

ECRAN
study visit

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Enforcement of waste shipment legislation in Flanders

Contents

Who is the Flemish environmental inspectore division EID?

How does the EID enforce waste legislation in Flanders,
especially the WSR?

How does the EID cooperate with other authorities in
Belgium and abroad on WSR enforcement?

Environmental Inspectorate Division

COMPETENT AUTHORITY FOR THE ENFORCEMENT OF THE WASTE
SHIPMENT REGULATION 1013/2006 IN FLANDERS



Environmental Inspectorate Division (EID)


Part of the Environment, Nature and Energy Department

Area: Flanders (Belgium)

Organisation:

- Headquarters: Brussels
- 5 provincial services
- 1 service for inspection of severe risk companies (SEVESO)

Enforcement competencies:

- Environmental hygiene legislation (excl. earth moving, ...)
 - Only Flemish authority that is competent for all waste related legislation
- 

EID: Organisation according to themes

Vertical organisation: 5 provincial services + SEVESO

Horizontal organisation in working groups:

- cross cutting themes: water, groundwater, air, waste (pollution at the level of individual companies), energy, ozon depleting substances, environmental nuisances (odour, light, noise) → 'general profile' officers
- waste chain enforcement
 - 1 officer per provincial service for general waste shipment enforcement
 - 4 officers for WSR-enforcement in the ports of Antwerp and Zeebrugge
- REACH

EID: Enforcement powers

All enforcement officers (ca. 120) have the right to:

- Enter facilities at any time
- Look at any (business) documents, and take copies
- Take samples, investigate items, open packages, ...
- Demand the use of technical means
- Stop transports and deviate them to a location of choice, without costs
- Be supported by technical experts
- Use audiovisual means
- Demand all types of assistance
- Demand police assistance

Waste shipments in Flanders

Treatment facilities for hazardous waste from all over the world, e.g.:

- Indaver: incineration of hazardous waste, incl. Hg-contaminated waste
- Sita Decontamination: polychlorinated biphenyls

High standards for collection and sorting of municipal wastes, resulting in recyclable waste streams with low pollution levels

Transit for many waste transports from all over Europe, leaving the EU via Flanders

Antwerp: main European port for export of (W)EEE and second hand vehicles

Waste legislation in Flanders

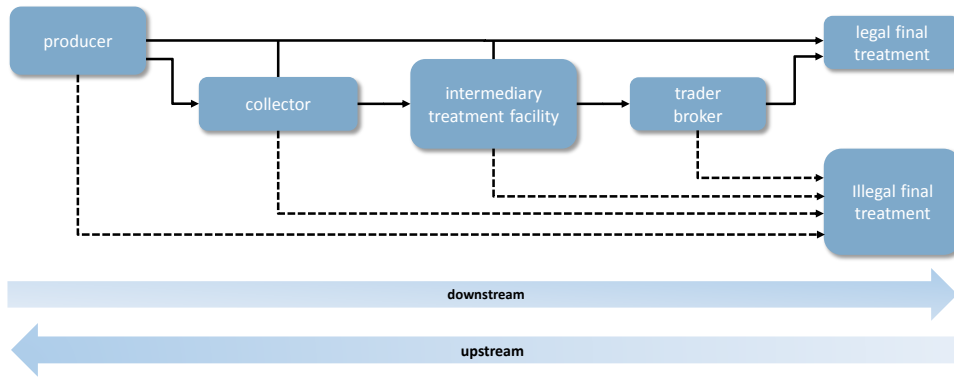
Two approaches (different legislation, different authorities):

- Pollution at company level:
 - Environmental licensing
 - e.g. how to manage a landfill site?
 - Competent authority: LNE/AMV
- Waste and material chain management:
 - Notifications, waste shipment and collections, circular economy, ...
 - e.g. administration of legal instrument to distribute waste streams between incineration and landfilling
 - Competent authority: OVAM

Competent enforcement authority for both approaches: EID

Waste chain enforcement

Goal: to ensure that waste moves from one point (producer) to another (treatment facility) using the legal path that is prescribed by legislation



EID Waste Chain Enforcement

ENFORCEMENT OF SHIPMENTS AND TRANSACTIONS OF WASTE AND RELATED MATERIALS

EID: Waste shipment enforcement

Waste transport inspections

- Port inspections
- Road inspections


Inspection projects focussing on specific waste streams

- Tracing PCB-containing transformers
- Tracing chemical waste in fuel for ships
- ...

