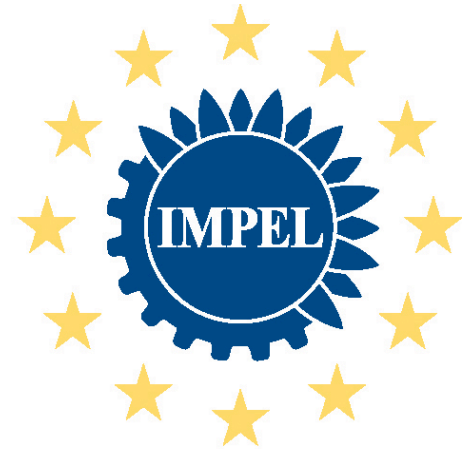


Presentation for the Institute for European Studies at Vrije Universiteit Brussel (IES) and the Institute for European Environmental Policy (IEEP) Brussels, 13 February 2009



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the Implementation and Enforcement
of Environmental Law

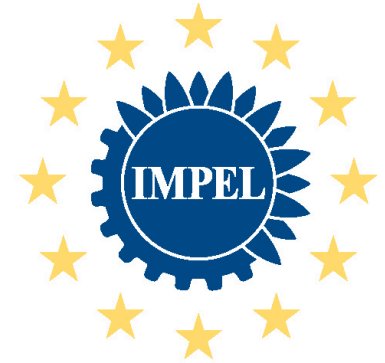


Transfrontier shipments of waste - An enforcement challenge

Albert Klingenberg

Inspectorate of the Ministry of Housing,
Spatial Planning and the Environment
The Netherlands

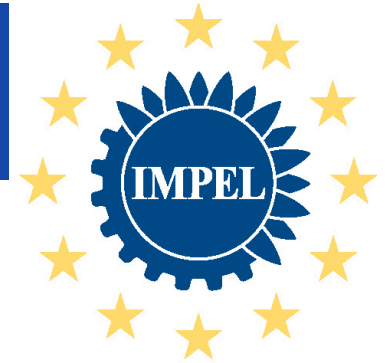
European Waste Shipment Regulation (WSR)



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of Environmental Law

- 12 July 2007 a new Regulation (EC No 1013/2006) on transboundary shipments of waste came into force
- This Regulation is the follow up of the Waste Shipment Regulation (259/1993) and aims to simplify and streamline waste shipment procedures
- Article 50: Member states shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments

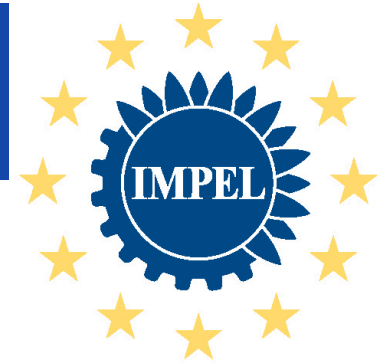
This presentation



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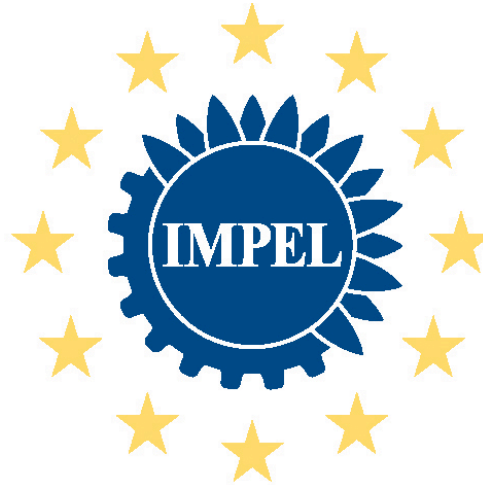
- VROM-Inspectorate
- IMPEL
- IMPEL cluster Transfrontier Shipments of waste (TFS)
- IMPEL-TFS Enforcement Actions Project I
- Other international activities

