
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 (1st Multi
Country Workshop)

Vukovar, Croatia, 2 – 3 July 2014

WORKSHOP REPORT

Activity 1.2.5

CAPACITY BUILDING ON COMPLIANCE WITH LEGISLATION ON TRANS FRONTIER SHIPMENT OF WASTE (1st Multi Country Workshop)

Vukovar, Croatia, 2 -3 July 2014



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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.

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.



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.

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" sometimes involve 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



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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.

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;



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- 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.

Chapter 2 describes the background and objectives of activity 1.2.5 with the 1st 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):

II. Objectives of the training

General objective

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



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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 presentations from the region by inspectors and customs. Group exercises were carried out and an introduction and preparation for the site visit.

Day 2; Site visit with an onsite inspection on TFS in cooperation with environmental inspectors, customs and border police. Evaluation of the outcomes of the site visit and onsite inspection. Continuation day 1 programme with indicators for selecting shipments for further attention and discussion and explanations on specific steps to be taken for inspection. Finalisation of exercises and case descriptions. Discussion on the follow up programme.

The agenda of the first 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 ;



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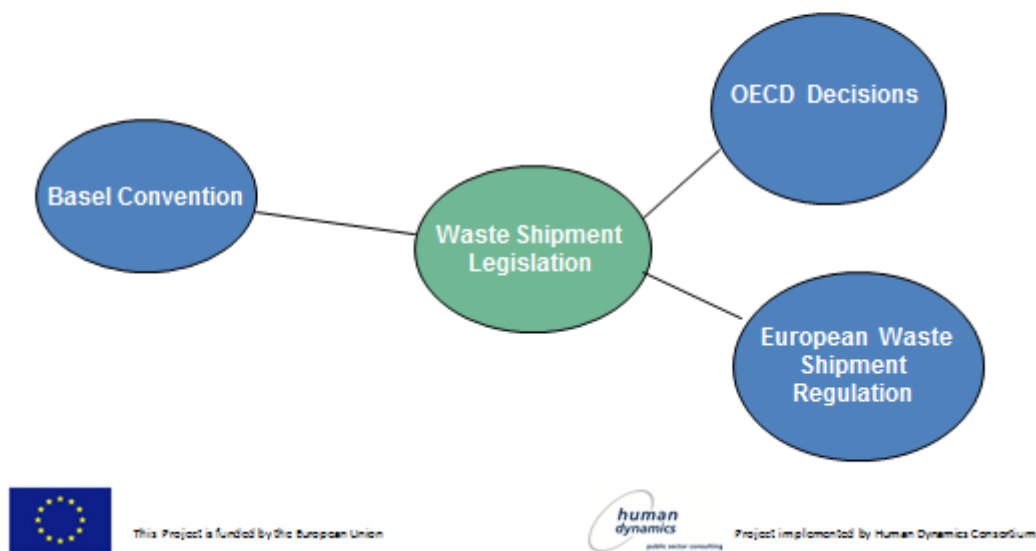
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- streamlined working methods and implementation of best practice in the region moving towards EU standards.

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



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.

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

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.

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.

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



Basel Convention (ref 3)⁴

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;

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



- 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.

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.

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



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

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

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



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 LAV, Vukovar, 2 July, 2014

1. The workshop was opened by Ms Vlasta Pašalić (Ministry of Environmental and Nature Protection, Croatia) and Mr. Ike van der Putte (ECRAN ECENA coordinator) with a short welcoming and introduction on ECRAN and the ECENA Programme. The information on ECRAN and ECENA has been given 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, police or customs officer in the TFS regulations and inspection. The results showed that most of participants were inspectors with experience especially in TFS inspection work. Some inspectors have experience with the various regulations. Customs representatives have some experience in the regulations and inspection. Other Customs representatives and the representatives from the Police have no knowledge and experience on TFS.

	TFS experience		
	<i>Regulation</i>	<i>Inspection</i>	<i>No experience</i>
Inspectors	4	15	
Police			2
Customs	2	3	3

Considering implementation of TFS legislation in various countries the following remarks were made:

Kosovo: National legislation is based on transposition of EU legislation. Implementation is not going smoothly as various organisations (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.