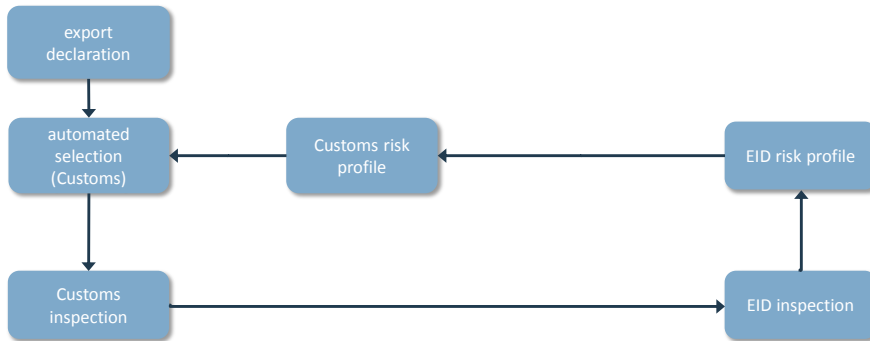
General waste chain inspections



Port inspections: Basic procedure

1. Selection, based on:
 - Automated selection system (customs)
 - Container vessel booking lists
 - Visual selection on seaport terminals
 - Tips from other authorities
 2. Inspection:
 - Documentary or visual inspection
 - In a secured zone of a port terminal
 - At an inland (waste treatment) facility
 3. Administration of illegal cases:
 - Contacting other authorities
 - Legal file
 - Registration in database → reporting and analysis
- 

Automated selection of export units (simplified presentation)



Visual inspections (900 shipments/year)

In a secured zone of a container terminal

- 5 – 10 containers are set aside for inspections
- Safety measures!
- Mainly for recyclable waste types: paper, plastics, rubber, metals, ...

At an inland facility

- Complete/partial unloading of WEEE
- Full containers of metal scrap
- Complete unloading of containers that showed irregularities during first inspection at a port terminal

→ EID has the right to oblige the holder to bring a shipment to a location of our choice, without costs



Visual inspection: Safety measures

Container atmosphere measurement

MX6 Ibrid with 5 sensors:

- O₂
- CO
- Lower Explosion Level (LEL)
- Volatile Organic Compounds
- Phosphine (PH₃)

Draeger Tubes

- Petrol carbohydrates
- Methylbromide
- (sulfurylfluoride)



Further investigations

Contacting other competent authorities:

- To check points of view (especially transit cases)
- To initiate return shipments

Inspection of involved companies:

- Producer, collector, ...: licences, waste registers, financial files, ...
- Feedback to Customs (and Police)

Legal file:

- Export/import: EID produces legal file
- Transit: EID or enforcement authority in country of origin

Customs declarations analysis

Belgium: ca. 80.000 export declarations/year for taric codes referring to:

- 'waste' or 'residues'
- Electronic devices (transformers, cooling equipment, televisions, computers, ...)

Analysis of declarations of the previous years:

- 80.000 declarations → 20.000 'waste records'
- Information on waste streams (volumes, destinations, actors involved, ...)
- Identification of illegal exports (on paper)
- Inspection of suspicious exporters
- Feedback to Customs

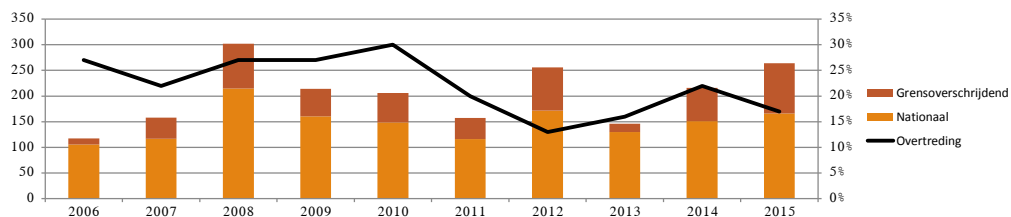
Road inspections (25 inspections/year)

Assistance:

- Local or federal police
- Focus on waste shipments (vs. multidisciplinary checks)

Set-up:

- Road block
- Mobile: using police cars/motors bringing trucks to a fixed place for documentary/visual inspections



Waste chain inspections

General waste chain inspections:

- Capacity to handle unforeseen problems
- As an incubator for investigating new waste crime phenomenons at a small scale

Targeting specific waste streams, e.g.:

- PCB's
- Biogas installations
- Sorting fines
- Bunker fuels

→ Not limited to transboundary shipments!