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



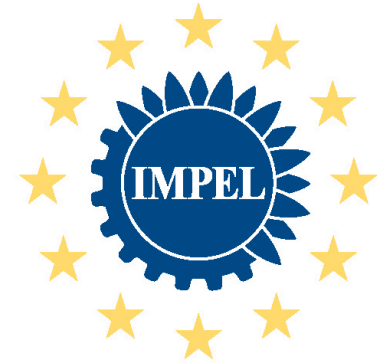
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- Responsible for the WSR
- High priority
- Cooperation with customs and police
- Information based enforcement
- Priority to export to non-OECD countries



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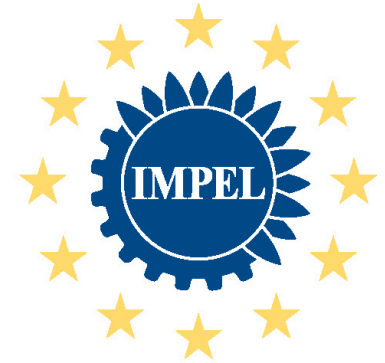
The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)



European Union Network for
the Implementation and Enforcement
of Environmental Law

- Set up in 1992 in order to harmonize the enforcement of the regulation on shipments of waste
- Since May 2008 international non-profit association of the environmental authorities of the European Union, acceding and candidate countries of the European Union and Norway (more than 30 members)
- Continuation of the informal IMPEL Network
- The European Commission supports the work of IMPEL

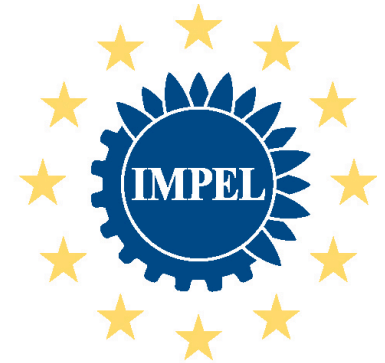
Objectives IMPEL



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of Environmental Law

- More effective implementation of environmental legislation
- Share information and experience
- A greater consistency of approach in the implementation and enforcement of environmental law
- To promote understanding of differences of national regulatory systems
- To develop best practices

Cluster TFS: Transfrontier Shipments of Waste Enforcement Actions Project I



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of Environmental Law

Aims:

- Promote compliance with the WSR through enforcement
- Carry out joint enforcement projects
- Promote exchange of knowledge, best practices and experience with the enforcement of the WSR
- Stimulate a uniform enforcement

Why this project?

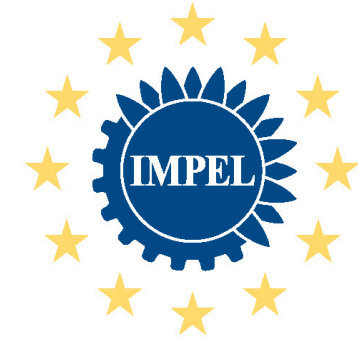


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Enforcement experiences:

- Previous Projects Seaport and Verification showed a lot of violation and bottlenecks
- Waste market changes rapidly
- Incidents

Aim of all the projects: improve the enforcement of international waste shipment regulation.



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**Exchange of inspections, knowledge,
information**



Inspections:

- Transport: rail,
road, water, air
- Companies

-Destination

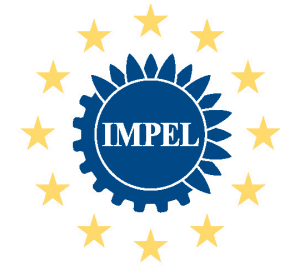
- Dispatch
- Inside/outside EU

-Viadesk

- Inspection forms
- Publicity
- Network

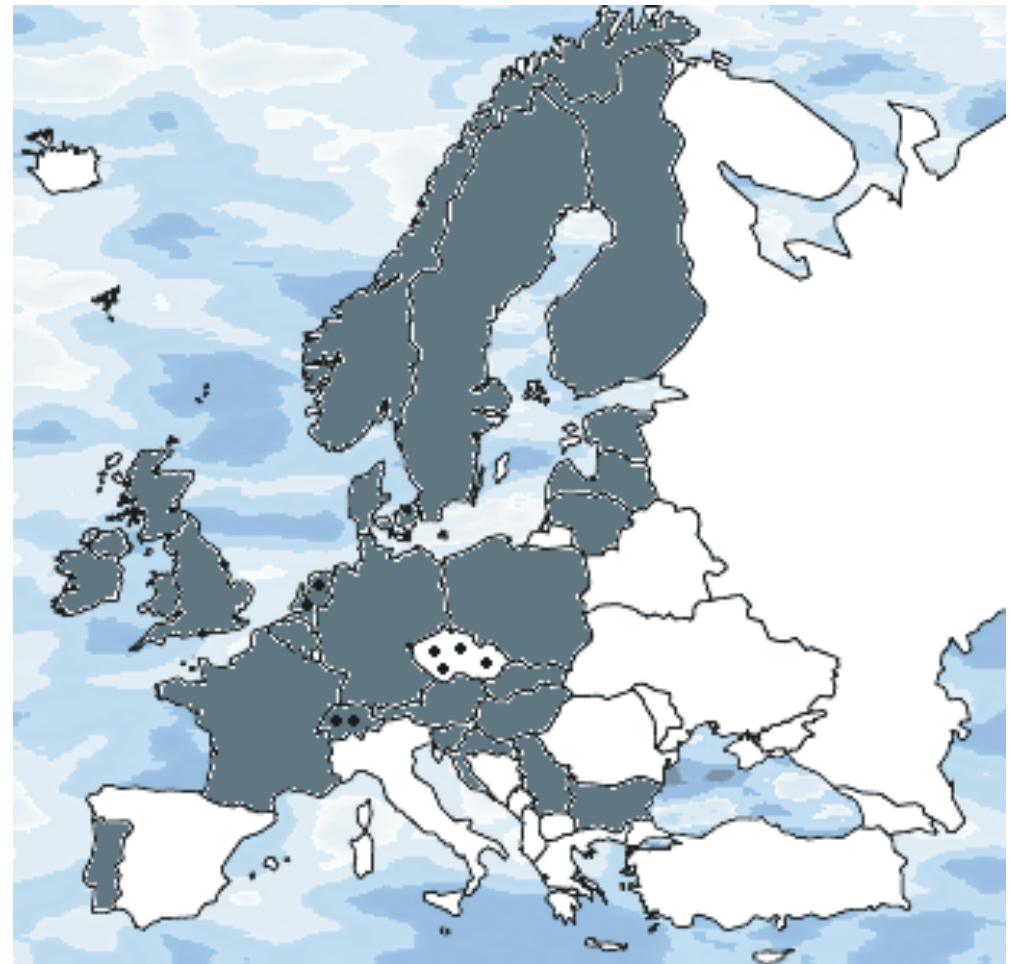
- Started November 2006
- Most European countries participate
- Active and less active countries