Macedonia: The country has ratified the Basel Convention. Reference is made to the various pieces of national legislation (Hazardous waste and Waste management Acts and Inspectorate and Surveillance Act).

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.

Montenegro: Implementation of the Waste Management Acts with amendments is in progress including 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.

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.

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.

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. Croatia offered to assist other countries in the region, with its developed documents and experience.

3. Ms. Nancy Isarin presented the outcome of the TNA that has been carried out and started with an introduction to International and European legislation on transboundary shipments of waste.

From the TNA questionnaire it was clear that the majority of participants had knowledge at a medium level, whereas some had advanced experience and some had only basic knowledge on TFS. Participants are mostly interested in:

- (Coordinated) border inspections
- How do deal with repatriations

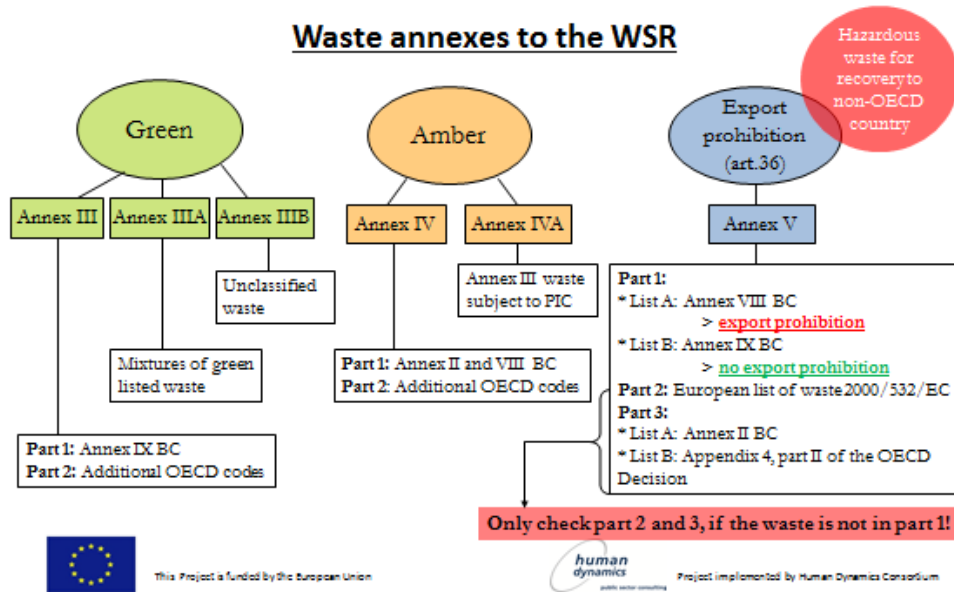
Detection of illegal shipments

- Classification
- TFS rules and documentation
- Inter-agency collaboration

After the outcomes of the TNA, Nancy Isarin introduced the existing legislation at international and EU level related to transboundary shipments of waste. She shortly introduced the Basel Convention and the OECD decision, and in more detail explained the procedures and annexes of the EU Waste Shipment Regulation.

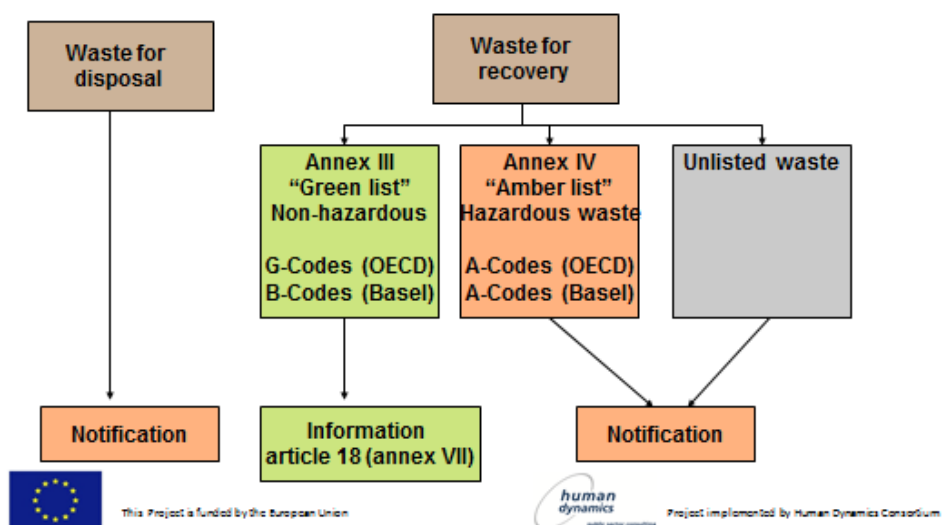
The Waste Annexes to the WSR with the Green and Amber list, and the Export Prohibition list were presented and discussed.





