the combination of red and amber list into one annex), to specify unclear aspects and to

give answer to problems that have arisen in the appliance, management and enforcement of Regulation (EEC) No 259/93. This includes the problem of illegal shipments of waste, which is an important issue to be solved. According to a number of recent inspection and enforcement projects coordinated by IMPEL TFS cluster¹ a significant number of the waste shipments leaving the EU as well as a number of shipments within the EU do not fulfil the legal requirements. The major part of illegal waste shipments is exported via large seaports throughout Europe; however, there are also an alarming number of illegal shipments between EU Member States.

Consequently the new Regulation contains a number of additional measures and clearer specifications to strengthen the enforcement and prevent illegal shipments of waste.

This includes inter alia obligations for Member States to “lay down rules for penalties applicable for infringement and to take all measures necessary to ensure that they are implemented, to provide for inspections of establishments and undertakings in accordance with Article 13 of Directive 2006/12/EC and ... [to carry out] spot checks on shipments of waste or on the related recovery or disposal” and to report annually to the European Commission on taken measures and state of implementation. Inspections of shipments shall take place “in particular at the point of origin, at the destination at frontiers or during shipment within the Community and shall include inspection of documents, confirmation of identity and, where appropriate, physical checking of the waste”.

Various authorities are involved in the management of shipment of waste and in implementation and enforcement of legal requirements. This includes namely the authorities permitting the transports concerned with preparation of the required documents (notification procedures), as well as all authorities involved in inspection and control of compliance and detection of infringements. This group consists of different customs and police services and environmental inspectorates. Involved authorities commonly pertain to different Ministries such as Ministry of Environment, Ministry of Finance or Ministry of the Interior. Therefore co-operation between the involved national authorities is difficult. Recent projects, as mentioned above, however, have shown that effective control of illegal shipments requires cooperation of all involved authorities at national level as well as comparable standards and co-operation throughout the European Union. Consequently, the new regulation requires bilateral or multilateral cooperation with one another besides the establishment of the necessary administrative infrastructure and cooperation at national level to assure the implementation of the legal provisions.

¹ IMPEL TFS = The European Union Network for the Implementation and Enforcement of Environmental Law, Transfrontier Shipment of Waste cluster, http://ec.europa.eu/environment/impel/impel_tfs.htm

1.2 Objectives and tasks

Against this background, the Commission Services (DG Environment) - based on the positive experiences from a corresponding project performed last year - initiated a project aiming at information exchange and discussion by means of a series of workshops in order to commonly work on the preparation of solutions more effective cooperation and control.

The aim is to inform key officials in the national authorities about the importance of correctly applying the EU legislation on shipment of waste. The major objectives of the events are in particular:

1. Identify current state of implementation of the Shipment Regulation and (Visits to suitable check-points for waste shipments, e.g. at sea ports or borders should be a part of the events).
2. Explore and discuss current problems and obstacles for implementation and co-operation between the concerned authorities.
3. Exchange experiences and collect examples of good practice concerning enforcement and co-operation.
4. Discuss possible solution for improved implementation and enforcement including co-operation within as well as between Member States, as well as possibilities for joint inspections and other joint actions involving two or several Member States
5. Spread information, compiled during the events, to a larger number of relevant officials in the national authorities concerned.

In this context the following tasks have to be fulfilled:

1. Selection of Member States to be covered
2. Selection of participants to cover all relevant national authorities and key officials and if appropriate other stakeholder like waste producer, accredited laboratories
3. Selection of appropriate location, timing and duration of the event
4. Coordination of the activities with IMPEL, IMPEL/TFS and the Basel Secretariat
5. Execution of all tasks related to the preparation, realisation and post-processing of the events (liaise with national authorities, organise speakers from national authorities and other stakeholders, prepare a draft agenda, invitation and a list of relevant participants to be invited, organise enrolment, manage the venue and transportation, organise a side visit, ensure translation if appropriate, provide background material and presentations, provide secretarial and technical assistance, chair and guide the event, provide post-processing material.

Topics to be discussed during the events shall include:

- Legal requirements of Regulation (EC) 1013/2006
- Current state of national enforcement infrastructure (notification procedure, general information, inspections)
- Current deficits in implementation and enforcement and consequences thereof
- Current obstacles to implementation and enforcement of legal requirements
- Experiences with the new Regulation
- Infringement procedures
- Examples of best practice for enforcement (effective inspection practice, mutual information and co-operation)
- Possible solutions and proposals to further improve enforcement and cooperation including joint inspections and other joint actions
- Illegal shipments
- Role and cooperation of permitting authorities, customs and police
- Joint activities and international Cooperation (e.g. IMPEL TFS, Customs, Europol)
- Information and support tools (e.g. IMPEL network)

Workshops primarily address administrative bodies responsible for enforcement of the legal requirements for shipments of waste including spot checks and export controls, such as experts from ministries of environment or finance, environmental inspectorates, police and customs services. In addition the list of participants could include scientific and educational institutions, harbour authorities, companies working in the field of waste management and import and export or NGOs.

2 Summary on information exchange and awareness raising events

This chapter provides an overview on the selection procedure for the information exchange and awareness raising events as well as on the preparation of the specific events.

2.1 Selection of Member States to be covered by events

The criteria for a proper selection of the MS to be covered by events take into consideration aspects of balancing and importance of the issue.

With respect to balancing selection should assure that:

- At least 5 MS were covered
- A well balanced range of those MS being part of the EU prior to May 2004 (EU-15) as well as those entering the EU in May 2004 and January 2007 was realised
- MS, which were covered by previous events (either by the 16 awareness raising events held between January and May 2007 or by TAIEX meetings on the topic) were no high priority countries

Beside EE, MT and PL as “new” MS, five EU-15 MS have been addressed by previous awareness raising seminars on shipments of waste (BE, DE, ES, GR, UK). IE could be considered as partly covered by the seminar held in London, as representatives from the Republic of Ireland participated in that seminar as well. Furthermore TAIEX seminars on the topic have recently been realized in RO and BG. Consequently these MS were regarded a low priority countries in the further selection procedure.

In addition to the balance criteria mentioned above the following parameter for the importance of the issue in a MS, based on available data and information were used as selection criteria for shipment of waste:

- (1) The existence of large seaports
- (2) IMPEL TFS information on the status of implementation of the Shipment Regulation
- (3) The quantity of non-hazardous and hazardous waste generated, exported and imported

For the other MS, which have not been covered by previous seminars, the following additional information has been evaluated:

Add (1): As high quantity of waste is transported by sea to either other EU countries or to third countries especially in Asia and Africa, the **existence of large container sea ports** is one criterion for the decision which MS should be covered. Table 2-1 contains a statistic about the container transports for the last three years on a European scale including the corresponding ranking within Europe. The list shows that there exist especially large ports in NL, IT and FR. The ports of Rotterdam (NL), Marseilles (FR), Le Havre (FR) and Amsterdam

(NL) are amongst the world's 50 most important container ports. Other large ports on a European scale are located in SE, DK and PT. In FI two container ports are located with a cargo of 800,000 TEU together. LT, SI and LV have comparable small container ports, but each of them still has a reasonable container traffic cargo of about 200,000 TEU. Especially the port in Slovenia (Koper) might be seen as an important transit point for Eastern European countries (e.g. HU, IT, CZ, SK) to the Mediterranean and other seas.

Ranking	MS	Name of port	CONTAINER TRAFFIC (TEU*)		
			2006	2005	2004
1	NL	ROTTERDAM	9,690,052	9,286,757	8,280,787
7	IT	GIOIA TAURO	2,938,000	3,160,981	3,261,034
10	FR	LE HAVRE	2,130,000	2,118,509	2,131,833
11	IT	GENOA	1,657,113	1,624,964	1,628,594
18	IT	LA SPEZIA	1,136,664	1,024,455	1,040,438
20	FR	MARSEILLES	941,400	907,918	916,277
21	IT	TARANTO	892,303	716,856	763,318
23	SE	GOTHENBURG	820,000	787,705	713,439
26	IT	LIVORNO	657,592	658,506	638,586
29	DK	AARHUS	627,000	581,000	500,000
30	PT	LISBOA	512,501	513,061	616,000
32	FI	KOTKA	452,401	386,552	325,730
33	IT	NAPLES	430,000	373,706	347,000
34	FI	HELSINKI	416,667	459,744	500,000
36	IT	VENICE	316,641	290,000	290,898
37	NL	AMSTERDAM	305,722	65,844	51,904
39	LT	KLAIPEDA	231,548	214,307	174,241
41	IT	TRIESTE	220,661	198,319	174,729
42	SI	KOPER	218,970	179,745	153,347
43	FR	DUNKIRK	204,853	204,251	200,404
44	SE	HELSINGBORG	200,000	108,000	99,115
45	LV	VENTSPILS	200,000	1,000	--
46	LV	RIGA	176,826	168,978	150,000
48	FI	RAUMA	168,952	118,092	115,821
49	FI	HAMINA	168,192	155,475	144,066
54	FI	TURKU	21,000	18,312	20,962
59	DK	COPENHAGEN-MALMÖ	--	155,000	144,000
61	FI	MÄNTYLUOTO	--	54,502	66,842
63	SE	STOCKHOLM	--	38,000	33,726

Explanations:

* TEU = Container capacity measured in twenty-foot equivalent units. An equivalent unit is a measure of containerized cargo capacity equal to one standard 20 ft (length) × 8 ft (width) × 9 ft (height) container. In metric units this is 6.10 m (length) × 2.44 m (width) × 2.59 m (height), or approximately 38.5 m³

Table 2-1: Ranking of European ports in the World Port Ranking List 2

Add (2): Most recent **information from IMPEL TFS** is available from the Seaport II project. This project aimed at international cooperation in enforcement hitting illegal waste shipments³ and was finished in May 2006. Beside BE, DE, MT, ES and UK, ports in FR, LV,

² Source: www.hafen-hamburg.de, only including EU MS yet not covered by previous awareness raising events

³ IMPEL TFS Seaport Project II "International cooperation in enforcement hitting illegal waste shipments", Project

NL, PT, SI and SE participated in the cooperation. The fact that the mentioned countries were included into the IMPEL seaport II project, is already a signal of a certain level of awareness of the problem of transboundary movements of waste within the involved authorities. From this point of view, especially the MS yet not covered by IMPEL activities should be in the focus of the awareness workshops. On the other hand the report shows that deficits remain in enforcement structures and implementation actions which can be allocated to the countries of relevance as follows:

- For the port of *Le Havre (FR)* a lack of capacity, exchange of knowledge on national, European and international level and unclear definitions / misinterpretations and a lack of cooperation between the customs and other services have been reported.
- For *Riga (LV)* a lack of experiences at the authorities, a lack of a permanent system for regular controls of waste in ports and a lack of human resources, financing and knowledge about the current legislation is stated.
- In *NL* five ports have been participating in the project (*Rotterdam, Amsterdam, Vlissingen, Delfzijl, Moerdijk*). The cooperation between authorities at national level has been stated as very advanced. A lack of cooperation on international level and unclear legislation/definition has been stated.
- For the participating ports of *Lisboa and Setúbal (PT)* it can be summarized, that national cooperation and training to the relevant authorities exist. Anyhow lack of capacity and human resources, international cooperation and the problem of unclear definition have been stated.
- For *Koper (SI)* it is explained that national cooperation is rather good. Again lack of capacity, practical experiences and unclear legislation has been stated as a problem.
- In *SE* three ports were involved in the project (*Stockholm, Gothenburg and Södertälje*). Structures for cooperation at national level are set in place and inspections are recently carried out. On the other hand lack of resources, knowledge and practical experiences especially for the smaller ports have been stated.

In addition another project from IMPEL TFS has recently been finalised and used for selection of MS. The IMPEL-TFS Verification 2 project⁴ (carried out from December 2004 until May 2006) had a particular focus on the enforcement of Article 30 of the Shipment Regulation (259/93) and the verification of the final destinations of waste shipments. The 14 participating countries were AT, CZ, DK, FI, SK, NL, PT (beside BE, DE, IE, MT, PL, Croatia and Switzerland). Again common inspections e.g. on borders and lorries have been carried out, as well as exchange of inspectors and training about the European legislation.

Report, June 2006

⁴ IMPEL TFS Verification – 2 Project “Is what you see, what you get? Project Report, June 2006

Add (3): Information about the **quantities of waste generated, exported from and imported** to a country is given in the Basel Country Fact Sheets which have been evaluated for that purpose. The data is gathered separately for non-hazardous waste (Table 6-6) and for hazardous waste (Table 6-7). The tables show that data availability is very different for the countries of concern. It can be concluded that:

- High amounts (and rates) of both waste categories are shown for NL.
- High amount of non-hazardous waste is exported in addition by DK, IT, AT and FR.
- High amounts of hazardous waste are also exported by FR, IT and AT.
- Considering the rates of exported hazardous waste in relation to the total annual production of the MS; beside LU, LV, PT, SI and AT appear as countries of relevance.

The experiences show that beside the major EU countries generating waste, especially small countries, with low amount of waste are exporting certain waste streams (e.g. batteries, WEEE) as it is economically not feasible to set up treatment plants and disposal installation for those specific waste streams (e.g. in MT and CY).

MS	Total amount of non-haz.* wastes generated (t)	Amount of non-haz. wastes exported (t)	Share of non-haz. wastes exported (%)	Amount of non-haz. wastes imported (t)	share of non-haz.wastes imported (%)
NL	4,927,120	1,439,346	29	207,276	4
DK	nn	130,952	nn	28	nn
IT	nn	93,222	nn	20,000	nn
AT	1,338,900	58,661	4	4,787	0
FR	33,024,000	30,534	0	601	0
SE	4,211,290	25,532	1	42,422	1
FI	nn	3,508	nn	5,657	nn
SI	nn	320	nn	nn	nn
HU	2,828,600	0	nn	0	nn
PT	4,889,079	nn	nn	nn	nn
CZ	4,639,000	nn	nn	nn	nn
SK	1,599,377	nn	nn	nn	nn
LT	908,763	nn	nn	nn	nn
LV	562,000	nn	nn	nn	nn
LU	nn	nn	nn	nn	nn

* Total amount of other wastes generated (Annex II: Y46-Y47)

Table 2-2: Non-hazardous waste generated, exported and imported in MS in 2004⁵

⁵ Source: Basel Convention Country Fact Sheets, 2004, only including EU MS yet not covered by previous awareness raising events

MS	Total amount of hazardous wastes generated (t)	Amount of hazardous wastes exported (t)	Share of hazardous wastes exported (%)	Amount of hazardous wastes imported (t)	share of hazardous wastes imported (%)
NL	2,140,403	1,176,204	55	141,557	7
FR	nn	709,553	nn	1,180,337	nn
IT	nn	336,282	nn	1,358,675	nn
AT	968,625	150,297	16	43,201	4
SE	nn	119,198	nn	146,256	nn
LU	102,871	85,831	83	1,251	1
DK	nn	85,580	nn	83,151	nn
LT	7,514	82,300	nn	250	3
PT	198,127	80,797	41	12,570	6
FI	nn	59,907	nn	15,489	nn
HU	1,176,997	31,458	3	0	0
LV	25,670	16,200	63	206	1
SI	67,101	14,371	21	23,188	35
CY	nn	2,373	nn	0	nn
SK	1,258,571	2,232	0	3,841	0
CZ	1,904,000	2,194	0	3,302	0

Table 2-3: Hazardous waste generated, exported and imported in MS in 2004 6

2.2 Preparation and organisation of events

The organisation of the events was performed by BiPRO in close cooperation with the competent national authorities such as Ministry of Environment and or Environmental Agencies. Four of the events were organised with the support of local subcontractors for reasons of language and better insight into the national structure (IT, FR).

First contacts with MS and invitations of participants were accompanied by recommendation letters signed from Commission Services. Recommendation letters were provided in national language. In all cases recommendation letters were important tools for the workshop preparation. In part they represent a crucial parameter for initiating cooperation. Consequently it is important to prepare letters and translations in an early project stage.

In general there were no problems in the preparation of the events for shipment of waste. Only a number of changes had to be made in relation to the planned time schedule and order of events, as availability of rooms as well as restrictions and wishes of the national key authorities had to be taken into consideration. Nevertheless the events in general could be scheduled between April and July 2008, in order to allow sufficient time for finalisation of the project report in August and in order to avoid the holiday season. For Sweden a later date (end of August) has been chosen for the event, following the specific request from the National key authority and after approval from Commission Services. The following list

⁶ Source: Basel Convention Country Fact Sheets, 2004, only including EU MS yet not covered by previous awareness raising events

indicates the order of events and results of organisation.

Country, Location	Date	Workshop details
CZ Prague	03 April 2008	National Cooperation partner: Ministry of Environment Venue: Premises of the Ministry of Environment, Prague Participants: 31 Agenda: 9 presentations (including EC and BiPRO)
PT Lisbon	7 to 8 May 2008	National Cooperation partner: Environmental Agency APA Venue: Premises of the APA, Amadora Participants: 31 Agenda: 10 presentations (including EC and BiPRO) Excursion: Lisbon Harbour
FI Helsinki	22 to 23 May 2008	National Cooperation partner: SYKE (Finnish Environmental Institute) Venue: Premises SYKE, Helsinki Participants: 19 Agenda: 10 presentations (including EC and BiPRO) Excursion: Vuosaari Harbour
IT Milano	28 to 29 May 2008	National Cooperation partner: Ministry of Environment , Regional Government of the Lombardy region Venue: Premises of the Government of the Lombardy Region Participants: 38 Agenda: 12 presentations (including EC and BiPRO)
HU Budapest	3 June 2008	National Cooperation partner: National Inspectorate for Environment, Nature and Water Venue: Premises National Inspectorate for Environment, Nature and Water, Budapest Participants: 32 (including EC and BiPRO) Agenda: 7 presentations (including EC and BiPRO)
FR Le Havre	8 to 9 July 2008	National Cooperation partner: Ministry of Environment Venue: Permisses of Chambre de Commerce et d'industrie du Havre Participants: 12 Agenda: 9 presentations (including EC and BiPRO)
SE Stockholm	26 to 27 August 2008	National Cooperation partner: Ministry of Environment Venue: Premises of the Ministry of Environment Participants: 28 Agenda: 12 presentations (including EC and BiPRO) Excursion: Stockholm Harbour

Table 2-4: Overview on shipment events

For more information on state of organisation or on the outcome of the events see chapter 3 and the annexes to this report.