General waste chain inspections

Inspection of waste treatment companies, waste producers, collectors, traders, brokers, ...

Upstream and downstream of the waste chain

To cope with ad hoc cases, sudden new developments, ...

Inspections in the framework of return shipments

Motive: based on other observations:

- Following other inspections (e.g. road inspections)
- Tips from other authorities

Polychlorinated biphenyls

Problem: PCB emissions at metal shredder installations

Possible modus operandi:

- (illegal) collection of used transformers (container PCBs or not)
- Drained oil → to oil recycling/burning facility
- Metal exterior+interior (possibly containing PCBs) → to scrap dealer

Inspections:

- Register of refused transports at waste oil collection facilities → trace back the suppliers of contaminated oil
- Companies collecting, repairing or replacing transformers



Biogas installations

Multidisciplinary emission inspections:

- Emission control (noise, odor, ...)
- Safety measures
- General management

Waste inspections:

- Quality of input and output (sampling & analysis)
- Register inspections: checking the sources of input materials
- Important: consultation with other competent authorities (NL, DE, FR, ...)

Green energy:

- Sources of input materials (< 50% from bio-industry)
- Transport distances



Sorting/sifting fines

Fines from:

- Sorting, breaking and sifting rubble from building and demolition activities
- Sorting and sifting of mixed waste (contamination with organics up to 40%!)

Possible *modus operandi*:

- Mixing contaminated fines with other fines and sands for building purposes (e.g. concrete)
- Adding contaminated fines to rubble breaker
- Dumping

Inspections:

- At sorting/breaking facilities
- At soiling cleaning facilities and concrete producers
- Important: consultation with authorities in other regions where the fines are exported to



Bunker fuels

Modus operandi: mixing very heavy petroleum fuels with lighter components from (petro)chemical industries

Inspections:

- Sampling in tank terminals and on bunker vessels
- Analysis on product standards such as ISO8217
- Upstream verification of input materials: has any waste been blended into the fuel?

Consultations with authorities in other members states:

- Check sources of the input materials (DE, NL, UK)
- Streamlining inspection approaches (NL)



Collaboration On WSR Enforcement

EID COOPERATES AT LOCAL, REGIONAL, NATIONAL AND INTERNATIONAL LEVEL

Application of the WSR in the federal state of belgium

Import/export	Flemish territory	Walloon territory	Brussels Capital territory
Competent authority (WSR art. 53)	OVAM	OWD	BIM/IBGE
Competent enforcement authority	EID	DPC	BIM/IBGE

Shipment from Walloon region to China, stopped in Antwerp (Flemish region):

- Competent enforcement authority = EID
- Competent authority who decides on interpretation of legislation (e.g. waste / non waste) = OWD

WSR: TRANSIT competencies

Transit = shipment of waste through the Belgian territory

Untill 30.06.2014: Belgian (federal) competency

6th State Reform (2011 - ...):

- Since 01.07.2014: all three regions are competent for transit
- Since 01.01.2015: execution of transit competency powers is delegated to the Interregional Packaging Commission (**IVCIE**), essentially the processing of notifications
- Enforcement competencies:
 - The authority in the region where a shipment is physically stopped
 - The authority of the region where the shipment is supposed to enter Belgium

WSR: Collaboration

International:

- IMPEL/TFS
- North Sea Cooperation
- Bilateral

National: WSR cooperation agreement

Regional:

- EID – OVAM – police
- EID – OVAM
- EID – Febem

Local:

- Port collaboration (AAP)
- EID – Port Captain
- Collaboration between prosecutor's office, police and EID at provincial level

WSR: Cooperation agreement

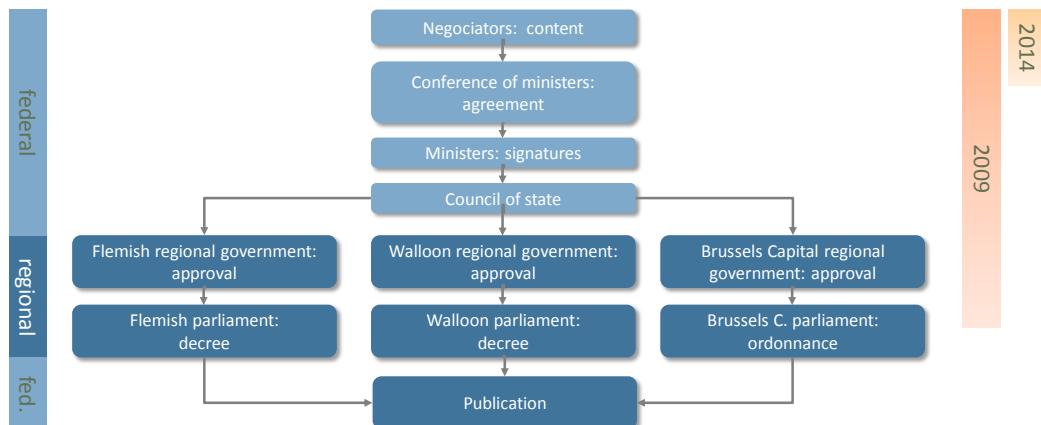
First version: 1994

New version: 2011

Between:

- Competent (policy) authorities
- Competent regional enforcement authorities
- Police
- Customs
- Ministry of Justice
- Public Prosecutor's Department

Cooperation agreement: negotiations



Cooperation agreement: Contents on policy

Establishment of a single transit authority (for notifications):

- Interregional Packaging Commission
- Annex with exhaustive list of tasks
- Funding arrangements

Preparation of Belgian positions on the implementation of the WSR and the Basel Convention

Exchange of data on notifications:

- Making these data available to enforcers
- Information exchange on illegal shipments between notification authorities and enforcers

Cooperation agreement: Enforcement

Police: finding illegal shipments is part of their general task

Customs: to increase the chance of finding illegal shipments

Mutual training and technical and physical assistance

Cooperation in developing **procedures** and brochures


Intention to make **joint arrangement with third parties**

Information exchange:

- agreement to exchange all necessary information, including data for reporting and for risk analysis
- Intention to aim for one unique system for collecting and analysing strategical data

Cooperation agreement: Coordination group

Compulsory tasks:


- WSR art. 50: co-ordinating inspection plans, co-operation on the risk analysis, and evaluation of the collaboration
 - Co-ordinating electronic data exchange
 - Discussing interpretation of relevant regulations
 - Co-ordinating reports to the EU Commission
 - Informing each other on the collaboration with third parties
 - Formulating guidelines to the unique transit authority
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Cooperation agreement: Coordination group

Right to take initiative:

- Formulating proposals for collaboration in the field
- Co-ordinating procedures for inspection, investigation and prosecution
- Making an indicative list of WSR infractions and developing a common way of tackling them
- Information exchange

Operation:

- No legal basis yet (cooperation agreement has to be published first)
 - 4 meetings/year on an informal basis
 - Domestic rules
- 

AAP: port inspections

Area: port of Antwerp (but similar initiative in Zeebrugge)

Members:

- Public prosecutor
- Customs
- Maritime police & judiciary police
- Regional competent authorities: OVAM and EID
- Port Captain's Service

Objectives and products:

- Yearly action plan on inspections, investigations and prosecutions
- Script with tasks and contact details

EID: Regional collaboration

With OVAM:

- 2x/year
- Interpretation of waste related legislation
- Consultation on inspection targets

With OVAM and police:

- 1x/year
- Exchange of inspection results: analysis and ECO-reports

With Febem:

- 2x/year
- Discussing the waste treatment sector's point of views

Information exchange on WSR art. 22 and 24

Difference is not always clear:

- Art. 22: notified shipments that cannot be treated as foreseen → case to be dealt with by competent authority (OVAM)
- Art. 24: illegal shipments → case to be dealt with by enforcement authority (EID)

→ Arrangement between OVAM and EID

Notifier informs EID using a unique e-mail adress:

- Quick investigation by EID: if it truly is an 'art. 22-case', the information is passed to OVAM to deal with the return shipment or another solution
- If EID considers the case as illegal: EID deals with the case
- Repetition of the same technical problem in the same notification: OVAM always deals with the return shipments, but EID will investigate whether the companies involved need to adjust their working procedures

EID: IMPEL/TFS projects

Current projects:

- Enforcement Actions: reporting + collaboration on return shipments manual
- Waste Shipment and Planning Project
- Waste Conference
- NCP Best Practices

Past:

- Doing The Right Things for Waste Shipments
- End-of-Life Vehicles
- Seaport I-II
- ...


‘North Sea’ collaboration

Arrangement for co-operation between WSR enforcement services of:

- UK: England, Wales, Scotland, Northern Ireland
- Ireland
- The Netherlands
- Flanders

Signed: between aug’15 and jan’16

Objectives:

- Non-binding framework for collaboration
 - Exchange of information and inspectors
 - Joint inspections
 - Collaboration in international fora
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QUESTIONS?
