
Environment and Climate Regional Accession Network (ECRAN)

Workshop report
Activity 1.2.5
Capacity Building on
Compliance with
Legislation on Trans
Frontier Shipment of
Waste (2nd Multi
Country Workshop)

Tirana, Albania, 20 – 21 May 2015

WORKSHOP REPORT
Activity 1.2.5

**CAPACITY BUILDING ON COMPLIANCE WITH LEGISLATION ON
TRANS FRONTIER SHIPMENT OF WASTE
(2nd Multi Country Workshop)**

Tirana, Albania, 20 -21 May 2015

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I. Background/Rationale

Within the RENA programme, the objective of the ECENA Working Group on Environmental Compliance and Enforcement was to improve the ability of RENA member countries to implement and enforce the EU environmental and climate acquis by increasing the effectiveness of inspecting bodies and promoting compliance with environmental requirements.

The activities for the period 2010-2013 were based on a Multi Annual Work Plan, covering the following areas:

- Training and exchange,
- Institutional and methodological development,
- Cross border enforcement.

The activities planned under ECRAN in this area will build on the results achieved under RENA. Since the work of inspectors and permit writers has to be more coordinated and connected to other activities within the environmental protection area, it has been decided that ECENA under ECRAN should be of cross cutting nature. This is particularly important as the work of ECENA is dealing with both implementation and enforcement of the EU acquis. Cooperation with policy makers and law drafters has to be strengthened in order to enable developing better implementable legislation.

The work plan covers the full period of ECRAN (i.e. October 2013 – October 2016). Under this ECENA work plan, the following specific activities have been decided to be implemented:

1.2.1 Capacity building on compliance with environmental legislation

1.2.2 External country assessments

1.2.3 Methodological development - application of IRAM/easy Tools

1.2.4 Compliance with REACH/CLP Regulations;

1.2.5 Trans frontier Shipment of Waste (TFS);

1.2.6 Inspection and enforcement in other policy areas;

1.2.7 Inspector's participation in networking activities.

The beneficiaries are the Ministries of Environment of the beneficiary countries (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Kosovo*¹, Montenegro, Serbia and Turkey). In addition the other ministries and other bodies and institutions will need to be actively engaged in so far as their work is relevant for the scope of ECRAN.

The overall objective of ECRAN is to strengthen regional cooperation between the EU candidate countries and potential candidates in the fields of environment and climate action and to assist them on their way towards the transposition and implementation of the EU environmental and climate policies, political targets and instruments which is a key precondition for EU accession.

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo declaration of independence.

Activity 1.2.5 Capacity building on compliance with legislation on Trans Frontier Shipment of Waste TFS

In the last decades a worldwide increase of waste transports has taken place across borders, whether on the road, by railway or ship. These waste movements or "shipments" involve as well hazardous wastes and can create risks for human health and the environment. In other cases wastes are traded within the EU to replace natural resources in industrial facilities while applying high environmental standards.

The uncontrolled movement of toxic wastes from the Seveso incident to France in 1982, but also several cases where such wastes from Europe were exported and dumped in developing countries, showed the need for more supervision and control. Council Directive 84/631/EEC for the first time harmonized the control procedures for the shipment of hazardous waste in the Community. On the international level, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, of 1989 established worldwide notification requirements for the movement of hazardous waste and obliged the Parties to minimize the generation of such waste and to ensure its environmentally sound management. The European Community transposed the Convention by Council Regulation (EEC) No 259/93 (the Waste Shipment Regulation) and as from 1998 prohibited the export of hazardous wastes to non-OECD countries altogether (<http://ec.europa.eu/environment/waste/shipments/index.htm>).

Since March 1992, transboundary movements of wastes destined for recovery operations between member countries of the Organisation for Economic Co-operation and Development (OECD) have been supervised and controlled according to Council Decision C(92)39/FINAL on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations. The OECD Decision C(92)39 /FINAL provided a framework for the OECD member countries to control transboundary movements of recoverable wastes within the OECD area in an environmentally sound and economically efficient manner. Compared to the Basel Convention, it gave a simplified and more explicit means of controlling such movements of wastes. It also facilitated transboundary movements of recoverable wastes between OECD member countries in the case where an OECD member country is not a Party to the Basel Convention. The developments under the Basel Convention, in particular the adoption of two detailed lists of wastes as new Annexes VIII and IX to the Convention in November 1998, gave impetus to revise the OECD Decision C(92)39/FINAL in order to harmonise procedures and requirements and to avoid duplicate activities with the Basel Convention. This revision resulted in the adoption of Council Decision C(2001)107/FINAL in May 2002.

At EU level different regimes apply to shipments of wastes for disposal and for recovery, as well as to hazardous and "green-listed" non-hazardous wastes, and to some special categories in-between. The shipment of hazardous wastes and of wastes destined for disposal is generally subject to notification procedures with the prior consent of all relevant authorities of dispatch, transit and destination, while green-listed wastes, as a rule, may be shipped for recovery within the OECD like normal commercial goods and only accompanied by certain information. The shipment of non-hazardous wastes to non-OECD countries depends essentially on whether the importing country accepts them and which procedures it wants to apply. **Shipments of hazardous waste and shipments of waste for disposal to non-OECD countries are prohibited.**

Regulation No 259/93 has been replaced in July 2007 by the new Regulation (EC) No 1013/2006 on shipments of waste, which streamlines the existing control procedures, incorporates recent changes of international law and strengthens the provisions on enforcement and cooperation between Member States in case of illegal shipments. The enforcement of this Waste Shipment Regulation WSR (further referred to as WSR) is a competence of individual Member States. For an effective and efficient enforcement, organizations have to cooperate over their national borders as trans boundary movements of wastes exceed these borders.

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an association which aims to better enforce European regulations in the environmental field. A specific cluster of this network is dealing with issues of WSR/ Trans frontier Shipment of Waste - IMPEL-TFS. (<http://impel.eu/cluster-2>).