Participants EA I

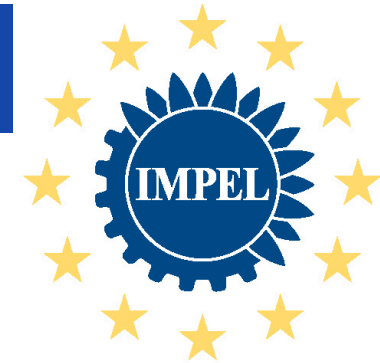


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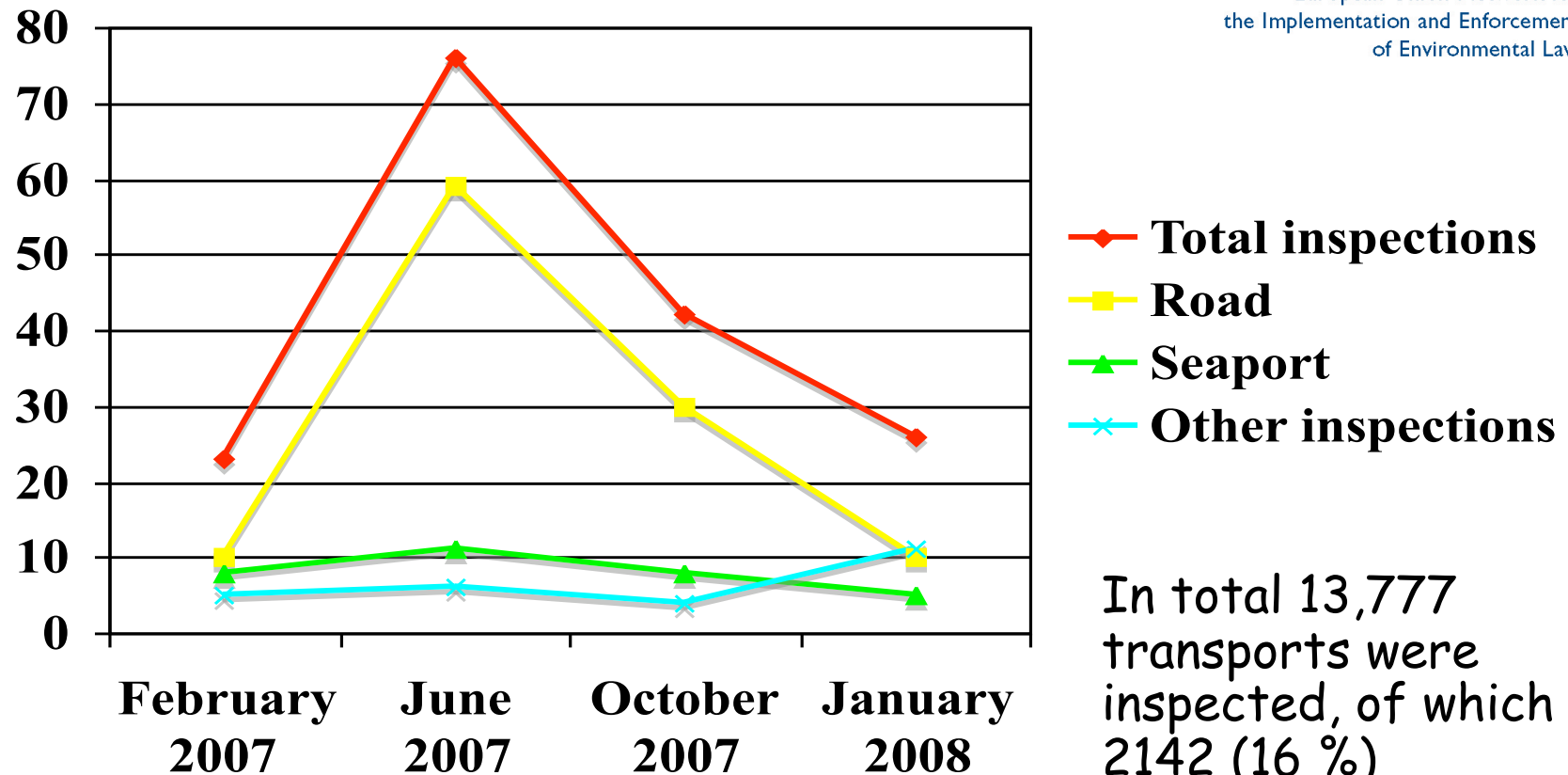
| | |
|----------------------|---------------------|
| Austria | Lithuania |
| Belgium | Norway |
| Croatia | Northern Ireland |
| Denmark | Poland |
| England and Wales | Portugal |
| Estonia | Scotland |
| Finland | Serbia |
| France | Slovenia |
| Germany | Sweden |
| Hungary | Switzerland |
| Ireland | Netherlands |
| Latvia | |



Number of inspections



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of Environmental Law



In total 13,777
transportations were
inspected, of which
2142 (16 %)
wastetransports

Conclusions inspections

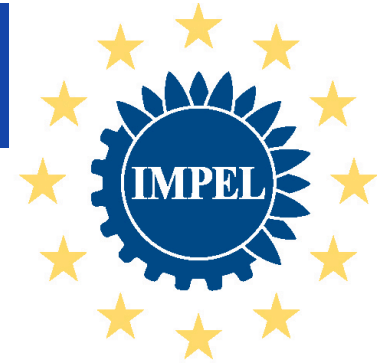


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- 17 countries carried out inspections.
- Average 10 countries organized inspection in one inspections month.
- More inspections at border than in seaports.
- National cooperation in 90% of the cases.
- Verification request are minimal.