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



4. Ms Nancy Isarin and Mr. Huib van Westen provided a description of the definition of waste and the classification systems. It was explained that 'Waste' means any substance or object which the holder discards or intends or is required to discard

Possible indications (depending on the goods/waste streams)are :

- Intention of the holder
- Composition (contaminated)
- Origin/history
- Caloric value
- Functionality/test certificates
- Outdated/expired goods
- Packaging
- Law in place that forbids certain goods? (e.g. CFCs)

Based on a Question and Answer session (Q/A) examples were given in using abovementioned indications .

Following this Q/A session, an exercise was carried out illustrating the task of an environmental inspector in a transit country in defining waste and deciding on a visual inspection based on the information provided in the Annex VII document accompanying the shipment.

5. Ms. Florije Kqiku, presented a case study from Kosovo, regarding the illegal shipment of Waste (import of waste oils, originating from the Republic of Iran , which previously past through Turkey, Bulgaria and Macedonia arriving in Kosovo) (see Annex).

This presentation was followed by a training DVD produced by the Croatian authorities, giving explanations and instructions on road, harbor and train transport of waste and its inspection and control. The DVD was produced under an IPA 2009 twinning project with Austria on Strengthening the capacities for control of transboundary movement of waste.

6. Mr. Huib van Westen, dealt with the subject of enforcement of waste shipment rules covering elements including: Competences; Risk assessment; Collaboration an Inspection methods/ phases.

This presentation was followed by a presentation of Ms. NancyIsarin on take back procedures , which was also illustrated by a case of Mr. Domonik Kozary (Inspector, Croatian Customs Diectorate) who gave an example of a take procedure with illegal waste from Bosnia Herzegovina.

7. Mr. Huib van Westen and Ms. Nancy Isarin guided a simulation exercise with 6 subgroups concentrating on an example of waste shipment and covering the following questions (Part 1):

Based on these findings and the earlier received documents included the Annex VII document:

1)Is this material considered as waste? Please explain why or why not?



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- 2) If you consider this as waste please classify the waste in the WSR/Basel Convention and European Waste Catalogue
- 3) Is this shipment considered as hazardous or non hazardous waste? Please explain your considerations
- 4) 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?
- 5) Is this shipment considered as a legal or an illegal shipment? please explain your considerations and eventual next steps.



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

8. The first day of the training was finalized with a presentation of Mr. Huib van Westen of safety aspects in inspecting TFS and a preparation for the site visit on day 2. For the latter purpose a general assignment was given to the participants covering the following:

- Prepare 5 questions you would like to ask to the driver of the truck?
- List 5 indicators to select a shipment and/or to carry out a physical inspection
- Describe the steps of an inspection of a waste shipment during a road inspection



Figure 2. The Bajakovo Border Site with visual inspection of a waste transport

Day 2 – Bajakovo Cross Border Site and Hotel Lav, Vukovar, 3 July, 2014

1. The second day started with a site inspection at the Bajakovo Cross border site at the border of Croatia with Serbia. In opening the second day, M Mr. Domonik Kozary (Inspector, Croatian Customs Directorate) and the Head of the Customs Unit at the site gave an introduction on waste transports to be expected. At the site 400 employees, with police and customs are active during 24h. Most of the waste is transit, with some import into and export from Croatia.

The group of participants were divided into two groups, one of which was inspecting a truck with hazardous waste (waste classified as A4070, destined for D10 (incineration on land) in Austria, originating from Serbia), which was already being set apart. The other group checked the documents and inspected two loads of shipments of waste paper coming from Croatia, destined for recovery in Serbia.