Within the RENA programme (2010 – 2013) two 2-day regional workshops have been organised on Trans frontier shipment of waste in cooperation with IMPEL (IMPEL Cluster TFS).

The organised RENA/ECENA activities included a workshop on TFS focusing on transport via harbours on 18 and 19 April 2012 in Istanbul, Turkey with a visit to the Ambarli port, Istanbul and a second workshop involving road transport. The latter has been organised on 13 and 14 June 2012 in Skopje with a site visit/inspection at the Kumano/Tabanovce (road) border crossing at the border of Macedonia with Serbia.

It was concluded that the presentations on day 1 on the background of WSR combined with practical examples and site visit on day 2 was very helpful in understanding the issues.

An additional important element was the exchange of information in RENA countries and the EU member states based on the IMPEL experience. The value in using of tools developed by IMPEL was shown in practice.

It was suggested by the participants that in the follow up of the RENA programme, further strengthening of cooperation between inspectors, police and customs on TFS and environmental crime should be considered.

It has been decided to continue the work under RENA/ECENA on WSR/TFS in the new ECRAN/ECENA programme (2013 – 2016).

Based on the experience gained under the same exercise implemented under RENA, the attention should be paid to elements such as:

- The notification procedures;
- Possibilities for upstream enforcement;
- The step-by-step-guidance for waste shipment inspections (IMPEL Manual);
- Managing illegal shipment of wastes (IMPEL Manual);
- Inspection plan and protocol;
- Required skills of inspectors;
- Sampling plan.

Specifically for ECRAN/ECENA activity 1.2.5 an additional web based Training Needs Assessment has been performed and further training topics have been selected.

Based on the selected training topics with selected sites, two 2-day regional training programmes are to be developed and subsequently delivered. In addition to the activities organised within the beneficiary countries, a 1-day workshop and study visit will be organised in one of the EU member states for a limited number of participants. The organisation of study visit will be closely coordinated with IMPEL Cluster 2 TFS.

The training programme in this activity within ECENA will have to be closely coordinated with the other ones designed for ECENA and ECRAN in general in order to avoid duplication and overlaps.

Planned trainings will be delivered in close coordination with TAIEX Unit that will be responsible for provision of non-key experts and organisation of logistics (training venue, accommodation and transport of registered participants, etc.). Delivered trainings will be evaluated in order to follow the level of reaching the training objectives.

Meanwhile under the ECRAN/ECENA programme a first regional training course has been carried out, which took place in Vukovar, Croatia, on 2-3 July 2014, with an inspection at the Bajakovo border crossing (border with Serbia) dealing with waste and road transport. This second regional training course is a follow up and includes a training in Tirana, Albania with a site visit to the Durrës Harbour.

Chapter 2 describes the background and objectives of activity 1.2.5 with the 2nd Multi-country Workshop Capacity Building on Compliance with the Legislation on Trans frontier Shipment of Waste and the topics that have been addressed.

Chapter 3 gives an overview of the EU legislation covered by the training.

Chapter 4 presents the workshop proceedings and Chapter 5 presents the evaluation. Furthermore the following Annexes are attached:

_ Annex I: the agenda;

_ Annex II: List of participants;

_ Annex III: Power point presentations (downloadable under separate cover):

<http://www.ecranetwork.org/ECENA>

II. Objectives of the training

General objective

Increasing the effectiveness of inspection bodies and promoting compliance with environmental requirements

Specific objectives

Increased capacity in SEE in the field of implementation of elements of the WSR, increased insight in related compliance and enforcement mechanisms and knowledge about performing inspections.

Target group

The target institutions and beneficiaries are the environmental inspectors of the Ministries of Environment in Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, Serbia and Turkey. Participation from other related relevant authorities (Customs, Border Control, Police Traffic Inspectorate, etc.) is envisaged.

Expected results

The following results are expected for this activity scheme

- Improved knowledge base on WSR and required legal and institutional requirements with compliance, and enforcement aspects at key staff of the Environment Ministries and institutions on the subject;
- Strengthened regional network of SEE professionals and experts on TFS with its compliance and enforcement aspects.

Training delivery

Based on earlier experience, described approach and the outcomes of the TNA, the general training set-up and topics are:

Day 1; Mainly related to introductions on international and European Legislation on transboundary shipments of waste with the various classification systems of waste, enforcement of waste shipment rules, illegal shipments and their return. Special subjects include used electronic and electrical equipment versus e-waste, by-products, end of waste presentations from the region by inspectors and customs. Group exercises and an introduction and preparation for the site visit.

Day 2; Site visit on TFS in cooperation with environmental inspectors and harbour and other authorities. Continuation day 1 programme with simulation exercises in groups and presentation and discussion of case studies from the region. Discussion on the follow up programme.

The agenda of the second training is included in ANNEX 1

Results/outputs

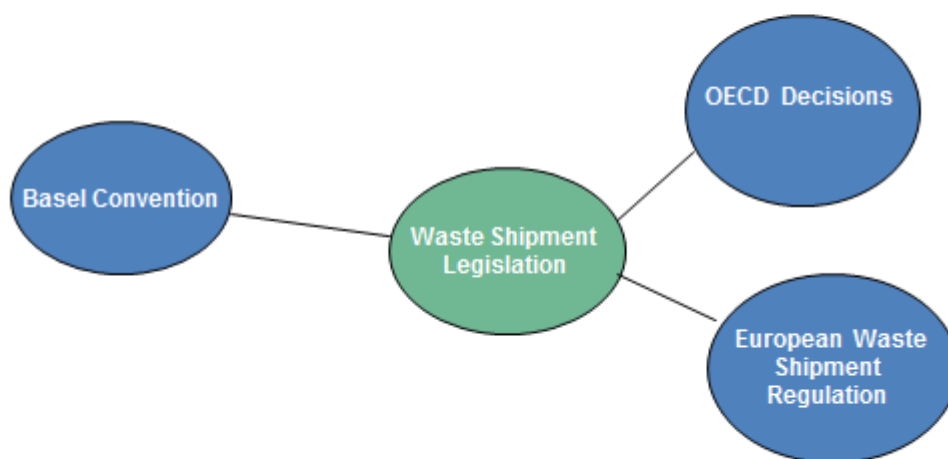
The following results are expected for this activity

- improved functioning of the environmental authorities and related authorities envisaged to be responsible for implementation of the WSR regulation ;
- streamlined working methods and implementation of best practice in the region moving towards EU standards.