2.3 Standard presentations prepared for the events

Presentations held by the European Commission and BiPRO was a constant element at all events. Consequently, these presentations are not included within the country specific minutes but are summarised in this chapter. Presentations from BiPRO will be slightly adapted and changed with up-coming new experiences and in accordance with specific information needs of the Member States concerned.

(1) *The EU Waste Shipment Regulation – Enforcement and Implementation (Representative*

from the Commission's services, DG Environment):

The presentations focused on the objectives of the EU Waste Shipment Regulation and its key elements. An emphasis was made on the political and environmental importance of improving enforcement and implementation of the EU waste shipment regulation against the background of a currently, very high frequency of illegal waste shipments, the various reports showing this situation and the specific environmental and health consequences involved as well as the constantly growing international trade with green listed wastes. The importance of certain EU legal requirements was described, including export bans, information requirements for green-listed waste (Article 18 and Annex VII) as well as Article 49-50 on controls and inspections, and the strong need for a correct implementation in Member States. The importance of ensuring an adequate level of enforcement and inspections was clearly described. The objectives were explained as regards how the awareness-events should contribute to that EU legislation and policy are fulfilled by an exchange of information, discussion of best practices, as well as an identification of specific gaps in enforcement. National, regional and local experts were invited to take this possibility to receive information, exchange experiences and identify possibilities for further improvements within their countries.

(2) Introduction to the EU Project for „Information Exchange and Awareness Raising events on shipment of waste“ (BiPRO)

The presentation shortly explains the function and interlinkage of the workshop with other similar events taking place in 2007 and 2008. It emphasises the objectives of the projects and stresses the different possibilities to obtain and use the workshop materials from the own and the other workshops.

(3) European waste shipment legislation: Introduction, background, problems and solutions (BiPRO)

This presentation gives an introduction to the EU waste policy and to the provisions and requirements of the Shipment Regulation. Starting with introducing the relevant legislative documents and basic definitions, the presentation shortly describes the notification or general information procedure, information requested, involved authorities, documentation and deadlines. It points out the export, import and transit requirements including the specific provisions for “green listed” waste and stresses the role of customs in this respect. Then the presentation highlights the issue of illegal waste shipment including promoting factors and parameters hampering effective control, such as classification difficulties, knowledge and enforcement deficits. Finally the presentation highlights the enforcement requirements set in the Regulation such as inspection and international cooperation and gives examples for good practice and solutions in place.

(4) Experiences from the Previous Project Events (BiPRO)

One aim of the project is the information exchange between Member States. Consequently these presentations provide summary information about the experiences made in all previous

events, constantly updating the information with the results from the events which have been completed. The presentations contain information on major problems and deficits, status of implementation, cooperation and controls and lists examples of good practice in implementation and enforcement. Finally the presentation recommend steps how to make controls more effective.

All presentations, including the standard presentations from the EC and BiPRO were made available for download at: <http://www.bipro.de/waste-events/ship/shipment.htm>

3 Overall problems and deficits in implementation

This chapter provides a summary on the main problems and deficits observed as concerns implementation and enforcement of the legal requirements for shipment of waste, examples of good practice, priorities and suggestions towards the EU Commission in order to support the process. All information was derived either from the workshop presentation material or from the discussion minutes. More details on the situation in the individual Member States including figures about the current state of waste shipment and control is presented in the annex to this report.

3.1 Characterisation of the situation in Member States

Based on the information and the impressions collected during the information exchange and awareness raising events held in seven Member States, the situation with respect to the implementation and enforcement of the requirements of the EU regulation (No)1013/2006 on shipment of waste can be characterised as follows:

Since the entry into force of the new regulation Member State authorities have made efforts to adapt to the new requirements and to establish a control infrastructure.

But there is still an important difference in enforcement levels reached between MS and major deficits and gaps seem to partially still exist as regards enforcement of the legal requirements.

The number of inspections and spot-checks often seems to be insufficient to effectively control the significantly increasing amounts of waste shipped out off EU Member States particularly to destinations outside the EU but also within the Union.

Cooperation with customs in various cases would need to be intensified and

in general it can be observed that there is still more focus on the import of waste than on the export side.

This situation is similar in many aspects to the situation in the Member States covered by the series of event held in 2007.

It should be taken into consideration that the major parameter for the level of implementation and enforcement of the Shipment Regulation can be clearly identified as:

- (1) Sufficiently frequent and adequate controls, inspections and spot-checks, combined with the adoption of strategies and risk-assessments on these matters;
- (2) High level of cooperation and established communication / information exchange structures between authorities at various levels, as well as a clear allocation of tasks and responsibilities to carry out inspections and spot-checks on waste shipments;
- (3) Good understanding of the tasks involved and knowledge of the legal requirements

through e.g. targeted and specific guidance and training.

In this context it can be stated that:

- All MS covered had established some type of structure to perform or start control measures although to a different extent
- Member States are struggling with a number of “technical problems” in applying and enforcing the Waste Shipment Regulation – i.e. interpretation of legal provisions, classification issues, and procedural questions. After being in force for now more than a year, it can be seen more clearly and in detail that there is a wide variety of this type of problems within the application of Regulation (EC) 1013/2006.
- The overall focus of the relevant enforcement authorities (namely customs) tends to be more on imports of waste rather than on the control of exports.

3.2 Summary of common challenges and deficits

The following section highlights the main common problems MS experience with respect to implementation of the Shipment Regulation and with transboundary shipments of waste itself. For further information and in order to also stress specific problems of single MS a short overview for each country is presented as well.

Common challenges and deficits are experienced in the following fields:

- (1) Major waste streams & destinations (including green listed waste to third countries, the problem of brokers and dealers, waste transports to new MS)
- (2) Cooperation within MS (including official agreements, guidance and training, and data exchange)
- (3) Cooperation between MS (including language problems, data exchange, cooperation in case of illegal shipments)
- (4) Notification procedure (comprising deadlines, electronic tool, requested information, guarantees, parallel existence of varying forms, waste transports within EU, Annex VII documents)
- (5) General information requirements (Annex VII document)
- (6) Cooperation with third countries (including green listed waste to third countries, the problem of brokers and dealers)
- (7) Control and inspection activities (man power; classification problems, deficits in man-power, tools and priority)

(1) *Major waste streams & destinations*

- Major waste streams shipped
The following waste streams have repeatedly been identified as being problematic: WEEE, ELV, mixed MSW, waste tyres, waste paper, and waste textiles
- *Major destinations*
Apart from the already mentioned fact that the overall focus of customs controls still often tends to be more on import than export, trade with African and Asian countries was identified as being the major problem in the Member States with seaports, whereas in the Czech Republic and in Hungary the imports of waste from other EU Member States were seen as the major problem.
- *Shipment of green listed waste to third countries*
Some stakeholders alleged administrative burden due to EU requirements (information) and lack of answers from third countries (notification requirements); huge problems in receiving final certification and to get information on treatment companies; responses from third authorities were often not in requested format and codification. Some problems seem to relate to communication difficulties between MS authorities and third countries. However, the problem appears to be that in many cases persons shipping waste are unable to show specific information about the destination facilities that will manage the waste in the third country. This seems particularly problematic as regards shipments via Hongkong to Chinese facilities. These shipments would in many cases be illegal and clearly contravene the fundamental objectives and requirements of the regulation, for example because the waste management in the third country is not environmentally sound or would constitute disposal instead of recovery, or otherwise contravene the information requirements in Article 18 and Annex VII of the regulation
- *Intermediate treatment and brokers/dealers*
MS reported on important difficulties to follow-up final destination and treatment in case of notifications with intermediate treatment. Furthermore the difficulty to hold of the liable person in case of illegal shipments if brokers or dealers are involved in the shipment was repeatedly stressed. It was noticed that intermediate treatment and involvement of brokers/dealers was strongly increasing in recent times and that measures would need to be taken in this field.
- *Waste transports to new MS*
HU and CZ reported on ongoing (although decreasing) import of waste (mainly mixed MSW or separate collection residues such as plastics, textiles) into their territories. This includes besides others illegality due to lack of notification of green listed waste, as well as cases of pretended transfer.

(2) *Cooperation within a MS*

With respect to cooperation between national authorities, the communication and information exchange between the involved actors in the whole process of notification and control of shipment of waste (environmental authorities, police and customs, sometimes other control

bodies such as Road Police...) was reported as not easy – even though good cooperation schemes have been established in a number of countries. A clear allocation of responsibilities is not to be found in each MS. Problems may also arise from different ways of thinking, other priorities and the level of expert knowledge.

- Official agreements
Quite a number of MS are still lacking official cooperation agreements between environmental authorities and customs or police. This is especially important as an official agreement often is a prerequisite for information exchange and coordination of inspections
- Guidance and training
As the area of shipment of waste includes many complex technical and legal questions, guidance and training for enforcement authorities and for industry are key elements in ensuring a proper enforcement of the Waste Shipment Regulation. Concerning guidance for authorities, specific training and information material for involved authorities such as customs and police, the current status of Member States' actions is often linked to the establishment of a cooperation infrastructure
- Data exchange
Overall, authorities stated that there is not enough sharing of information among different MS authorities in a variety of fields, ranging from reactions of reporting of suspicious cases to lack of access to data bases with illegal cases.