Conclusions violations

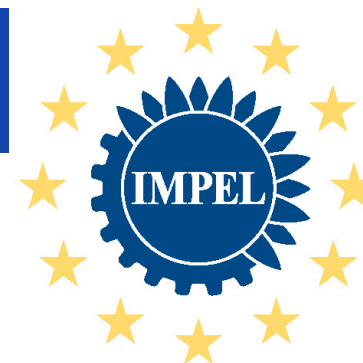


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- 15 % of the waste transports in violation.
(6 % illegal; 9 % administrative)
- Illegal shipments: mostly WEEE, followed
by ELVs, plastic waste and metal waste
- Illegal: shipments as green waste
- Percentage violations varies from 0 to
100 %



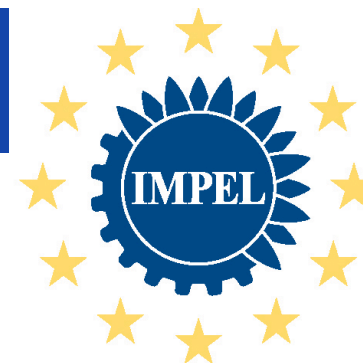
Plastic and cardboard



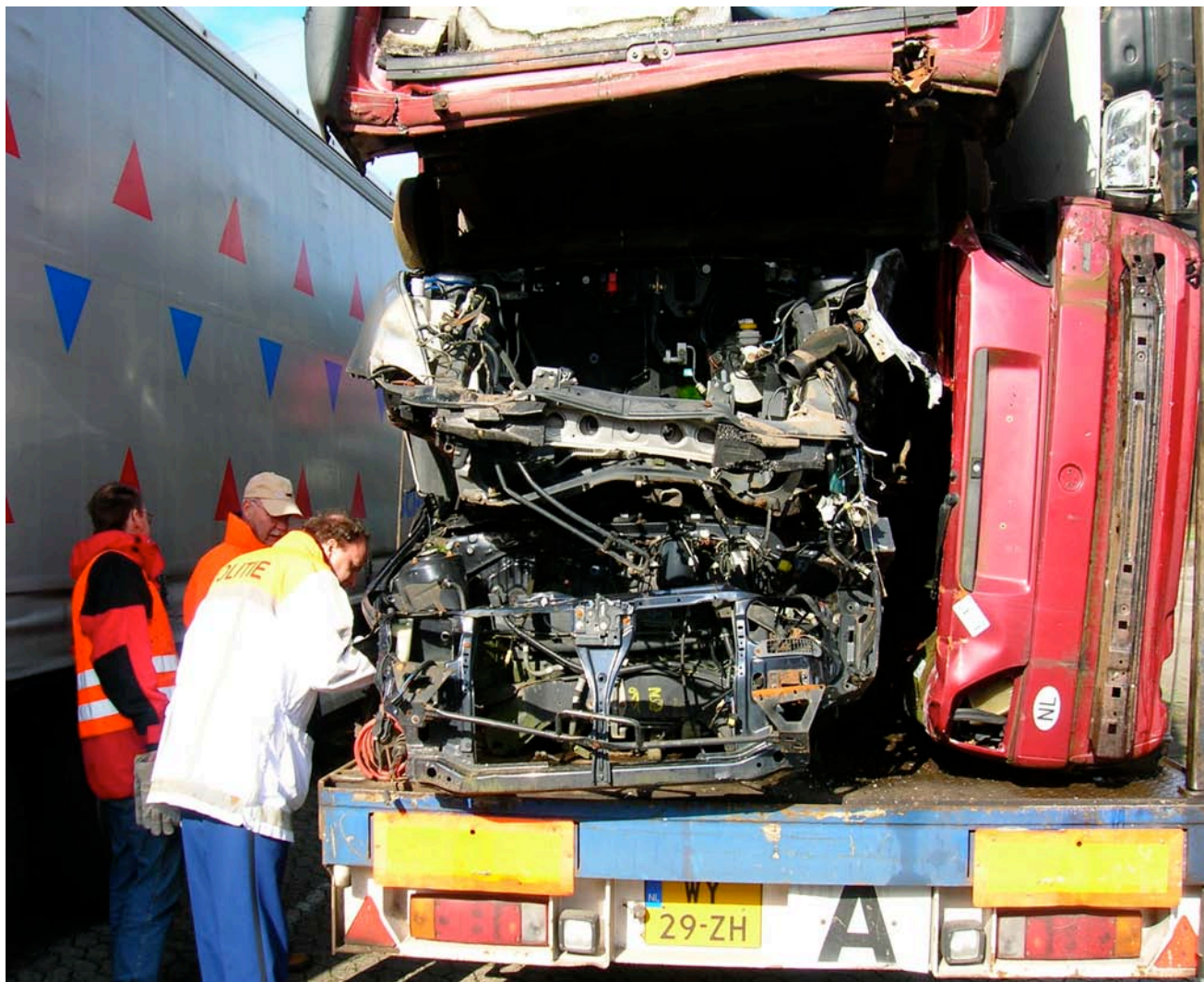
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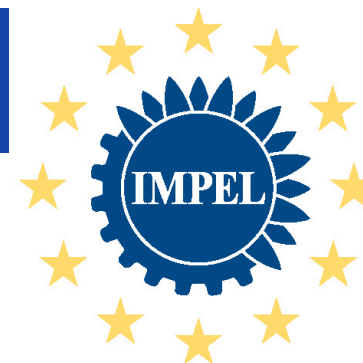
End of live vehicles