III. EU policy and legislation covered by the training

The training covered mainly the Waste Shipment Regulation, the Basel Convention and the OECD Decision on transboundary movements of wastes. Other related legislation included the new Waste Electrical and Electronic Equipment (WEEE) Directive.

International Waste Shipments Legislative Framework



This Project is funded by the European Union



Project implemented by Human Dynamics Consortium

WSR (summary) Ref 1.²

Regulation (EC) No1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (WSR) aims at strengthening, simplifying and specifying the procedures for controlling waste shipments to improve environmental protection. It thus reduces the risk of waste shipments not being controlled. It also seeks to include into Community legislation the provisions of the Basel Convention as well as the revision of the Decision on the control of transboundary movements of wastes destined for recovery operations, adopted by the OECD in 2001.

Scope

This Regulation applies to shipments of waste:

- between Member States, within the European Union (EU) or with transit through third countries;
- imported into the EU from third countries;
- exported from the EU to third countries;
- in transit through the EU, on the way from and to third countries.

² REF 1) WSR: http://europa.eu/legislation_summaries/environment/waste_management/l11022_en.htm:

The Regulation concerns almost all types of waste shipped. Only radioactive waste and a few other types of waste do not fall within its application, insofar as they are subject to separate control regimes.

Lists of wastes

Wastes subject to notification are set out in the “Amber List” (Annex IV), while wastes subject only to information requirements are set out in the “Green List” (Annex III). Wastes for which export in certain cases is prohibited are listed separately (Annex V).

Applicable procedures

This Regulation also reduces the number of waste shipment control procedures from three to two:

- the “green listed” procedure applies to non-hazardous waste intended for recovery;
- the notification procedure applies to shipments of all waste intended for disposal and hazardous waste intended for recovery.

Whatever the procedure, all persons involved in shipment must ensure that they take all necessary measures in order that waste is managed in an environmentally sound manner throughout the shipment process and when it is recovered or disposed of. The notification procedure requires that the competent authorities of the countries concerned by the shipment (country of dispatch, country of transit and country of destination) give their consent prior to any shipment.

Waste shipments must be the subject of a contract between the person responsible for shipping the waste, or having it shipped, and the consignee of such waste. Where the waste in question is subject to a notification requirement, the contract must include financial guarantees.

Under the notification procedure, the notification must be submitted by the notifier only to the competent authority of dispatch which, in turn, will be responsible for passing it on to the competent authorities of destination and transit. The competent authorities must give their consent (with or without conditions) or express their objections within 30 days. Any changes involving the main aspects of the shipment (quantity, itinerary, etc.) must be the subject of a new notification, save in cases where all the competent authorities grant the notifier an exemption from this obligation.

Furthermore, interim recovery and disposal facilities are bound by the same obligations as final recovery and disposal facilities. The authorisation of a shipment involving interim operations can only be sanctioned if the shipment of the waste in question has also been authorised.

If a shipment cannot be completed (including the recovery or disposal of waste), the notifier must take the waste back, normally at his own expense.

The take-back obligation does not apply:

- if the competent authorities of dispatch, of transit or of destination concerned by the recovery or disposal of the waste consider that the notifier or, if that is impracticable, the competent authority of dispatch or a physical or legal person acting on their behalf, can recover or dispose of the waste in another way in the country of destination or elsewhere;
- if the waste has been irreversibly mixed with other types of waste before a competent authority concerned has become aware of the fact that the notified shipment cannot be completed.

Other applicable provisions

The Regulation includes other general provisions, such as a ban on the mixing of waste during shipment, the making available to the general public of appropriate information, and the obligation on the part of the notifier, the competent authority, the consignee and the facilities concerned to keep documents and information.

Exports to third countries of waste intended for disposal are prohibited, except to European Free Trade Association (EFTA) countries which are party to the Basel Convention.

Exports of hazardous waste intended for recovery are prohibited, except those directed to countries to which the OECD decision applies.

Imports from third countries of waste intended for disposal or recovery are prohibited, with the exception of imports:

- from countries to which the OECD Decision applies;
- third countries which are party to the Basel Convention;
- countries which have concluded a bilateral agreement with the EU or Member States; or
- other areas during situations of crisis.

Member States must make provision for the organisation of checks throughout the entire waste shipment and waste recovery/waste disposal process.

REGULATION (EU) No 660/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 May 2014 amending Regulation (EC) No 1013/2006 on shipments of waste (ref 2)³

Due to various identified divergences and gaps, the following key elements have been taken up in the recent amendment of the WSR :

- Establishment of Inspection Plans
- Enhanced powers of authorities involved in inspections
- Cooperation of Member States
- Access to information

Adequate planning of inspections of shipments of waste is necessary to establish the capacity needed for inspections and to effectively prevent illegal shipments. The provisions relating to enforcement and inspections laid down in Article 50 of Regulation (EC) No 1013/2006 should therefore be strengthened with a view to ensuring regular and consistent planning of such inspections. Inspection plans should be established for inspections carried out in accordance with those provisions. Inspection plans should be based on a risk assessment and should include a number of key elements, namely objectives, priorities, the geographical area covered, information on planned inspections, the tasks assigned to authorities involved in inspections, arrangements for cooperation between those authorities involved in inspections in a Member State, in different Member States, as well as, where appropriate, between those authorities in Member States and in third countries, and information on the training of inspectors as well as on the human, financial and other resources for the implementation of the inspection plan concerned.