2. After return to Hotel Lav in Vukovar, an evaluation was given of the site visit with discussion points on indicators for selecting the waste shipments and on the five questions asked for in the assignment.

Some issues came up as a result of the inspection :

- In the case of the transport of hazardous waste from Serbia to Austria, Croatia was notified in time (3 days) about the actual shipment.
- In the case of the transport of hazardous waste from Serbia to Austria approval was given by the Croatian Authorities for the transport as transit country. It was however not clear from the documents whether also the recipient country (Austria) has given its approval (further action to be taken).
- Concerning the registration of transporters carrying waste, it was clarified that transporters of waste in Croatia do not need (yet) a registration
- In Croatia inspectors need to cooperate with traffic police and customs as environmental inspectors do not have a mandate to stop trucks by themselves.
- The question was asked why the shipment of paper waste (green listed, non-hazardous waste) from Serbia to Croatia was accompanied by an Annex VII and a Movement document; the latter is only used in case of the notification. The Serbian authorities explained that even for green listed waste a movement document should accompany the waste transport in Serbia.



Further an exchange of experience was given on the procedures to be followed in case the documents were found not be in order and return procedures are to be started.

The theoretical indicators to select shipments were discussed considering the findings in practice (ref. ADR sign).

After the evaluation of the site visit, the simulation exercise with 6 subgroups was continued (part 2).

The presentations were finalised with a brief introduction by Ms. Nancy Isarin on the recent amendments of the WSR (published in June 2014): Regulation (EC) N° 660/2014 Amending the Waste Shipments Regulation.

Specific explanations were given on the new elements i.e. :

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

Closing remarks were made by Ms Vlasta Pašalić (Ministry of Environmental and Nature Protection, Croatia) and by Mr. Ike van der Putte announcing that the following activities might be organised in Albania (Durrës Harbour tbd) - May 2015_ and a study visit to Rotterdam/Antwerp Harbour (end 2015/beginning 2016).



Figure 3. Inspection of the Waste Shipment documents and the radiation control unit

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 the expectations of the workshop were met.

All trainees indicated that their expectations for the workshop were met. 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. The subject of risk management was mentioned. The site visit was very well appreciated.



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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	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ ■■■■ (88%)	■■■ (12%)				
2 The quality of the workshop was of a high standard	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ (76%)	■■■■ ■■ (21%)				
3 The content of the workshop was well suited to my level of understanding and experience	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ ■ (79%)	■■■■ ■ (18%)	■ (3%)			
4 The practical work was relevant and informative	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ ■■■■ (91%)	■■ (6%)				
5 The workshop was interactive	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ ■■■ (85%)	■■■ (12%)				
6 Facilitators were well prepared and knowledgeable on the subject matter	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ ■■■ (85%)	■■■ (12%)	■ (3%)			
7 The duration of this workshop was neither too long nor too short	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ ■ (79%)	■■■■ ■ (18%)		■ (3%)		
8 The logistical arrangements (venue, refreshments, equipment) were satisfactory	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ ■■ (82%)	■■■■ ■ (18%)				
9 Attending this workshop was time well spent	■■■■ ■■■■ ■■■■ ■■■■ ■■■■ ■■■ (88%)	■■■ (12%)				

Comments and suggestions

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



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Workshop Sessions:

- In my the opinion training module was too short for the topic like TFS. One more day will be enough.
 - Very good.
 - Ok.
 - More active role during workshop by facilitators.
 - Very good.
 - More practical examples. Case study.
 - Update presentations and training materials. Regarding logistics (travel and accomodation) I was contacted only five days before.
-

Facilitators:

- Very well prepared.
 - More prepared for the workshop (WSR 1013)
 - Great.
-

Workshop level and content:

- No additional comments.
 - Appropriate. One day more would be better.
-

Suggested planning follow up courses

- May 2015 (Durrës Harbour Albania)
- End 2015/beginning 2016 (Study visit and workshop Rotterdam/Antwerp Harbor)



ANNEX I – Agenda

ECRAN Multi Country Workshop on compliance with the legislation on Trans Frontier Shipment of Waste

ECRAN - 56841

**Financed by the TAIEX Instrument
in the Framework of the implementation of the
Environment and Climate Regional Accession Network**

Venue : Hotel Lav****

J.J. StrassMayera 17, Vukovar - Croatia

2-3 July 2014

For more information on TAIEX assistance and to download presentations of
this event, please go to : <http://ec.europa.eu/enlargement/taieix>.