(3) *Cooperation between MS authorities*

As concerns cooperation at European scale (between Member states' authorities), particularly the two events in the Czech Republic and in Hungary turned the focus towards intra-Community shipments and transit constellations, but also in other events, difficulties with co-operation between different involved MS were reported. In this context language problems, different requirements as concerns Annex II, part 2 information, validity of permits, slight procedural differences (e.g. exchange and stamping of copies, etc) were identified as major challenges (see also notification procedure). In addition cooperation typically is difficult in case of take-back-procedures and all related aspects, such as liability and coverage of costs associated with storage and treatment.

- Language problems
repeatedly, language problems were discussed (How to comply with short deadlines especially in case of need for translation? How to communicate with regional notification authorities if not a common language can be used? Which information might be lost in translation?).
- Data exchange
MS partially noted that there is not enough sharing of information on illegal shipments or suspicious companies. An increased and structured exchange of such information would be appreciated
- Cooperation in case of illegal shipments

Although the new regulation contains specific provisions for liability and classification issues it remains difficult to find agreements in case of illegal shipments. Besides the take-back procedure as such the deficits in cooperation for prosecution of detected offenders were highlighted as important challenge to solve in the future

(4) *Notification procedure*

MS stated that notifications are associated with increased administrative efforts and a number of challenges for MS authorities since the entering into force of the new legislation. Major problems reported were: deadlines for transmission of documents (including lack of electronic tools), differences in requested information, guarantees, parallel existence of varying forms, waste transports within EU)

○ *Deadlines*

Quite a number of MS stated problems in meeting the 3 days deadlines for transmission of notification documents as long as notification remains paper work. In this context it was repeatedly agreed upon that the development of electronic notification tools would be an important instrument to speed up and facilitate notifications and should be a major priority in the near future.

○ *Interpretation of legal provisions/Requested information*

Specific deficits in the field of “technical” aspects, such as legal definitions and requirements related to understanding and interpretation of legal provisions have been reported in a more detailed level than during the last series of events; the practical day-to-day-application reveals the problems authorities are dealing with. In this regard, particularly the event in France provided extremely fruitful debates.

○ *Financial Guarantee*

namely industry representative but also some MS authorities reported on difficulties due to the wide range of requirements and practices as concerns the calculation of and system chosen (bank deposit or assurance) to deposit the financial guarantee.

○ *Coexistence of different movement documents*

France mentioned that juridical problems (illegal due to differences or acceptance as principally conform ?) arose in the past half year due to the coexistence of different versions of movement documents following the amendment of the new shipment regulation

○ *Waste transports within the EU*

High administrative burden and costs due to the obligation for notification were noted especially by industry as a major obstacle and competition handicap which was asked to be alleviated for waste shipment within the EU. This includes aspects such as limitations in routing and transport means. MS authorities experience considerable extra efforts due to the obligation for notification in case of green waste transports to MS with transitional periods.

(5) *Cooperation with Third countries' authorities.*

In interaction with *third (non EU / non OECD) countries*, similar to the situation between Member States, language problems and general lack of information flow was observed. This concerns countries in Africa and the Far East – where crucial information e.g. about the actual final treatment of waste seem hard to get if answers are provided at all – just as countries neighbouring EU Member States for some of which lack of willingness for joint inspections was observed. This lack of answers is also problematic for transports from overseas departments which can get blocked completely by the fact of a missing consent from a third country.

(6) *Control and inspection activities*

Illegal shipments remain a major problem, both blatantly criminal activities and the amount of waste leaving the EU wrongly declared. The level of criminal activity and the level of organisation behind this are high. To tackle these illegal activities, sufficient control and inspection have to be performed, both as regards providing of a sufficient infrastructure and manpower. But there remain major deficits in physical inspections and control activities at least in a number of countries and regions in EU Member States, which are especially important with respect to waste exports.

During some awareness-events combined with site visits, illegal waste shipments were identified after the opening by national authorities of containers in seaports. It was found that in several cases after an actual detection of an illegal waste shipment the available procedures may exist and even be adequate in order to take the necessary actions and quickly block the shipment and take legal action against perpetrators. However, a general problem at most events seemed to be that opening of containers and other necessary control and on-the-spot inspection measures does not take place at a sufficient level, and could even be suspected to be at a very low level, in order to achieve the objective of preventing illegal waste shipments.

Besides this fact control and inspection activities are hampered by the following challenges:

- *Man power*
The available man power both in notification and control bodies is still highly limited in a number of MS. Additional budget and the establishment of specialised units or cooperation would improve the situation
- *Classification issues*
The issue of classification (waste vs. second hand good; green listed waste vs. amber listed waste; hazardous vs. non hazardous; also disposal operation vs. recovery operation) was emphasised during all events as major problems for effective enforcement of the regulation. The guidelines for shipments of WEEE adopted during 2007 by Member States' waste shipment correspondents and made available on the Commission's Europa web-site was considered as an effective measure in combating illegal waste shipments. In addition, the new Waste Framework Directive was seen as a first step. However, an urgent need for additional guidance at EU level on various

waste shipment related issues was often stressed. Harmonisation and guidance also at national level (for MS with multiple notification authorities: DE, ES, FR, IT, BE) was considered to be needed.

- *Multiple tasks and other priorities*
It has to be taken in mind that beside the already mentioned different approaches of enforcement authorities from Environmental bodies, for both police and customs services control of waste transports is only one of a large range of tasks and is primarily certainly not seen as priority task, among other reasons due to the difficult technical /legal matter and lack of competence, much effort for investigation with a low probability of success; low value (customs: value = product).
- *Lack of alert and identification tools*
Customs declaration codes generally do not specify waste as merchandise, so that control is difficult to perform. Customs officers primarily do not have expert knowledge on hazard criteria and legal requirements. Although a lot of information and education has been done in this field and electronic risk assessment is a common standard at customs there are still structural deficits in customs declarations to detect wastes and trigger alarm. Lack of links to waste matters in customs classification and declaration documents
- *Infrastructural deficits - Possibility to avoid customs declaration*
At least in some MS merchandise can be shipped from smaller seaports without mandatory presentation of documents to customs.
- *Logistical challenges*
Organisation of a joint control measure is logistically not easy.

3.3 Detailed compilation of deficits as identified during information events

As the specific results of single events provide additional interesting information on national characteristics and state of discussion a short compilation of major problems by Member State is provided below. More details are available in the Annex to this report.

Czech Republic

- *Illegal waste shipments into the Czech Republic; pretended waste transfers*
- *Logistic problems by the joining the Schengen area*
 - *End of regular border control*
 - *Lack of appropriate locations for inspections and controls due to restitution of customs premises.*
- *Full access to data bases at European level (infractions, major waste streams, names and contact data of offending bodies, etc)*

- *Interpretation issues (e.g. “proper” notification, date of acknowledgement of receipt, required additional information pursuant to Annex II, part 3, financial guarantee)*
- *Knowledge transfer (uniform interpretation of waste classification e.g. a manual)*
- *Deficits in co-operation with other MS, in particular:*
 - *Lack of support in effective controls of waste transports on the other side of the borders*
 - *Difficulties in the sector of police and judicial co-operation with other states concerned in criminal matters (particular problem to prosecute institutions seated in other MS)*
 - *No timely reaction by other MS’ authorities on request or even no reaction at all*
 - *Language barrier (submission of documents in German and not in English)*
 - *Deficit in data exchange (e.g. data on administrative and criminal convictions / prosecuted institutions and/or persons)*
 - *Notification obligation for “green” listed waste (e.g. transport to Poland)*
- *Lack of man power and resources namely as concerns night/weekend availability of environmental inspectors.*
- *Problems remain with a inconsistent jurisdiction of Czech courts which not always sufficiently considers environmental impacts;*

Finland

- *Classification problems and interpretation issues*
 - *Transport routes*
 - *Financial guarantee*
 - *Problems with “grey area”: industrial raw material/by-products; used products exported for continued use (particular ELV and WEEE)*
 - *Particular problems with amber listed waste: Intentional/unintentional misclassification at facility level; ignorance of hazardous properties*
 - *Particular problems with green listed waste: ignorance of hazardous properties; mixtures of different green wastes; disappearance from the waste stream balance due to non-reporting and missing reporting requirements*
- *No joint control actions; enforcement actions yet to improve*
- *“Penalty policy”; current policy does not set out major incentives to act legally compliant*
- *Particular problems with shipments to non OECD countries / collaboration with Russian authorities*
- *Trickling flow of information from other authorities towards SYKE*
- *In practice no control of carriers on road*