The outcome of inspections and the measures taken, including any penalties imposed, should be made available to the public, including electronically via the internet.

Diverging rules exist throughout the Union as regards the power of, and possibility for, authorities involved in inspections in Member States to require evidence to ascertain the legality of shipments. Such evidence could concern, inter alia, whether the substance or object is waste within the meaning of Regulation (EC) No 1013/2006, whether the waste has been correctly classified, and whether the waste will be shipped to environmentally sound facilities in accordance with Article 49 of that Regulation. Article 50 of Regulation (EC) No 1013/2006 should therefore provide the possibility for authorities involved in inspections in Member States to require such evidence. Such evidence may be requested on the basis of general provisions or on a case-by-case basis. Where such evidence is not made available or is considered to be insufficient, the carriage of the substance or object concerned, or the shipment of waste concerned should be considered as an illegal shipment and should be dealt with in accordance with the relevant provisions of Regulation (EC) No 1013/2006.

Basel Convention (ref 3)⁴

³ (ref 2): <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2014:189:FULL&from=EN>

The Basel Convention lays down rules to control, at an international level, transboundary movements of wastes hazardous to human health and the environment, and their disposal. The following Acts have been included within the EU:

Council Decision 93/98/EEC of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention).

Council Decision 97/640/EC of 22 September 1997 on the approval, on behalf of the Community, of the amendment to the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention), as laid down in Decision III/1 of the Conference of the Parties.

Summary

The EEC approved the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal. The Convention came into force for the EEC on 7 February 1994.

The Convention aims, in introducing a system for controlling the export, import and disposal of hazardous wastes and their disposal, to reduce the volume of such exchanges so as to protect human health and the environment.

It defines hazardous wastes. Each party may add to the list other wastes listed as hazardous in its national legislation.

A transboundary movement is any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State, or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement.

General obligations:

- it is prohibited to export or import hazardous wastes or other wastes to or from a non-party State;
- no wastes may be exported if the State of import has not given its consent in writing to the specific import;
- information about proposed transboundary movements must be communicated to the States concerned, by means of a notification form, so that they may evaluate the effects of the proposed movements on human health and the environment;
- transboundary movements of wastes must only be authorised where there is no danger attaching to their movement and disposal;
- wastes which are to be the subject of a transboundary movement must be packaged, labelled and transported in conformity with international rules, and must be accompanied by a movement document from the point at which a movement commences to the point of disposal;
- any party may impose additional requirements that are consistent with the provisions of the Convention.

The Convention establishes notification procedures regarding:

- transboundary movements between parties;
- transboundary movements from a party through the territory of States which are not parties.

It sets out those cases where there is a duty to re-import hazardous wastes, especially if they have been the subject of illegal trafficking.

⁴ (ref 3): http://europa.eu/legislation_summaries/environment/waste_management/l28043_en.htm

Parties to the Convention must cooperate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes. The aim is to implement all practical measures to ensure that wastes covered by the Convention are handled in such a way that protection of human health and the environment from their harmful effects is guaranteed.

Parties may enter into bilateral, multilateral or regional agreements or arrangements regarding transboundary movements of hazardous wastes, with parties or non-parties, provided that these do not derogate from the principles defined by the Convention.

A Conference of the Parties is established and is charged with overseeing the effective implementation of the Convention.

Provisions on the settlement of disputes between Parties.

Under Decision II/1 the Parties provided for an amendment to the Convention to immediately prohibit transboundary movements of hazardous wastes destined for final disposal and prohibit as from 01.01.1998 transboundary movements of hazardous wastes destined for recovery operations from States listed in Annex VII to the Convention, namely, "Members of the European Organisation for Cooperation and Development (OECD), the European Community and Liechtenstein", to States not listed in Annex VII to the Convention. This amendment to the Convention and Annex VII have not yet entered into force for lack of sufficient ratification

The OECD Decision on transboundary movements of wastes destined for recovery operations (ref 4)⁵

Since March 1992, transboundary movements of wastes destined for recovery operations between member countries of the Organisation for Economic Co-operation and Development (OECD) have been supervised and controlled according to Council Decision C(92)39/FINAL on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations.

The OECD Decision C(92)39/FINAL provided a framework for the OECD member countries to control transboundary movements of recoverable wastes within the OECD area in an environmentally sound and economically efficient manner. Compared to the Basel Convention, it gave a simplified and more explicit means of controlling such movements of wastes. It also facilitated transboundary movements of recoverable wastes between OECD member countries in the case where an OECD member country is not a Party to the Basel Convention.

The developments under the Basel Convention, in particular the adoption of two detailed lists of wastes as new Annexes VIII and IX to the Convention in November 1998, gave impetus to revise the OECD Decision C(92)39/FINAL in order to harmonise procedures and requirements and to avoid duplicate activities with the Basel Convention. This revision resulted in the adoption of Council Decision C(2001)107/FINAL in May 2002. Provisions of the revised OECD Decision have been harmonised with those of the Basel Convention in particular with regard to the classification of wastes subject to control.

However, certain procedural elements of the original OECD Decision C(92)39/FINAL, which do not exist in the Basel Convention, such as time limits for approval process, tacit consent and pre-consent procedures have been retained.

