



European Union Network for  
the Implementation and Enforcement

#### Project 'Enforcement Actions'

Enforcement Actions is a project of IMPEL-TFS. It aims at the improvement of implementation and enforcement of environmental legislation by the Member States. Old and new Member States can continue to develop their expertise in enforcement inspections and acquire necessary skills to enforce the legislation in their own countries.

### IMPEL-TFS Project Enforcement Actions continues

This is the third newsletter on the 'Enforcement Actions' project. We have news for you about the Road Map developed by the Republic of Ireland and about Dutch enforcement actions in the harbor of Vlissingen. Furthermore three country coordinators tell us about their preparation for the new Waste Shipment Regulation 1013/2006. And as always, we want to ask you to share your news with us. Just send us an e-mail!

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### The Netherlands: Grosvenor Waste Management

The VROM Inspectorate in The Netherlands assisted in prosecuting a British company, named Grosvenor Waste Management, for transporting large amounts of domestic waste illegally. The waste was transported as 'paper waste' from England to Asia. The VROM-Inspection discovered the illegal shipments at 5 different locations in The Netherlands and sent it back to Great-Brittain in cooperation with British authorities. Containers were stopped in Thames Port, Southampton and Indonesia. Because the company confessed, the Dutch inspectors and customs needn't testify. The penalty the company was condemned to pay wasn't high in comparison to Dutch fees. If the penalty would have been high, it would have been easier for the British WSR-team to get more capacity (people and money) in the future. The British authorities thanked the VROM Inspectorate a lot for their help.

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### Ireland: Road Map regarding illegal shipments of waste

The Republic of Ireland and Northern-Ireland have developed a protocol together for preventing illegal shipments of waste from happening. They call it a Road Map. The background of this was proceedings instituted by the European Commission against both jurisdictions in regard to illegal movement of waste between the Republic and Northern Ireland (a Letter of Formal Notice Stage). By way of seeking to resolve the matter the Commission invited both sides to a trilateral meeting in Brussels on 19 October 2006. In advance of this Ireland prepared a draft written protocol, termed 'Road Map'. It was presented to the Commission. The Road Map sets out a path for dealing with historical illegally deposited waste which may have come for the South as well as setting out joint proposals for tackling illegal movements going forward. The historical situation derives from discovery of twelve illegal waste disposal sites in Northern-Ireland containing waste from Ireland and Environment and Heritage Service Northern Ireland (EHSNI) contends that this number could rise up to 50 and with a possible 250,000 tonnes of illegal waste. Repatriation of waste from Northern-Ireland to Ireland was successfully carried out under the Road Map in January 2007 to the satisfaction of both sides. The Commission reacted very positive on the Road Map and a response is awaited, to determine if the Road Map is adequate as a response to the Letters of Formal Notice, thus enabling the legal infractions to be closed. The amendments to the Road Map are primarily setting out more information on joint concerted enforcement actions and both sides have met and planned joint actions for 2007. The Road Map is seen as a very good example of bilateral cooperation by neighboring Member States and its model has been presented for information at the IMPEL TFS Annual Conference in Paris in March 2007, where some 24 countries were able to see and learn from this example.

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## Netherlands: Tracing illegal shipments of waste

The VROM Inspectorate holds inspections on differing trails to discover illegal shipments of waste. Since a couple of years they inspect ships in the harbor of Vlissingen before they head to Africa. There are two companies that ship cars to several countries if Africa, for instance Benin, Guinea and Togo. Those companies ship different sorts of waste inside the cars for other companies or persons, e.g. refrigerators, batteries and screens, clothes and waste paper. The customs of Vlissingen harbor discover potential illegal shipments of waste. They warn the VROM Inspectorate on such matters. The Inspectorate controls approximately 1,000 cars per time, around 30 of those contain illegal shipments. The Inspectorate enforced in September, October and November last year, and in February this year. The illegal waste that was discovered was sent back to its origin, for example Belgium or Germany. The VROM Inspectorate has sent a warning letter to one of the companies to force them to stop the illegal shipments of waste, the other company will receive one soon. They will keep us posted on this subject!

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## Are you prepared for the new WSR?

July 12<sup>th</sup> 2007 is the day the revised Waste Shipment Regulation 1013/2006 comes into force. Are you prepared for this development? Will this contain any big changes for your legal system? Do you find it a good or a bad change? We asked three country coordinators of the project for their preparation and findings/ opinions.

*Frédéric Thomas (France)* considers the new WSR to be a good change, especially because of article 50 and a better definition of 'involved people'. He hopes that this change will bring better (inter)national collaboration, more inspections and more enforcements against offenders. He expects that this new law will give him a little extra work, but he doesn't regret that. His new agency started in June 2004. Frédéric and his colleagues are building a new French network to lead regular inspections in all maritime and river ports. Local police, local gendarmerie, river gendarmerie, highway and traffic gendarmerie and environmental inspectorate are all working together. Furthermore Frédéric is leading a new project to set up a new European Police Platform against shipment of waste. This project will be carried out in 2008, for the next French Presidency of the EU.

*Thor Henriksen (Norway)* informed us on the main accomplishments Norway made so far in preparation of the revised WSR. 1. Participation in the TFS correspondents meetings, 2. Green paper on the implementation is sent out to stakeholders for comments, 3. Implementation plan for the authorities is presented as a first draft, 4. Illegal shipments to Africa stopped in transit countries (BE, DK) are being handled thoroughly to get more experience with inspections and cooperation abroad. What remains to be done, especially to ease cooperation with other authorities abroad, is included in the following points: a. Establish an appropriate national system for supervision and control of waste shipments, according to Article 33 in the Regulation, b. Lay down a general strategy on TFS enforcement, including a framework for information, inspections, and penalties, see also Article 50, c. Elect a combined and permanent staff responsible for actions and cooperation nationally and otherwise, according to Article 50. Upgrading of the enforcement may e.g. be based of investigation on illegal waste streams leaving Norway for non-OECD countries and on mapping of possibilities to effect better waste treatment for selected waste streams, and prevention of hazardous substances included in waste.

*Mário Grácio (Portugal)* told us that Portugal is preparing a new national legislation in order to punish the illegalities related to the revised WSR and to publish the green list declaration (annex VII). All the usual notifiers are already been informed in order to adjust their procedures to the revised WSR and information to the enforcers will take place very soon. Some difficulties are expected (differences in the lists and wastes classifications) and clarifications (Mixture of wastes - Annex IIIA; brokers and dealers role; interim operations) from the correspondents group are needed. Mário is sure that the revised WSR is an opportunity to improve the internal and external enforcement networks (including the Asia Network), to promote the communication and to have more political support. He thinks that the well structured IMPEL TFS network and the good collaboration between the National Contact Points are the critical success factors of the new WSR enforcement.

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