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Aim of the meeting :

Background

In 1994 the Council Regulation 259/93 on the supervision and control of shipments of waste within, into and out of the European Community, came into force. One of the main purposes of the European waste regulation is to prevent the shipment of environmentally harmful waste to countries that do not have the provisions to cope with these wastes. Another purpose is to take care of the environmentally sound processing of the waste. The regulation has been replaced by the Waste Shipment Regulation 1013/2006 in 2007. 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, organisations have to cooperate over their national borders as transboundary movements of wastes exceed these borders.

Objectives of the Workshop:

Wider Objective: increasing the effectiveness of inspection bodies and promoting compliance with environmental requirements

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

Expected Results of the training

The following results are expected for this activity scheme

- Improved knowledge based on WSR and 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 Trans Frontier Shipment (TFS) with its compliance and enforcement aspects.

General preparations to keep in mind for this workshop

- Transport from the venue to the road inspection spot
- Briefing space
- Safety measure (jackets, helmets, gloves, etc)
- Sub group leaders to guide the participants through the exercise
- Equipment (Photo camera, container chain, etc)
- Lunch/ coffee/tea/water on site available
- Washrooms



Participation from relevant authorities: Environmental Inspectorate, Customs, Border Control; Police, Traffic Inspectorate, etc.

Beneficiaries:

**Croatia, Serbia, Albania, former Yugoslav Republic of
Macedonia, Bosnia and Herzegovina, Kosovo*, Montenegro,
Turkey**



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DAY 1: Wednesday 2 July 2014

Chair: Ike van der Putte

Start	Finish	Topic	Speaker	Sub topic/Content
08:30	09:00	Registration and welcome coffee		
09:00	09:15	Opening	Host country /Mr. Ike van der Putte, ECRAN KE 2	Welcome remarks Explanation of background, objectives and expected results of the workshop
09:15	09:30	Introduction round	Mr. Ike van der Putte, ECRAN KE 2	Introduction of the participants and experts
09:30	09:45	Outcomes of needs assessment	Ms. Nancy Isarin, ECRAN SSTE	Presentation on the outcomes of the needs assessment carried out among the participants: job, experiences and expectations of the workshop.
09:45	10:15	Introduction to international and European legislation on transboundary shipments of waste	Ms. Nancy Isarin, ECRAN SSTE	This session will give a general overview of existing rules concerning the transboundary movements of waste. It will include the Basel Convention, the European Waste Shipment Regulation and the OECD Decision on the transboundary movements of non-hazardous waste. Method: PPP and Q&A Materials: tbd



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Start	Finish	Topic	Speaker	Sub topic/Content
10:15	10:45	Waste classification	Ms. Nancy Isarin, ECRAN SSTE Mr. Huib van Westen, IMPEL Expert, the Netherlands.	<p>This session will explain the different ways of identifying and classifying waste streams. It will explain the difference and grey line between waste and non-waste, but also between non-hazardous waste and hazardous waste.</p> <p>Administrative examination as well as visual screening and sampling will be presented.</p> <p>Method : PPP and Group discussion</p> <p>Materials referred to include :</p> <ul style="list-style-type: none"> - IMPEL's Waste WatchPhoto material
10:45	11:00	<i>Coffee Break</i>		
11:00	11:30	Casus	Ms. Nancy Isarin, ECRAN SSTE Mr. Huib van Westen, IMPEL Expert, the Netherlands.	<p>The participants are invited to use the knowledge gained from the previous sessions to work out a case study related legislation and waste classification.</p> <p>Method: Exercise</p>