OECD Decisions are legally binding to those member countries who have agreed to them, pursuant to Article 5(a) of the OECD Convention. Decision C(2001)107/FINAL has been agreed by all thirty member countries and is to be implemented and promulgated through national legislation in each member country. For example, in the member states of the European Union, the OECD Decision is implemented through the EC Waste Shipment Regulation N° 1013/2006 as from 12 July 2007

Directive on Waste Electrical and Electronic Equipment (WEEE)(ref 5)⁶

⁵ (ref 4) <http://www.oecd.org/env/waste/42262259.pdf>

⁶ (ref 5) http://ec.europa.eu/environment/waste/wEEE/index_en.htm

The new WEEE Directive 2012/19/EU has been published in issue L197 of the Official Journal on 24 July 2012. The new collection targets agreed, an ambitious 85% of WEEE generated, will ensure that around 10 million tons, or roughly 20kg per capita, will be separately collected from 2019 onwards. The existing binding EU collection target is 4 kg of WEEE per capita, representing about 2 million tons per year, out of around 10 million tonnes of WEEE generated per year in the EU. By 2020, it is estimated that the volume of WEEE will increase to 12 million tons.

The new WEEE Directive will give EU Member States the tools to fight illegal export of waste more effectively. Illegal shipments of WEEE disguised as legal shipments of used equipment, in order to circumvent EU waste treatment rules, are a serious problem. The new Directive will force exporters to test and provide documents on the nature of their shipments when the shipments run the risk of being waste.

A further improvement is the harmonisation of national registration and reporting requirements under the Directive. Member States' registers for producers of electrical and electronic equipment will now have to be integrated more closely. The Commission will adopt a harmonised format to be used for the supply of information. Administrative burdens are consequently expected to decrease significantly.

IV. Highlights from the training workshop

Reference is made to Annex I for the agenda and Annex III for the presentations.

Day 1 – Hotel Doro City, Tirana, 20 May

1. The workshop was opened with a short welcoming by Mr. Rrezart Fshazi (Head EU Integration Unit Directory of EU Integration and Coordination of Projects, Ministry of Environment Albania), Mr. Enis Tela (ECENA coordinator for Albania) and Mr. Ike van der Putte (ECRAN ECENA coordinator). An introduction on ECRAN and the ECENA Programme was given by Mr. Ike van der Putte with information on ECRAN and ECENA including project summary, results to be achieved, structures and planned activities.
2. An introductory round was held among the participants with the question of experience on Trans frontier shipment of waste (TFS) as inspectors, customs or others in the TFS regulations and inspection. The results showed that most of participants were inspectors with limited experience TFS inspection work. Some inspectors have experience with the various regulations. Customs representatives have experience in the regulations and inspection. Others Customs representatives and the representatives from the Police have no knowledge and experience on TFS. A number of 11 participants of the total of 29 also participated in earlier RENA/ ECRAN ECENA training courses on TFS.

	TFS experience		
	<i>Regulation</i>	<i>Inspection</i>	<i>No experience</i>
Inspectors (total:21)	5	3	16
Customs (total:2)	2	2	-
Others (total: 6)	1	-	5

Considering implementation of TFS legislation in various countries the following remarks were made as added to the ones made in the 1st course:

Kosovo: National legislation is based on transposition of EU legislation. Implementation is not going smoothly as various organizations (for example inspectorate and customs) should work together, but which is not always the case. The Basel Convention has not been signed. Networking with neighboring countries is of crucial importance in solving problems on TFS. Meanwhile Kosovo is a member of IMPEL. There is a waste catalogue available and international cooperation is improving.

Macedonia: The country has ratified the Basel Convention. Reference was made to the various pieces of national legislation (Hazardous waste and Waste management Acts and Inspectorate and Surveillance Act). Permits are issued with the framework of the Basel convention and of non-hazardous waste. Non-hazardous waste is mostly going to Albania, Greece and Turkey, whereas hazardous waste is mostly going to Albania and Germany. As specific problems were mentioned the import of military waste and radioactive waste.

Serbia: The Law on Waste Management is not yet fully implemented, but there are three by laws on TFS and a law on the Basel Convention. Inspections and notifications are made. As specific problems the transport of radioactive waste was mentioned and giving consents for waste returned by transit.

Montenegro: Implementation of the Waste Management Acts with amendments has progressed and resulted in a decree which include the duties on inspection. Montenegro has signed the Basle Convention. Presently one does not need a permit to export waste but this might come in future. Illegal cases have been detected. Specific problems that were indicated are aligning the regulations considering environment and customs.

Turkey (OECD country): Transboundary movement of hazardous waste is based on the consent procedure of the Basel Convention and the National Law on Hazardous Waste. The Customs consult with the Ministry

of Environment on the required documents. There are sometimes problems with the Classification of Waste. Import of Hazardous waste is forbidden. Export of wastes is not forbidden. As a specific problem by the participants from Turkey were seen the import of hazardous waste and the export of non-hazardous wastes to non-OECD countries.

Albania: Has ratified the Basel Convention. There are new rules in the Legislation. The bilateral agreement with Italy to import waste has been halted. There are also problems with the classification of waste and customs codes. Cooperation of environmental inspectors and customs can be improved. Illegal waste shipments are not considered yet as a criminal offence. Amendments are made in this respect considering environmental crime. A decree allows import for recycling.

Croatia (OECD country): The country is now one year a member of the EU. Via IMPEL joint inspections have been performed with Dutch, Slovenian and Austrian colleagues. There is cooperation of environmental inspectors with customs and police. A challenge for Croatia is that it is an important border country for the EU. Croatia offered to assist other countries in the region, with its developed documents and experience. A specific problem that was indicated is the shipment of waste from Kosovo (non-party) to other EU member States. The latter is only possible when bilateral agreements between Kosovo and specific EU member states are in place. Another specific issue is the radio-activity detectors at the border crossings.

Bosnia and Herzegovina: The Basel Convention is only partly in place. Implementation of EU regulation on waste is taking place at a national level, whereas inspection takes place at entity level. As an example of a specific problem the import of medical waste from Croatia was mentioned.