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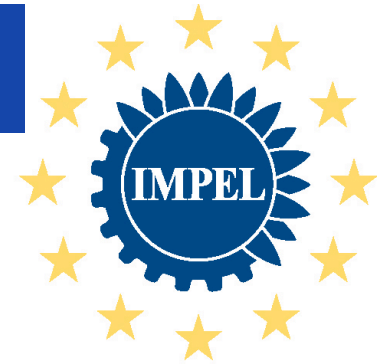
Electronic waste



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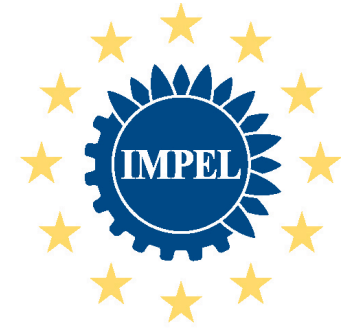
Exchanges inspectors



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Conclusions exchange of inspectors

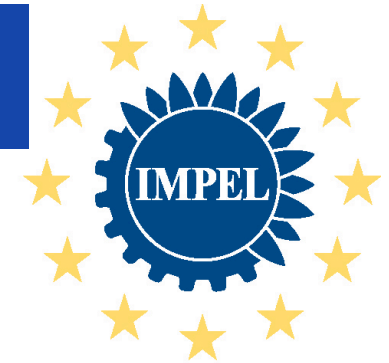


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- Learning by doing
- Inspectors are enthusiastic and exchange has stimulating effect
- Situation and level of enforcement in the countries are different



Communication

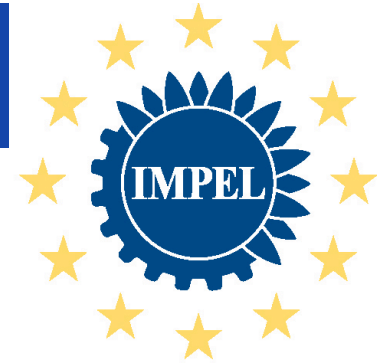


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of Environmental Law

- 3 meetings
- Improved guideline
- Newsletters
- Developed tools:
 - leaflet
 - waste(s)watch