Start	Finish	Topic	Speaker	Sub topic/Content
11:30	12:30	Enforcement of waste shipment rules	Mr. Huib van Westen, IMPEL Expert, Netherlands	<p>The session will touch upon the basic requirements to enforce transboundary shipments of waste, such as:</p> <ul style="list-style-type: none"> - Required competences - Risk assessment - Safety issues - Types of inspections (focus on road inspections) - Collaboration <p>Method : PPP and Q&A</p> <p>Materials provided:</p> <ul style="list-style-type: none"> - IMPEL Manual
12:30	13:30	Lunch break		
13:30	14:00	Case study from the region	One of the ECRAN participants	<p>During this session one of the ECRAN members should present a case on illegal shipments of waste they encountered in their country and how they dealt with the case.</p> <p>Method: PPP and Q&A</p>
14:00	14:40	Training DVD	Ms. Nancy Isarin (ECRAN SSTE)	<p>Both the IMPEL TFS cluster and the Croatian authorities have developed a TFS training DVD with various modules. Two modules will be shown to the group.</p> <p>Method : PPP</p> <p>Materials: DVD or via Internet</p>



Start	Finish	Topic	Speaker	Sub topic/Content
14:40	15:10	Dealing with illegal shipments and their return	Ms. Nancy Isarin (ECRAN SSTE)	<p>The session will provide know how on to deal with an intercepted shipment of waste that is deemed illegal.</p> <p>It will show how to deal with the return of the shipment back to the country of export.</p> <p>Also it will show what can be done in terms of prosecution.</p> <p>Method : PPP, Q&A</p> <p>Materials provided :</p> <ul style="list-style-type: none"> - IMPEL take back manual - INECE take back guidance document - Cases
15:10	15:30	Presentation by Customs or Police on the TFS case	Representative of Customs or Police	<p>During this session a representative of Customs or Police of one of the ECRAN members should present a case on illegal shipments of waste they encountered in their country and how they dealt with the case. Focus also on inter-agency collaboration.</p> <p>Method: PPP and Q&A</p>
15:30	15:40	Tea Break		



Start	Finish	Topic	Speaker	Sub topic/Content
15:40	16:40	Exercise 1	Ms. Nancy Isarin and Mr. Huib van Westen	<p>For this session the participants are asked to discuss a simulation exercise based on actual cases and that will include most of the aspects that were presented during the day.</p> <p>Method : simulation exercise in subgroups and plenary feedback, group discussion</p> <p>Materials provided :</p> <ul style="list-style-type: none"> - Simulation exercise
16:40	17:15	Open discussion / Road inspections in detail	Ms. Nancy Isarin and Mr. Huib van Westen	<p>One lesson learned from previous trainings, is the fact that is never enough time for in-depth discussion. This session is proposed to offer the opportunity for detailed questions and discussions. Alternatives are a more detailed explanation of the IMPEL TFS Manual on Road Inspections.</p>
17:15	17:30	Introduction site visit: cross border – road transport – at Bajakovo and closing day 1	Ms Vlasta Pašalić (Ministry of Environmental and Nature Protection, Croatia) Mr. Ike van der Putte, ECRAN	<p>Materials referred to include :</p> <ul style="list-style-type: none"> - Croatian Waste Catalogue and Information Toolkit



DAY 2: Thursday 3 July 2014

Road inspection at Bajakovo cross border site (Croatia-Serbia)

Venue: Vukovar, Croatia

Start	Finish	Topic	Speaker	Sub topic/Content
08:00	09:00	Transport from the hotel to the traffic inspection		
09:00	09:30	Word of welcome and briefing	Host authority	Short explanation about the traffic inspection set up from the point of view of the Croatian environmental inspectorate, customs and police
09:30	12:00	Site visit/practical exercise	All participants	
12:00	13:00	Transport back to the venue		
13:00	14:00	Lunch Time		
14:00	15:00	Evaluating the exercise	Ms. Nancy Isarin and IMPEL expert.	Group discussion based on statements/questions.
15:00	16:00	Simulation exercise 2	Led by Huib van Westen	Method : simulation exercise in subgroups and plenary feedback, group discussion Materials provided : Simulation exercise
16:00	16:30	Feedback	Led by Huib van Westen	Group discussion
16:30	17:00	Evaluation and closure	Mr. Ike van der Putte	Filling in evaluation form. Closing remarks.

This meeting is being organised with the support of the

Technical Assistance Information Exchange Instrument of the European Commission



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ANNEX III – Presentations (under separate cover)

Presentations can be downloaded from

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



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