France

- *3 day limit for transfer of notification or acknowledgement of receipt too short to do a justified and thorough evaluation of the dossiers*
- *Information 3 days in advance to transport mostly no problem as industry does not use it, however, would be too short to organise control*
- *Problem to accept a equivalent assurance instead of a financial bank guarantee as the assurance would be difficult to assess in case of need to organise take-back*
- *Lack of electronic exchange of notification documents between involved authorities extremely complicates the meeting of deadlines or even makes it impossible to cope with them*
- *Deficits in transferral of copies of acknowledgement of receipt to other competent authorities*
- *When the waste shipment regulation entered into force, two sets of annexes regarding notification and movement documents were temporarily applied. Some Member States anticipated the application of the new set of annexes modified to reflect the changes agreed upon by the Parties of the Basel convention during its 8th conference of the Parties.*
- *High administrative efforts for green listed waste directed to third countries with missing answers to Commission request. (High share of illegal transports to Africa only due to fact of missing response and consequently obligation to apply the notification procedure)*
- *Uncertainties and different interpretation as concerns “transit” in the field of maritime and fluvial transports.*
- *Specific problems in trade with China as answers do not respect EU requirements but do use own approaches and codes*
- *Legal uncertainties and difficulties due to missing responses of non-OECD countries to EU request of applicable regimes for green listed waste according to Article 37; transitional periods put into place by major EU export nations, but entailed difficulties with controls)*
- *Danger of recurrent problems in the context of the review of Annexes IIIA and IIIB (need to anticipate the process – early request to third countries – in order to avoid transitional periods)*
- *Urgent need to create applicable and enforceable entries in Annex IIIA and IIIB.*
- *Still large deficits in responses from African countries (language problems??) associated with high risk to result in illegal transports (including involuntary ones just due to lack of knowledge)*
- *Lack of correspondence between substance/product codes in Regulation 1013/2006 and customs product codes (this would be important both on European and international level, control bodies in third countries mainly being customs services)*

- *Difficulties for customs to determine the final destination of a merchandise as well as lack of information on envisaged treatment*
- *Linguistic mistakes in French translation of the Regulation text leading to misinterpretations; no differentiation in French for properly carried out (Art. 7) and properly completed (Art. 8)*
- *Difficulties in getting French translations of attachments to or notification dossiers*
- *Administrative logjam for selected waste transports destined for recovery/disposal from oversea department to France due to lack of cooperation and response from non EU transit countries (e.g. Egypt) with resulting risk for waste producers to involuntarily commit an “illegal” shipment*
- *Inconsistent and duplicated approach with respect to trade with Taiwan and Hongkong, where notification of dangerous waste transports is executed via Chinese authorities whereas an own response is applicable for in case of non-hazardous waste transports (Namely in the case of Hongkong this lead to the situation that accepted waste in Hongkong become illegal transports when further transferred to the Chinese mainland)*
- *High administrative load for import/export of harmless wastes which nevertheless require notification (proposal: ask for inclusion in annex lists)*
- *Administrative fees for notifications lead to the fact that “accumulative” notifications from waste collectors or traders with extensive lists of served waste producers are authorised in a number of MS. This hampers control and persecution in case of illegal transports.*
- *Difficulties with differentiation between waste and product amplified by differences between customs codes and waste codes*
- *Tracing and follow-up of authorised transports highly difficult and time consuming*
- *“Professionalisation” of notification by traders, intermediates (producers hide behind traders) combined with no possibility to object to a transport in case the producer would give raise to suspicions*
- *Difficult enforcement of requirements for intermediate treatment*
- *Different procedures for imports from Basel and OECD countries*
- *Difficulties in obtaining financial guaranties conform to art 6 within EU and in case of transfers from third countries*
- *Poor knowledge on 1418-2007 requirements in exporting industry*
- *Application of Art42 in case of import of green listed waste into EU.*
- *Whereas exporters of goods have a natural interest to present customs declarations in order to receive the reimbursement of the TAV this interest is low in export of wastes; Note: in quite a number of harbours access to ships is still possible without presentation of documents and automatic information of customs.*

- *Relocation is a customs tariff code which allows compilation of very different items and can easily be misused to dissimulate waste transports*

As potential future questions to be solved the following issues have been identified:

- *Consequences of the revision of the European waste list*
- *Impacts and implications of the new Waste Framework Directive (whereas certain wastes can reach product status again at national level, EU transports will still have to be treated like wastes (Art. 28), while the situation may be again different for transports to third countries; note: highly complex to control)*

Hungary

- *Interpretation issues (e.g. interpretation of Financial guarantee, especially Art. 40 and Art. 59(1a))*
- *Classification problems*
 - *Distinction waste / goods*
 - *Definition of green or non-green listed waste*
- *Shared responsibility/liability between competent authorities*
- *Language of notifications (in case of transit application: which language should be used within the notifications?) → still unclear situation; the question who is responsible for translations has to be clarified*

Italy

- *The 3 days limits for transmission of notification, acknowledgement of receipt and requests are not met and are far too short to be met*
- *The new regulation did not facilitate but complicate the notification procedure for competent authorities; it seems exaggerated that the authority of dispatch has to send all documents to the other involved bodies*
- *Cooperation and communication with other MS is highly complicated by the fact that English and French are seldom used in the communication.*
- *Different interpretations as concerns requested documents complicate the procedure and are partly difficult to understand for industry*
- *There are different interpretations as concerns the required validity of carriers registration and export permits; according to the Italian point of view these would need to be valid until the completion of a transport and not only the initial phase of a transport. (Lombardy)*
- *Limited resources for notification and controls*
- *Lack of information on green listed waste transports; enormous difficulties in understanding special waste flows (Venice)*
- *Prohibition of asbestos waste imports into Austria, leaves the Venice region without*

treatment capacities (Venice)

- *Exaggerating requirements of specific regional notification authorities (e.g. Umbria requests that carriers have to be listed in the Italian registry, making it impossible to use foreign carriers (ANIDA))*
- *Long notification procedures foster illegal shipments*
- *Potential countries of destination limit waste quantities accepted at their landfills or treatment facilities even if meeting acceptance criteria*
- *The definition of “notifier” in the regulation is too wide and vague and should be restricted and sharpened*
- *Huge difficulties with correct classification of waste mixtures. According to Art 4(6) one notification may only cover one waste code except of wastes not classified under one single entry (here specify only one type of waste) or mixtures of waste not covered in Annex IIIA and for which no single entry exists (here specify each fraction has to be in order of importance) (Venice; and disagreement industry - Venice on need of separate notifications)*
- *Severe lack of treatment capacity (especially disposal) in Italy*
- *Substances which under Italian legislation are regarded as secondary raw material and product may be classified as waste in other MS, resulting in “illegal” shipment; as this is not intended industry should be released from liability (FISE)*
- *Uncertainty how has to fill in Annex VII documents (original company/broker?) (FISE)*
- *Confidentiality issues in contracts cause problems in filling Annex VII documents (FISE)*
- *Long delays before consent on transport is issued (2-6 months) can heavily impact on competitiveness (ANIDA)*
- *Large variety of requirements within Italy and of foreign authorities make export/import notifications extremely complicated*
- *Authority request to only use one transport medium (road or rail) do not allow to react to market forces as imported economic instrument*
- *The shipment regulation does not contain provisions as concerns numbers of inspections to be made*
- *Whereas the Lombardy region has decided upon several exemptions as concerns Annex II documents to be provided during the notification procedure (evidence sufficient), this is not accepted by other MS authorities involved in the procedure (require original)*
- *Due to the fact that the financial guarantee can be released when the waste has left an interim treatment plant (Art. 6), the number of interim facilities rose tremendously and notifications are kept open for long periods (certification of final treatment operation)*

- *There are abundant possibilities for notifiers to make copies and fake documents*
- *IMPEL: 90% of the cable waste transferred to China does not end up at the facility foreseen*

Portugal

- *The 3 days deadlines for transmission of notification is far too short*
- *Adaptation to changed notification procedures and new waste lists (APA)*
- *Increased work load for competent authority (APA)*
- *Lack of knowledge on movement documents for green listed wastes resulting in illegal shipments (APA)*
- *Problems to put information on collectors, dealers, brokers and intermediates on notification and movement documents for reasons of confidentiality (APA)*
- *Deficits in registration of brokers, poor control on management of residues, problems with enforcement of responsibility of producers (IGAOT)*
- *The APA data bases currently is not open to customs and police*
- *Identification of appropriate classification codes for waste mixtures (Annex IIIA) (APA)*
- *Lack of knowledge on origin, BAT in countries of destination, 100% recycling for waste mixtures (IGAOT)*
- *Knowledge on and traceability of final treatment facilities and control on final treatment certificate in case of intermediate operations (APA, IGAOT)*
- *Work is complicated and harmonisation is hampered by the fact that guidelines are not binding*
- *Public prosecutors seem to be not always sufficiently aware that customs can detain cargo only for a limited time (Customs)*
- *In case the protest of a cargo owner was up-held there is nobody to cover costs. Customs cannot be made liable for these costs (Customs)*
- *It is to be clarified who is responsible for the storage of an illegal cargo and how the financial guarantee can be used (Customs)*
- *It is extremely difficult to call to account brokers/to hold brokers responsible; here juridical support is needed (Customs)*
- *Exporters/importers pretend to not knowing legal requirements (Customs)*
- *Attempts to classify goods in different tariff headings (Customs)*
- *Attempts to falsify ports of destination (declare authorised port, but call at another one) (Customs)*
- *Prosecution of foreign offenders is too difficult*
- *Triangulation: fake consignee in the EU final destination third country e.g. Hongkong*

(Customs)