3. Ms. Nancy Isarin and Mr. Huib van Westen gave a general overview of existing rules concerning the transboundary movements of waste. These include the Basel Convention, the European Waste Framework Directive, the European Waste Shipment Regulation and the OECD Decision on the transboundary movements of non-hazardous waste. In specific the presentation covered

Part 1: Overall legislative framework on waste management

Waste definition

- Hazardous waste
- By products and end of waste
- Treatment operations

Part 2: Overview of the WSR

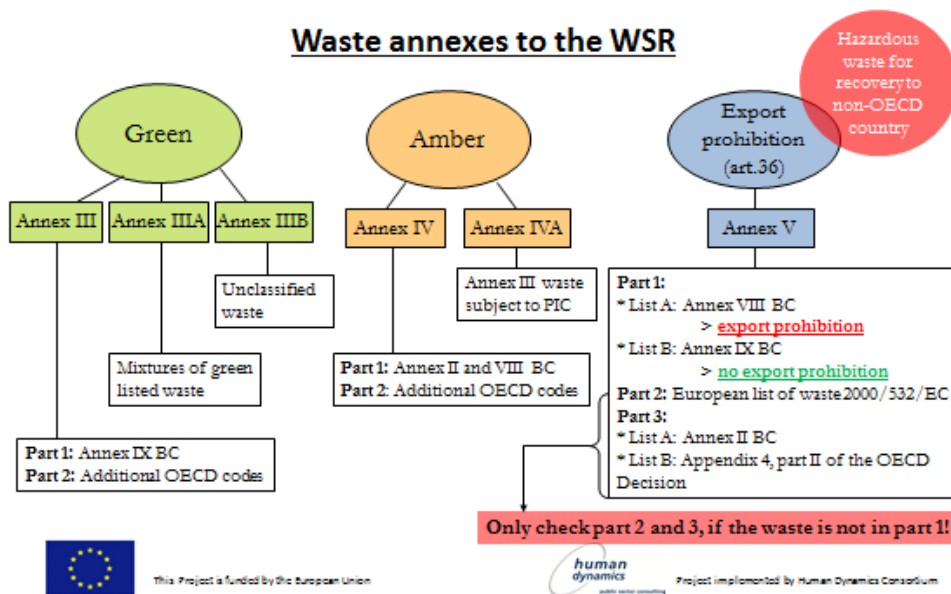
- Definitions
- Prior informed consent procedure
- Illegal shipments

Part 3: Inspection and enforcement requirements

- Legal basis for inspections
- Inspection plans

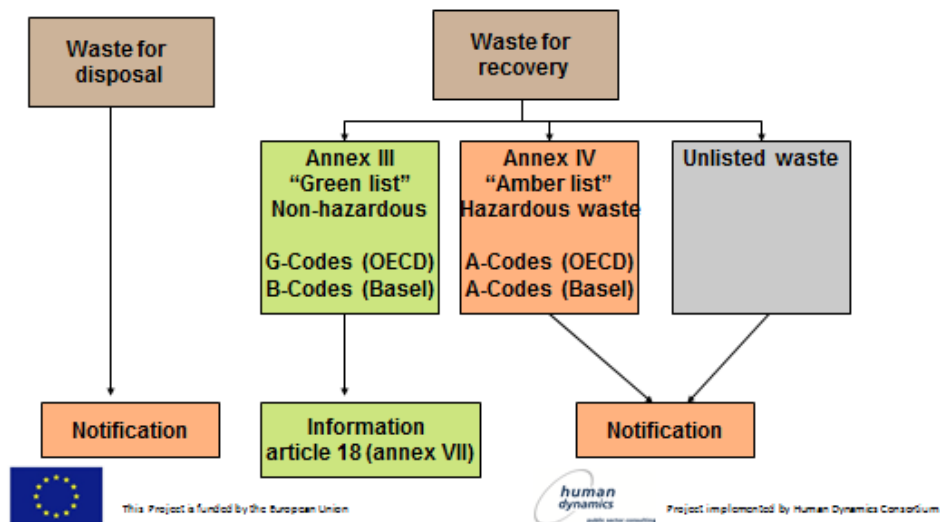
The Waste Annexes to the WSR with the Green and Amber list, and the Export Prohibition list were presented and discussed.

Waste annexes to the WSR

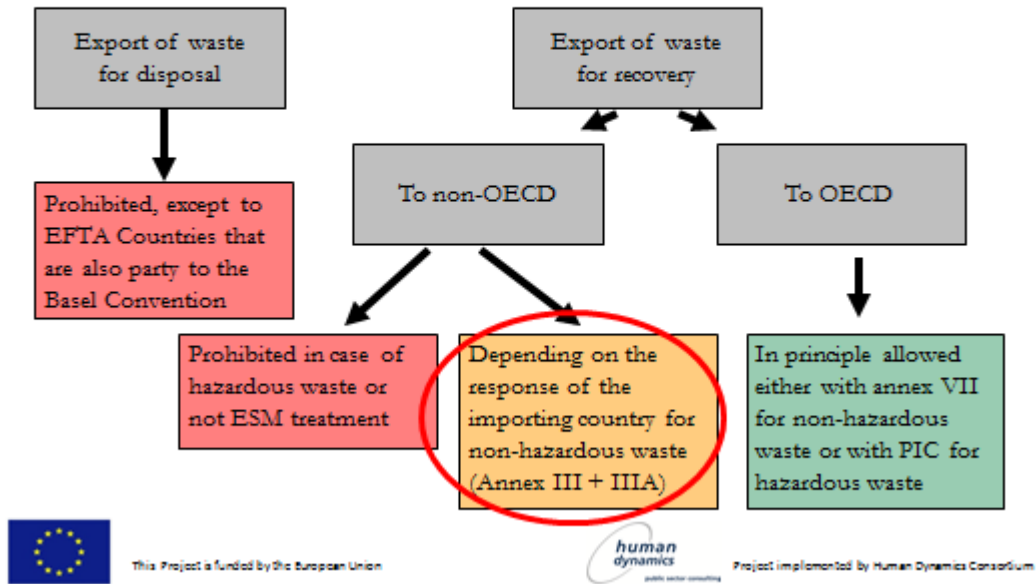


Furthermore the provisions for notifications for waste shipments between the member states were presented and explained, including the provisions and conditions for exports of waste to third countries (EFTA, OECD and non –OECD).