General conclusions

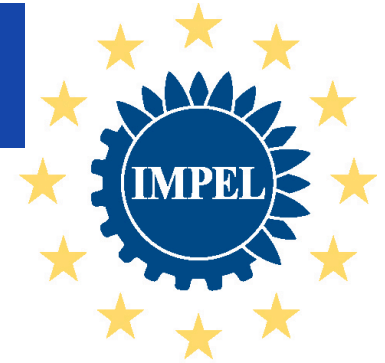


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of Environmental Law

- Project was stimulating, useful and successful
- Enforcement of the WSR is not institutionalised equally, a level playing field is a goal to be reached
- A bottom up approach alone is not enough to create a high level of enforcement: higher decision levels are needed



Critical factors



European Union Network for
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of Environmental Law

**Time, budget
people**

**Chaos in
competent
authorities**

**Communication
cooperation
essential**

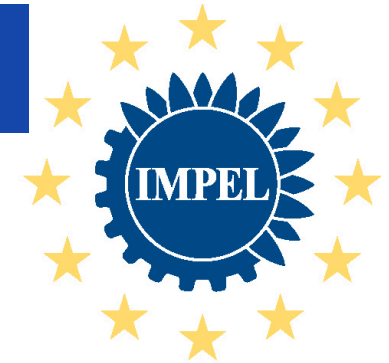


**Political
awareness**



**Interpretation
regulation**

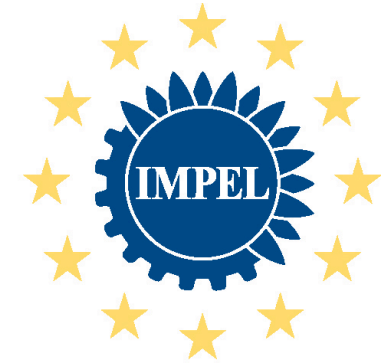
Recommendations



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of Environmental Law

- More political and high management support needed.
- Establish more level playing field by:
 - training for enforcers
 - developing enforcement actions plans
 - starting bilateral cooperation
- Follow up by EA II
 - Practical tools for inspectors
 - More enforcement authorities cooperate
 - Continuing cooperation and communication.

Enforcement Actions II

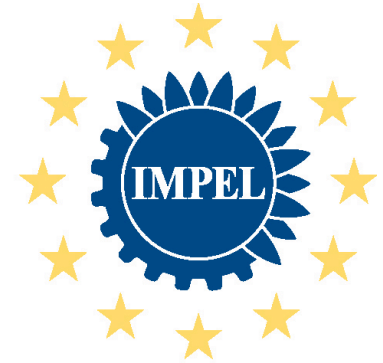


European Union Network for
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of Environmental Law

Started october 2009

The objective is to promote and improve inspections and enforcement of waste shipments through and out of the European Union and to verify the waste destination and treatment in countries of destination.

Other international activities of the Dutch Inspectorate

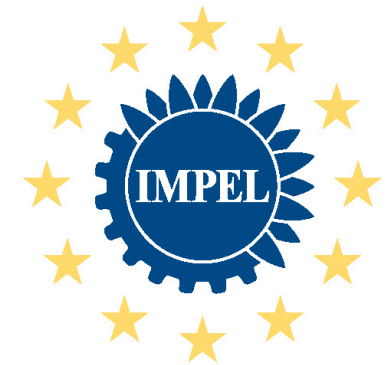


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Examples:

- Initiatives for a level playing field
- Aim: uniform and equal enforcement in EU
- Specific cooperation between Netherlands, UK, Belgium and in the near future Germany
- Article 50 WSR: "countries should cooperate"
- Specific emphasis on Asia and Africa
- INECE (Informal Network for Environmental Compliance and Enforcement) initiatives on a global level
- INECE global seaport waste shipment enforcement project

Road to success



European Union Network for
the Implementation and Enforcement
of Environmental Law