- *Too high administrative burdens for transport within the EU (industry)*

Sweden

- *Absence of penalties for waste shipment; intended action not fineable, only system in place for smuggling (urgent need)*
- *Illegal shipments will generally be detected by other countries and not within country of dispatch*
- *Important awareness deficits and knowledge lack at regional and local level*
- *Cooperation networks not yet established in the majority of counties*
- *Lack of specific guideline for inspections related to shipment of waste*
- *Major awareness deficits within police administration*
- *Establishment of transport control unit in police dealing also with illegal waste transports*
- *Lack of inspections*
- *Lack of knowledge on extend of illegal transports*
- *Need for national strategy for inspections and enforcement (to be developed by MoE?)*
- *Need for electronic waste documentation system, following the example of NO (industry)*
- *No satisfying solution for coverage of destruction costs in case of detection of illegal shipment*
- *Under current legal conditions police can only check for traffic safety but cannot investigate for environmental issues. If this is requested the legal framework would need to be changed (e.g. illegal waste import/export regarded as environmental crime)*
- *Lack of legal framework on waste issues/environmental issues in police code (coast guards and road police only look for safety risks; don't know about and look at waste issues)*
- *Only 2 scanners in SE; generally not yet used for detection of illegal waste transports*
- *Lack of clarity where Annex VII documents would need to be presented (harbour administration, customs?)*
- *Increased administrative effort and increased level of complexity due to entry into force of new regulation*
- *Classification system highly complex, simplification needed*
- *WEEE are stolen from collection sites and illegally exported*

3.4 Summary of examples of good practice

A number of examples for good practice concerning implementation and enforcement of the Shipment Regulation have been provided during the events. This concerns particularly the fields which are crucial for a successful enforcement of the Waste Shipment Regulation:

- (1) co-operation / communication (official agreements, information exchange, registries, awareness raising campaigns)
- (2) electronic notification tools
- (3) control/inspection activities (legal framework, physical inspections, participation in international networks,
- (4) guidance and training

(1) Cooperation and communication

Some Member States where the workshops took place, already established good structures for cooperation between national and regional authorities and among regional authorities and between authorities responsible for notification and control authorities (inspectorate, custom, police) and regular meetings are conducted at both levels to exchange information on new developments and cases and to harmonize procedures. Examples for good practice in communication are regular information transfer on notifications (website or mail) and mutual access to data bases. Establishment of registries on waste producers and treatment facilities are other means of information. Awareness raising campaigns for the general population is another example of good practice to increase detection rates. The language problem is tackled in one Member State by demanding the notification from both in national language and in English language. Furthermore information of competent authorities in other MS on violations has been established in one case at least.

(2) Notification tools

Two examples of electronic notification tools which allow online notification were presented during the events (FR, IT). These tools speed up and harmonise the procedure considerably and allow for better control. In addition the Nordic countries are currently planning to develop a joint electronic notification system.

(3) Control/inspection activities

In principal the **legal and administrative power** to perform controls of waste shipments is in place in almost all MS and could be used to perform physical spot-checks even if some changes in the legal framework might be helpful to facilitate the work. In addition some MS amended their national legislation to facilitate prosecution of illegal waste shipments. Some MS or regions carry out **regular controls** and inspections even if this is partly more performed on roads and in enterprises than in harbours. In addition some MS perform joint controls with neighbouring MS and/or participate in **IMPEL TFS** activities. Besides this, the effectiveness of controls is increased by the establishment of **specialised units** within the

different authorities (environmental police, waste units in customs) and established cooperation between specialised units in different authorities. **Threat assessments** about the most threatening waste streams and transports routes to plan controls, and the elaboration of waste related **risk profiles** and use of **scanners** to trigger physical controls are other good examples to improve controls. A **24 hour call service** for information exchange between competent environmental agencies and customs or police has been reported. Also in the field of police, customs and public prosecutors there are **networks at EU level** in place which exchange waste related information.

(4) Guidance and Training

Guidance and training are in place in several Member States. Such Guidance can include e.g. information about specific waste streams of concern for the Environmental Inspectorates or the Custom Services but also guidance document for industry for avoiding unnecessary mistakes which could lead to an illegal transport although all actors are in good faith.

3.5 Detailed compilation of good practice as identified during information events

As the specific results of single events provide additional interesting information on national characteristics and state of discussion a short compilation of major problems by Member State is provided below. More details are available in the Annex to this report.

Czech Republic

- *Public awareness in the Czech Republic is high due to information campaigns launched mainly by public authorities (media campaigns through public authorities but also leaflets distributed at the frontiers) in 2005/2006. The readiness to report hints is high within the population;*
- *Good cooperation between Customs, Police, the MoE and inspectorates in place (partly based on official agreements); there is a working group composed of representatives of concerned authorities which holds regular meetings; joint actions and pilot events have been performed since 2004;*
- *Customs and Police have developed strategies to quickly identify suspicious trucks (type of truck, carriers identification, location) and to react rigorously;*
- *Data and information sharing systems are in place in CZ; (transfer of customs proceedings to MoE; information transfer to customs and inspectorates on all permitted notifications)*
- *Mobile customs units are together with “emergency” systems at Inspectorate level capable of flexible and quickly reactions;*
- *Legal framework was described as “good” by participants; amendment of legal provisions concerning environmental crime (e.g. all illegal waste import may be punished not only import of hazardous waste; responsibility of truck drivers installed,*

ban for activity of offenders contemned within the last 5 years; obligation for municipal authorities to provide premise for interim storage in case an illegal load has been deposited); heightening of maximum fines; legal framework for co-operation between the Czech authorities;

- *Labelling of vehicles from 01.10.2008*
- *International communication (MoE informs other MS' authorities about the violations.)*

Finland

- *Providing of data on the web page (Valid notifications, R&D facilities' permits)*
- *Participation in international cooperation (IMPEL TFS)*
- *Trilateral co-operation with other Nordic countries with regular meetings where aspects concerning shipments, proper notification, pre-consented facilities, border-area agreements are discussed*
- *Sufficient cooperation between the concerned national authorities in place*
- *Well established contacts and ongoing fruitful discussions with companies for which the Waste Shipment Regulation may be relevant*
- *Enforcement on green listed waste (mandatory registration for all exporters, mandatory registration for foreign traders in trade registry; routine checking on waste delivery to treatment facilities)*

France

- *Joint transport controls with Swiss, Belgium and Luxembourgian colleagues*
- *France has established and manages a registry of all waste producers and waste treatment facilities which allows for cross-checks of quantities; by this approach it was possible to detect deficits in notifying to certain producers or traders.*
- *DG Taxud initiates and coordinates control activities in priority areas. This year waste has been defined as such a priority sector (in France this concerns waste imports from Africa)*
- *More reliable information chain between involved authorities as a consequence of the new regulation requirements*
- *Risk profiles are established on the criteria: field of economic activities (trading/dealing with waste?), countries of destination, low costs*
- *Defined list of required attachments following the new regulation*
- *Development of electronic notification form by DRIRE HN for internal follow up purposes, acceleration of the process, standardisation and improved quality*

Hungary

- *Good level of cooperation*
 - *between custom and police services (on the basis of an agreement signed by*

customs and inspectorate)

- *between national and regional inspectorates*
- *between Hungary and other Member States (e.g. Austria, Slovenia)*
- *All permits are issued in Hungarian and English*
- *Intensive organisation of training programs both by customs and by National Inspectorate*
- *24 hour service all centre and 24 hour hotline*
- *Hungary has proposed to produce threat analyses also in the framework of the Action Plan to implement the strategy for Customs Cooperation in the Third Pillar*
- *A common electronic platform is planned for next year to ensure online contact of national authorities and customs*

Italy

- *ARPA Lombardia organises common inspection with police in treatment installations and at waste producers. In this context regional authorities request the original movement document for release of a financial guarantee, but this is often not available (note: according to the regulation the original shall stay at the treatment facility)*
- *IMPEL: Customs in the NL have a special unit for waste transports detecting the majority of illegal transports*
- *IMPEL network: can exchange intelligence on companies, exchange information and help with classification issues*
- *IMPEL: Memorandum with Chinese authorities on destiny of waste*

Portugal

- *Transmission of Annex VII documents and contract to APA*
- *In export of second hand cars to Africa two companies have been mandated to certify functionality (label/tag posted on each car) as a prerequisite for authorised export.*
- *Antifraud Services at Customs in place since 2007*
- *IGAOT organises and performs training for customs and environmental police*
- *Photos illustrating typical wastes and there classification easy to be taken to inspection activities (IMPEL TFS project)*
- *Containers are not regarded as on transit as long as staying on a ship. In case of unloading they enter the transit regime*
- *English, Portuguese, French and Spanish accepted as communication languages*
- *Threat assessment includes and takes into consideration as potentially suspicious also "harmless" merchandise codes*

Sweden

- *Participating in IMPEL projects*
- *Plans for joint electronic notification system with DK, NO and FI*
- *Industry offers cooperation in identification of criminal activities*
- *Coast guards have administrative power to randomly open and search containers in harbours*
- *Working group on good practice in the field of environmental crime established at EUROPOL*
- *Education on environmental crime for criminal police officers*
- *Well established collection and recovery system for WEEE (17 kg/cap year)*

3.6 Summary on priorities for Member States

The priorities identified by the Member States for further improvement of their enforcement efficiency comprise all basic parameters as identified above:

(1)	Facilitate notification (electronic notification tool)
(2)	Enhance cooperation structure
(3)	Improve information exchange (electronic communication structure, data bases) and communication
(4)	Clarify interpretations and definitions
(5)	Expand guidance/training (e.g. provide more guidance to regional authorities, control authorities and industry)
(6)	Increase number and better target controls (e.g. more joint actions, more controls of brokers, also increase human resources working in the field)
(7)	Improve prosecution and strengthen punishment

In addition the following fields of high interest have been identified in almost all MS where a special focus shall be put are:

1. Green waste transports (documentation, control, procedures)
2. collaboration with public prosecutors (currently significant deficits in awareness and willingness to co-operate efficiently experienced in most of the MS)
3. Interim treatment and intermediates

3.7 Detailed compilation of priorities as identified during information events

As the specific results of single events provide additional interesting information on national characteristics and state of discussion a short compilation of major problems by Member State is provided below. More details are available in the Annex to this report.