Provisions for notifications for waste shipments between Member States

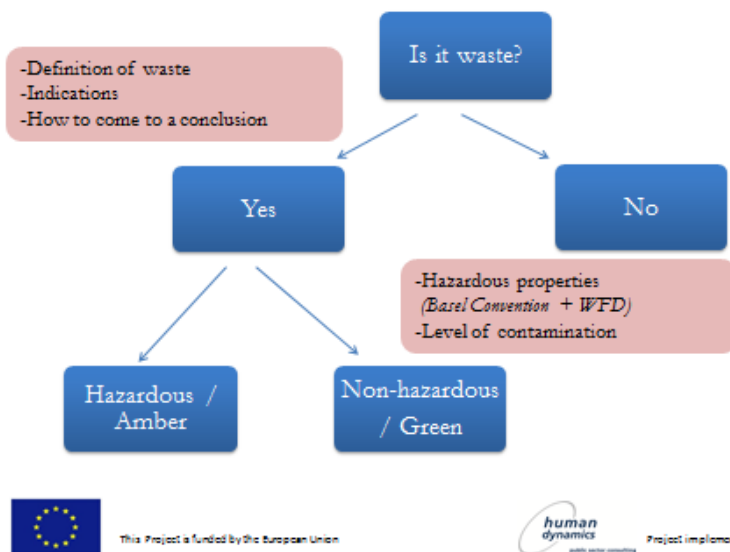


Export of waste to third countries



4. Ms. Nancy Isarin and Mr. Huib van Westen explained in the follow-up session the different ways of identifying and classifying waste streams. With examples the difference and grey line between waste and non-waste, but also between non-hazardous waste and hazardous waste were explained.

Administrative examination as well as visual screening and sampling needs were presented.



Mr Huib van Westen especially gave an explanation on a problematic stream: used electronic and electrical equipment versus e-waste. His presentation was finalised with an explanation and application of the European Waste List (EWL), by using a number of examples as a case exercise for the participants.

Please classify this waste in the EWL



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5. Mr. Huib van Westen presented the basic requirements to enforce transboundary shipments of waste, covering the main subjects :

- Required competences
- Risk Assessment
- Types of inspections
- Collaboration

Special attention was paid to Risk assessment. Risk indicators and search parameters are developed following completion of the risk identification and analysis phases of the risk assessment. Risk indicators flag potential problems with a particular shipment. If Customs work with electronic systems, profiles can be built into their electronic systems. Indicators can relate to:

- Object of the trade
- Documents
- Packaging
- Concealment methods
- Routing
- Involved companies/individuals
- Countries concerned

6. The illegal shipments of waste and their return was handled by Ms. Nancy Isarin. The take back obligations according to the Basel Convention and those according to the WSR were explained. Furthermore an introduction was given on the IMPEL Guide on Repatriation (draft 2015). An instruction video was shown on Repatriation of Waste.

7. Day 1 of the course was finalised by a discussion on issues to be handled on Day 2, after the site visit. These included two case studies, one from Montenegro and one from Croatia. The site visit was announced to be organised via the Durres Port Authority, with a visit to their environmental laboratory.



Figure 1. The trainees working in sub groups on the exercise.



Figure 2. The Durres Harbour with visit to the Environmental Laboratory of the Port Authority.

Day 2 – Site visit Durres Harbour and Port Authority, 21 May

1. The second day started with a site visit to the Durres Harbour and Port Authority with its environmental laboratory. A presentation was given by Mr. Shaziman Hoxha (Director environment and Energy Directorate – Port Authority). The Port of Durres was, in its present form, constructed in 1936. Its handling capacity is 4 million tons per year. The port, being the country’s major port which caters for about 85% of all export and import trade of the country, is managed by the Port Authority. The Durres Port Authority (DPA) is organized as a Joint Stock Company with 100% of shares belonging to the state. It is a legal entity responsible for all activities, i.e., cargo handling, maintenance of nautical and port infrastructure and superstructure, equipment and buildings, and to carry out loading and discharging operations together with associated storage and receiving of goods to and from road and rail. Container traffic according to the authority’s website has increased from 70.000 TEU in 2011 to 110.000 TEU in 2013, of which around 50% is import and around 50% export. (<http://www.apdures.com.al/> and http://www1.iaphworldports.org/members_profile/regular/albania_01.htm). The Port authority has a staff number of 150 and has 24 h responsibility for monitoring the activities in the Durres Harbour. The environmental department and laboratory cooperate with police and customs and share information. The customs are the legal authority to control what is going in and out of the harbour.

An inspection activity at the container terminal during the visit has been discussed by the environmental inspectorate with the customs but it was decided by the customs officials that it was not needed to be carried out for a number of reasons including:

- a) No containers with waste have been declared for the last 4 months and no container with waste was presently available at the terminal which requires inspection in cooperation with the environmental inspectorate.
- b) Import of hazardous waste is not allowed in Albania
- c) Only in case of suspicion the environmental inspectorate has to be informed by the customs.

Considering inspection and control of containers that might contain illegal waste, it was mentioned during the discussions at the Port Authority that indeed the customs have received a couple of trainings on how to inspect containers and detect illegal waste. However, staff turnover at the customs was considered such that it was doubted whether sufficient know-how is still available. Customs have the availability of monitoring equipment for radio-activity detection and recently also an X-ray facility has been made available. It is however clear that:

- further support will be needed to increase capacity and know how within the customs and environmental inspectorate to detect illegal waste and
- an active attitude is required by the customs in cooperation with the environmental inspectorate and police, in line with the majority of other countries in the region and Europe to detect illegal waste transports.