Czech Republic

- *Enhance the “emergency” presence at Inspectorates to a full 24/7 support service*
- *Further intensify co-operation at national level (customs-police)*
- *Establishment of electronic data base at environmental inspectorates*
- *Clarify and publish interpretation aspects such as documents requested from notifiers under Annex II, part 3*

Finland

- *Ensure enhanced information flow*
 - *Enhancing knowledge of concerned waste producers/traders by training*
 - *Enhancing of information of the involved authorities*
- *For SYKE as competent authority;*
- *Emphasis on certain material/waste streams (WEEE, side products, green waste)*
- *Regional & local contact = “ears & eyes”*
- *Inspections at facilities as the point of origin or destination*
- *“TFS-aspects” to be included in normal permitting & checking activities*
 - *Checking on all waste streams & handing over requirements*
 - *Import & export of waste streams & “grey area materials”*
- *Regional Inspectorates are requested to more focus on “TFS-aspects” in normal permitting & checking activities*
- *Enhancement of cooperation with prosecutors*
 - *Definition of enforcement line & “relevant cases”*
 - *Elaboration of guidelines for prosecutors*
- *Special attention on documentation during VAK/ADR-transports*

France

- *Dematerialisation of the procedure via a common European electronic application*
- *Online application for and authorisation of notifications*
- *Joint operations of DRIRE, Gendarmerie and customs*

- *Official cooperation agreement between customs and environmental authorities so that also confidential data can be transmitted and exchanged*
- *Language check of translated Regulation documents by expert committees of MS with same of similar languages*
- *Information on green listed waste transports; waste reporting under PRTR will allow to allow to get at least partial data*
- *Financial guarantees which currently are determined by regional authorities shall be harmonised at national scale; it is planned to grade the height of the requested guarantee as a function of hazardness and disposability of treatment facilities*
- *Industry which currently can get information from the Ministry homepage and was offered information seminars before and after coming into force of the new regulation shall get access to supporting documents elaborated by the Ministry such as Explanatory notes, simplifications of waste lists, classification aids)*
- *In Le Havre they plan to have three monthly controls lasting for at least 10 days and covering about 40 containers; in addition spot checks triggered by risk profiles shall be performed.*

Hungary

- *Continue and further develop targeted joint actions at different EU levels*
- *Development of strategic approach to jointly tackle waste shipments*

Italy

- *Installation of an electronic notification system with immediate communication between authority and operator (Lombardy)*
- *Streamlining and optimisation of the notification procedure with automatic control of the procedural status*
- *Establishment of digital signature via utilisation of the regional service card (CRS) or other trusted systems (Lombardy)*
- *Traceability of transports (electronic tag equipped with GPS) (Lombardy)*
- *Requested documents pursuant to Annex II of the regulation shall be published on the website of regional authorities in order to provide clear guidance and allow industry to compile necessary information already before the procedure is started*
- *Industry would need one clearly defined contact person/point*
- *Clarify how regions/states can deal with convicted, suspicious companies*
- *Harmonisation of notification requirements (Industry)*
- *Clearer definition and criteria for differentiation waste or product (Marche)*
- *Information on companies in Africa is hard to get; embassies would probably be the best source of information and should be contacted*

Portugal

- *Reliable data for transfers of green listed waste (APA)*
- *Pre-consenting and general notifications in order to reduce work load (APA)*
- *Increase human resources working in the field (APA)*
- *Realise automated notification procedure*
- *ELVs awareness raising and inspections at local level (municipalities) and at treatment facilities, illegal import (IGAOT)*
- *WEEE awareness raising and inspections at local level (municipalities) and at treatment facilities, illegal export (IGAOT)*
- *Inspections for green listed wastes (Annex VII) (IGAOT)*
- *Transports from non OECD countries (IGAOT)*
- *Control of intermediates (brokers) (IGAOT)*
- *SEPNA wants to install a task force for inspections comprising all concerned authorities and wants to contribute to development of risk profiles*

Sweden

- *Increase risk for criminals to be caught!*
- *Use intelligence to find “big fishes” first; then interest in intensified enforcement would raise; additional budgets will be allocated*
- *Improve cooperation: Make use of all “existing eyes”; that means focus on using existing administrative powers and capacities (e.g. coast guards, road police)*
- *Improve training and information: Awareness raising and education at regional and local level, at police and customs services*
- *Identify optimum location, number and focus of inspections (which waste streams to include)*
- *Establish adequate sanctions and penalties for illegal shipment of waste; intended illegal waste shipment have to be fineable (to be clarified whether necessary as Article 50(3) of Reg 1013/2006 stipulates intended transports as illegal)*
- *Establish effective cooperation between administrative levels, with customs and police*
- *Enlarge manpower and enforcement capacity in the field*
- *Improve and extend information on SEPA website*
- *Start regular routine inspections in all major harbours and at other stations in the transport chain*
- *Establish joint electronic notification system with DK, NO and FI*
- *Inform decision makers that administrative prerequisites (legal powers) are in place,*

which only need to be coordinated and transposed to initiate effective enforcement and control.

3.8 Summary of proposals, suggestions and needs addressing the EU Commission

The requests for support as expressed at the workshops could roughly be categorized in three categories of propositions:

- (1) Suggestion to intensify co-operation at EU level;
- (2) Suggestion to provide (further) guidance or other useful tools (e.g. data bases) in different fields.

(1) Further amplification of the IMPEL TFS projects (inclusion of third countries, increased inclusion and exchange of customs and police) and of MS participation in the projects (joint inspections) was identified as important issue to further improve the situation. It was stressed that an increased co-operation with DG TAXUD and DG Justice would be very useful for the different issues where the competencies of the DGs overlap (customs and police controls, prosecution).

(2) It was identified that a need for further clarifications and guidance concerning the Waste Shipment Regulation exists. Several legal issues and provisions in the Waste Shipment Regulation were mentioned as needing further clarifications and guidance, e.g. classification issues, financial guarantees, take back of waste etc.. The further establishment of enforcement tools at EU level such as a data base with a **correspondence table** between waste codes and customs code was deemed very useful. Further guidance of the EU institutions was asked in different fields, e.g. on certain waste streams and on the interpretation of legal issues such as the issue of shared responsibility; and on procedural rules (such as the language problem within the notification procedure). Coordination activity and support in establishing an EU wide electronic communication structure (**electronic notification tool**) was repeatedly stressed as high priority to be addressed in the near future.

3.9 Detailed compilation of proposals for the EU Commission as identified during information events

In detail the following proposals have been made expressed during the events:

Czech Republic

- *Clarify interpretation issues such as date of acknowledgement of receipt, “proper” notification*
- *Compile and provide information on additional information requirements pursuant to Annex II)*

- *Oblige MS' to lay down effective rules on detection and prevention of illegal shipments and penalties in order to achieve uniform level of enforcement in MS'*
- *Adopt guidelines for the co-operation of competent authorities with regard to illegal shipments*
- *Better enforcement of the principle that the problem has to be tackled in the country of origin (prosecutions of infractions abroad, prosecution of offenders in country of origin, etc)*
- *Intensify obligations for co-operation and data sharing for the authorities of other MS (suspicious notifies, previous convictions, major waste streams, etc)*
- *Find a solution to the language problem: Obligation to use English as common language in Europe;*
- *Find a solution for the problem that suspicious or offending bodies cannot be hindered to enter a Member State in the Schengen Area*
- *Introduce a waste label for trucks throughout the EU*

Finland

- *Suggestion to expand the Commission's role with establishing further contacts with Africa and Asia and further institutionalize the organizational structure of networks in the field of shipments*
- *Encourage further joint inspections*
- *Provide solution to difficulties to attach Annex VII to the shipment / the use of electronic post*
- *Provide guidance to the understanding of the same route according the article 13 of WSR*

France

- *Install EU wide electronic notification system before concurrent and incompatible systems have been established (direct working group and exchange of involved experts; a study would last too long)*
- *Create a correspondence/transposition table between waste and customs codes (requested also by industry)*
- *Add waste codes at least for hazardous wastes (Annex IV) to the common customs tariff classification ((EC)1214/2007)*
- *Change information in TARIC as to add information on documents requested under the shipment regulation to the common customs declaration document D.A.U. (field 44)*
- *Add the obligation to present to customs not only the customs declaration but to provide them with the acknowledgment of receipt of the final harbour of destination as already current practice in food aid*

- *Elaborate guidance on the interpretation of “transit” in the case of maritime and fluvial transports*
- *Clarify the question whether traders will need to be registered in the EU in order to be accepted and allowed to work in the Community*
- *Clarify application of Art. 42; it seems to be exaggerated to request written consent of authorities from third countries (expedition and transit)*
- *Support and promote network and regular meetings of customs/harbour police of major EU harbours in order to exchange information on risk profiles and organisation of physical controls*
- *Create a real time information exchange network on waste shipments similar to RAPEX (the rapid exchange system) used by customs for dangerous consumer products⁷*
- *Promote EPRE (General Directors of waste departments in Ministries of Environment) meetings in Brussels as additional means for information exchange*
- *Provide/search additional funds to allow for participation of experts from third countries in IMPEL network activities*
- *Put high priority to quick electronic data exchange between customs and environmental authorities in MS (proposal Peter Wessman)*
- *Establish EU wide database of notifications from all MS*
- *Use national language plus English in intra-community communication on waste shipments*
- *Use the customs principle of authorised economic operator (Reg (EC) No 648/2005) for assessing reliability of exporters in the notification procedure*
- *Use the information from the prior information declarations (24h in advance) to be used for customs purposes from July 2009 to plan and target inspections and visual controls*
- *Actively contribute to coordination of DG Taxud and IMPEL network control activities and inspection programmes*
- *Share and cross data*
- *Trace back waste streams and do controls at waste producers*
- *Use reporting of E-PRTR installations (article 5) for cross checks with notification data in order to improve knowledge on transboundary transports of “green-listed” wastes*
- *Elaborate guidance or binding rules on numbers of inspections to be made*

⁷ http://ec.europa.eu/consumers/dyna/rapex/rapex_archives_en.cfm

⁸ REGULATION (EC) No 648/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 April 2005 amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

Hungary

- *Provide clarification and further guidance on several interpretation issues (e.g. problem of shared responsibility, particularly if a country of transit fails to control)*
- *Intensify obligations for co-operation for the authorities of other MS*
- *Better enforcement of the principle that the problem has to be tackled in the country of origin*
- *Provide a proposition for a suitable solution to the problems of language of notification documents at EU level*

Italy

- *A major priority to facilitate the notification and international cooperation is the acceptance of one common language of communication*
- *Support harmonisation of interpretation of notification requirements (e.g. initiate round table)*
- *Establish information flow on green waste transports to competent authorities as means to facilitate controls*
- *Establish data base with information on companies in Africa/Asia based on MS data or data from embassies (confidentiality problem?)*

Portugal

- *Develop guidelines for filling of Annex VII (especially important as concerns data on brokers/dealers)*
- *Develop guideline for toner and cartridges*
- *Guidelines for waste mixtures (what can be mixed, to what percentage?)*
- *Request registration of brokers in the MS where they want to be active*
- *Coordinate and promote information exchange, awareness raising and harmonised interpretation at the level of public prosecutors as important instance in the prosecution of offenders*
- *Develop an electronic transposition table linking customs, EWC and shipment codes to trigger alarms during evaluation of customs declarations*
- *Coordinate and promote EU wide automated notification procedure*
- *Develop practical tools for functionality control*
- *Establish instruments to increase responsibility and liability of brokers*
- *Binding rules for classification*
- *Amend Regulation 1214/2007 on the combined customs nomenclature by adding codes for accompanying documents required pursuant to the shipment regulation and related to waste in order to be able to trigger an alert when evaluation the customs declaration*

- *Add waste related information to customs guidelines*
- *Transpose requirements of 515/97 COUNCIL REGULATION (EC) No 515/97 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters to waste management*
- *Install an EU fund for reimbursing e.g. storage of cargo in case of detention of potentially illegal shipments*

Sweden

- *More guidelines on classification issues (product – waste; hazardous – non-hazardous) for public prosecutors*
- *Incorporate penalty sanctions into Reg. EU (No) 1013/2006 as soon as possible*
- *High need for harmonised electronic notification system (Nordic initiative, other models)*
- *Guidance on whether and where annex VII documents would need to be presented to authorities in case of export/import.*
- *Make waste lists (Annex II, IV, V) easier to read; skip cross references to Basel Convention and OECD*

4 Conclusions and recommendations

The organisation of workshops showed that interest in discussions about shipment of waste differs between Member States and regions. Whereas the interest and/or the willingness to cooperate were low in a number of States, a high interest in the issue could be observed in others. Similarly participation of regional authorities varied significantly although all have been invited uniformly. The fear to trigger an infringement procedure or to deliver facts that can be used in an ongoing procedure influenced the authorities' attitude and may not be neglected.

From the outcome of the events it nevertheless can be concluded that the awareness raising workshops have been a valuable tool to exchange information, increase understanding and to stipulate cooperation amongst the involved authorities. The workshops have been beneficial for both sides; the Member State authorities and the Commission Services, as it allows to identify basic problems which similarly arise in all Member States as well as specific national challenges. This enables the Commissions Services to use its competences and possibilities to target information exchange and joint activities in the future. The workshops provided a more comprehensive insight into national characteristics and problems as well as a horizontal overview on the situation and common aspects.

Participation of a Commission representative has in general been highly appreciated and honoured by Member State authorities.

4.1 State of implementation and enforcement

As concerns problems and deficits it can be concluded that several problems with the issue of shipment of waste such as major waste streams of concern, third countries of concern, take-back procedure, liability in case of illegal shipments, etc. are to a high extend similar in all Member States and are quite similar to the situation in the MS covered in the previous series of events. In general, it could be observed that there are rather extensive deficits in terms of lack of clear criteria and allocation of tasks and responsibilities and an inadequate practical application as regards the carrying out of inspections and controls of waste shipments.

All MS covered have established structures to perform or start control measures even though to a different extend

Member States are struggling with a number of "technical problems" in applying and enforcing the Waste Shipment Regulation – i.e. interpretation of legal provisions, classification issues, procedural questions. After being in force for now more than a year, it can be seen more clearly and in detail where there are problems within the application of Regulation (EC) 1013/2006.

The overall focus of enforcement authorities (namely customs) in a number of countries still tends to be more on imports of waste rather than on the control of exports

In practice conclusions on the state of implementation are as follows:

- (1) *Partially remaining deficits in control and inspection activities, in many cases lack of clear criteria, unclear allocation of tasks and responsibilities and inadequate or insufficient application as regards inspections and controls of waste shipments;*
- (2) *Deficiencies in guidance and training including cooperation within MS and deficits in manpower*
- (3) *Problems with cooperation between MS authorities and with third countries, including language problems, requirements and deadlines to meet*
- (4) *Partial deficits in data exchange at national and EU level*
- (5) *Lack of harmonised electronic notification and communication tools*
- (6) *Uncertainties and differences in interpretation of legal requirements*
- (7) *Problems with classification issues, shipment of green listed waste, intermediate treatment and brokers/dealers*

Nevertheless in the past years important steps have been undertaken to establish an effective control infrastructure, even though the level achieved still seems to be different. Consequently the following recommendation may be suggested.

4.2 Priority activities for Member States

In order to improve enforcement of the Waste Shipment Regulation (EC) No 1013/2006, the following priority activities have been identified, which can be recommended to the Member States covered by this report in general even though to different extent

- Further enhance the controls and inspections of waste shipment inspections, and the cooperation structure (official cooperation agreements)
- Increase and further exchange on best practice for targeted controls (e.g. more joint actions, more controls of brokers, also increase human resources working in the field);
- Further develop information exchange and communication
- Provide further guidance and training for enforcement officers and industry

These priority activities may be achieved by the following specific measures

- (8) *More frequent and targeted high-quality, in terms of focus on the waste characteristics as well as correctness of documents (including Annex VII of the waste shipment regulation), controls and verifications of the destination of the wastes and on-the-spot inspections, opening of containers etc.*

- (9) *Increased collaboration between customs/police and national authorities and exchange of data base information; particularly at large seaports; more controls following the “cradle to grave” approach*
- (10) *Preparation of risk/ threat assessment studies*
- (11) *Provision of training for all involved authorities*
- (12) *Provide guidance and training for industry*
- (13) *Denomination of “environmental officers” or contact persons in all involved authorities*
- (14) *Exchange of information and experiences on European and international level*
- (15) *Further build awareness and cooperation of citizens*

4.3 Priorities for EU Commission

In order to support improvement of the enforcement of the EC legislative framework on waste shipment the following activities have been identified that could be taken by the European Commission. Most of the recommendations are the same as elaborated after the last series of events given the fact that the deficits and difficulties with implementation are nearly the same:

- (1) *Provide further guidance or other useful tools e.g. on priority waste streams, such as existing already on the Commission's web-site concerning WEEE, classification, control and reporting and on the interpretation of legal issues such as the issue of shared responsibility and procedural rules (e.g. language problem within the notification procedure);*
- (2) *Participate in development of solutions for Member States' problems with the enforcement of WSR (e.g. , improvement of the quality and frequency of inspections and controls, verification of the destination of green waste exports)*
- (3) *Support general information exchange, collaboration and training measures between different authorities in Member States, between Member States as well as between Member States and third countries*
- (4) *Take steps for establishing an EU wide electronic communication structure in the field of notifications for waste shipments;*
- (5) *Intensify co-operation at EU level in order to seek ways to ensure consistency with customs, trade and waste classifications and nomenclatures as well as efficient monitoring of waste shipments (e.g. DGs ENV, TAXUD, JLS, TRADE, TREN);*

A final elaboration of recommendations both for Member States as for the Commission will be performed for the final report.