The visit was finalised by a visit to the environmental laboratory where various types of equipment were shown and demonstrated. The activities in case of emergencies were explained. In pollution control it was mentioned that solid waste from vessels was permitted to specialized companies to transport and treat the wastes. The laboratory is to be accredited as a national reference laboratory, for which staff is presently trained.

2. After return from the site visit to the Doro City hotel in Tirana, Mr. Huib van Westen and Ms. Nancy Isarin guided a simulation exercise with 2 subgroups concentrating on an example of waste shipment (Group 1 experienced participants) and on road transport (Group 2 less experienced participants):

Group 1: Case that a customs officer asked for assistance of the environmental inspector to inspect a shipping container. Based on the findings in the container and based on received documents (included the Annex VII Document) the following questions were covered:

- a. Is this material considered as waste? Please explain why or why not?
- b. If you consider this as waste please classify the waste in the WSR/Basel Convention and European Waste Catalogue
- c. Is this shipment considered as hazardous or non hazardous waste? Please explain your considerations
- d. Which procedure has to be followed according to the WSR 1013/2006 for this shipment and please explain the considerations you made to come to this conclusion?
- e. Is this shipment considered as a legal or an illegal shipment? please explain your considerations and eventual next steps.

Group 2: Case on transit of waste (road transport). Based on the documents (invoice and document for mixed metals and aluminium) and comparing with the contents in the truck, the following questions are to be handled:

- a. what is your opinion
- b. Can the waste continue
- c. Is further investigation required.

After the simulation exercises the various case studies from the region were handled and covered presentations on illegal waste transport of hospital waste from Croatia to Bosnia and Herzegovina and examples from Montenegro on transport of vehicles spare parts, worn tires, electrical/electronic equipment and defective paints and varnish. The various actions were discussed including the encountered problems (see presentations).

Specific problems on waste transport and return of waste were encountered with waste (non-hazardous) originating from Kosovo (as a non-party to the Basel Convention) via Croatia. It was concluded that Kosovo

needed bi-lateral agreement with countries for treatment of their waste to allow for its transport. Kosovo is working on signing such agreements with three countries in Europe.

Closing remarks were made by Mr. Enis Tela (ECRAN/ECENA national coordinator for Albania and by Mr. Ike van der Putte announcing that the following activity will be a workshop and study visit to Rotterdam/Antwerp Harbour (March 2016). The latter is to be organized with the assistance of the IMPEL experts, Ms. Nancy Isarin and Mr. Huib van Westen.



Figure 3. Site visit Durres Harbour.

V. Evaluation

The following summary of the training evaluation report, developed on the basis of analysis of the training questionnaires can be given. It shows that for the majority (69-85%) of the participants the expectations of the workshop were fully met. For some participants it was indicated that the expectations were only partially met in which reference was made to the customs in Albania who did not participate and no container inspection in the harbour could be carried out.

Most of the trainees indicated that the training was of a high quality and useful. The excellent preparation and knowledge of the trainers were appreciated. The trainees also expressed their wish to have more practical work/case studies in the following trainings.

Statistical information

1.1	Workshop Session	Multi Country Workshop on compliance with the legislation on Trans Frontier Shipment of Waste
1.2	Facilitators name	Ike van der Putte/ Nancy Isarin / Huib van Westen
1.3	Name and Surname of Participants (evaluators) optional	As per participants' list

Your Expectations

Please indicate to what extent specific expectations were met, or not met:

My Expectations	My expectations were met		
	Fully	Partially	Not at all
1. Filling gaps in knowledge (several IED, inspections, general and specific)	IIIIIIIIIIIIIIII (85%)	III (11%)	I (4%)
2. Practical experience of the new Member States and Candidate Countries	IIIIIIIIIIIIII (69%)	IIIIIIIIII (31%)	

Workshop and Presentation

Please rate the following statements in respect of this training module:

Aspect of Workshop	Excellent	Good	Average	Acceptable	Poor	Unacceptable
1 The workshop achieved the objectives set	IIIIIIIIIIIIIIII (81%)	IIIIII (19%)				
2 The quality of the workshop was of a high standard	IIIIIIIIIIIIII (69%)	IIIIIIIIII (31%)				
3 The content of the workshop was well suited to my level of understanding and experience	IIIIIIIIIIIIII (69%)	IIIIIIIIII (31%)				

4 The practical work was relevant and informative	IIII IIIII IIIII (58%)	IIII IIIII (38%)			I (4%)
5 The workshop was interactive	IIII IIIII IIIII III (69%)	IIII III (31%)			
6 Facilitators were well prepared and knowledgeable on the subject matter	IIII IIIII IIIII IIII (73%)	IIII II (27%)			
7 The duration of this workshop was neither too long nor too short	IIII IIIII IIIII I (62%)	III (11%)	IIII I (23%)	I (4%)	
8 The logistical arrangements (venue, refreshments, equipment) were satisfactory	IIII IIIII IIIII (54%)	IIII IIIII (34%)	II (8%)	I (4%)	
9 Attending this workshop was time well spent	IIII IIIII IIIII (58%)	IIII IIIII (38%)		I (4%)	

Comments and suggestions

I have the following comment and/or suggestions in addition to questions already answered:

Workshop Sessions:

- More involvement of the customs service with more representatives from the customs.
- Practical case from the host country was not presented
- More countries should take the opportunity to discuss their problems with TFS
- The Harbour visit as guided by the host country could not provide insight on how the host country is dealing with waste shipments (procedures, problems) as no practical exercise (inspection containers) was carried out.

Facilitators:

- Excellent

Workshop level and content:

- Excellent
- No additional comments.
- High level
- More time is to be dedicated for case analyses.

Suggested planning follow up courses

- March 2016 (Study visit and workshop Rotterdam/Antwerp Harbor)