

EXAMPLE OF TEMPLATE TO ORGANISE INTER-AGENCY COLLABORATION

FRAMEWORK AGREEMENT BETWEEN [AUTHORITY X] AND [AUTHORITY Y] DATED [DATE]

COLLABORATION RELATING TO LEGISLATION ON WASTE MOVEMENTS

1 Regulations and task

- a Legislation** [List relevant legislation]
- b Objective of legislation** The objective of [regulation x, y, and z] is to control transboundary movements of waste by the application of various procedures in accordance with the type of waste and its destination, including the question of whether it is to be disposed of or recovered.
- c Task** The [[Customs Authorities]] supervise the import and export of waste into, through and out of the country. Inspections are carried out to see whether waste is involved and, if so, whether the provisions of [regulation x, y, and z] have been met.
- In the first instance, inspections focus on the documents accompanying the goods and, if necessary they can be followed up by an actual inspection of the goods.
- In the event of violations, the [Customs Authorities] draw up an official report. The [EPA or MoE] takes action under administrative law.
- d Powers** The Decision on assignment of supervisory officials, regulations of the [EPA or MoE] stipulates that Customs officials, amongst others, are responsible for supervision of compliance with [Regulation xxx] in so far as supervision can be exercised in conjunction with the activities Customs officials are legally authorized to carry out.
- In exercising their duties, Customs officials make use of the powers included in xxxx (Customs Law).
- Customs officials' investigative powers are derived from article xxx (Offences Act).

2 Implementation

a Methods of enforcement

SPECIFIC INSPECTIONS

On the basis of declarations for import, transit or export, inspections are made to see whether waste is involved and, if so, whether the provisions of [Regulation xxx] have been met.

The inspections are carried out on the basis of risk signals which are jointly determined by the [EPA or MoE] and the [[Customs Authorities]] and laid down annually in the enforcement plan. If there is reason to do so, extra risks can be covered between times.

Integrated inspections

If waste is found during inspections carried out for other reasons and/or other customs regulations, compliance with [Regulation xxx] is always checked. If necessary, the goods themselves are inspected.

Monitoring actions

The [[Customs Authorities]] participate in road transport monitoring actions on request. Requests are addressed to the Customs Information Centre.

Implementation

In the first instance, inspections focus on the documents accompanying the goods and these can, if necessary, be followed up by an actual inspection of the goods.

If inspection of the documents or the goods indicates that there is reason to do so, the customs official handling the case calls in the information service relating to [Regulation xxx]. The information service is the only body authorized to apply to the [EPA or MoE] for information and advice (including outside office hours). The information service can also request on-the-spot support during office hours.

The procedures for the enforcement methods are laid down by the [[Customs Authorities]] in customs regulations.

b Handling non-compliance

When supervising and dealing with violations, the [Customs Authorities] work in accordance with the procedures of the [EPA or MoE]. Every violation observed is immediately reported to the [EPA or MoE].

If the [Customs Authorities] handle a violation independently, they draw up the official report themselves. Copies of the official report are sent to the Inspectorate for Housing, Spatial Planning and the Environment's National Reporting and Information Point. If the official report is extensive, the core data suffice.

If necessary, the [Customs Authorities]' information service official can request advice and support from the [EPA or MoE].

Complex cases are, in principle, handed over after consultation with the [EPA or MoE] employee of the region concerned. In such cases, the information gathered and, where appropriate, an official report of the findings are provided. After a case has been transferred, the [EPA or MoE] employee informs the Customs official handling the case how it has been handled and of the final results.

c Customs laboratory

If the [Customs Authorities] decide to take samples, the [EPA or MoE] is contacted regarding the necessity of sampling and how this is to be carried out, in advance.

If sampling is necessary for a case which is being handled independently by the [Customs Authorities], the analysis is carried out by the Customs laboratory.

If a case is being handled in collaboration with the [EPA or MoE], sampling is carried out by or in collaboration with this organization. The [EPA or MoE] determines the best laboratory for testing the sample. If the [EPA or MoE] decides to have the sample tested by the Customs Laboratory, the [Customs Authorities] handle the actual instruction. In all other cases the [EPA or MoE] handles the instruction.

Projects and actions requiring sampling and laboratory testing will, as far as possible, be carried out by the Customs laboratory.

- d Enforcement plan** The [Customs Authorities] draw up an annual enforcement plan in collaboration with the [EPA or MoE]. The plan is officially established within the [Customs Authorities] by the national meeting of risk managers. The risks and the way in which they are covered within the [Customs Authorities]' processes are described in the enforcement plan on the basis of the enforcement priorities indicated by the [EPA or MoE].
- The [Customs Authorities] look for and analyse risks for the purpose of this plan. This also takes place in collaboration with the [EPA or MoE]. Both parties provide data to this end.
- e Priorities** The enforcement priorities are laid down annually by the [EPA or MoE] and form the point of departure for the Custom Authorities' enforcement plan. Violations and other signals are reported to the [EPA or MoE] so that, if necessary, the priorities can be adjusted.
- In the implementation of the priority enforcement tasks, [EPA or MoE] supports the [Customs Authorities] in bringing criminal proceedings for violations (or suspected violations) and takes responsibility for proceedings under administrative law. Regardless of the prioritization, the [EPA or MoE] is responsible for the necessary actions under administrative law if, after illegal trafficking has been observed, the waste is not voluntarily returned to the country of export in question.
- f Annual plan - objective** Collaboration during the previous year is evaluated annually, in consultation, and the objective for the following year is discussed. This takes place by [date] at the latest. The evaluation of the enforcement in the previous year and the [EPA or MoE]'s enforcement priorities are taken into account here. This objective is subsequently included in the decision-making process for all the [Customs Authorities]' objectives. The [Customs Authorities] give feedback on the result to the [EPA or MoE].
- The objective and the information to be provided on the results of the objective are then jointly laid down in the Custom Authorities' enforcement plan.
- g Reports** The [Customs Authorities] are responsible for evaluating the enforcement laid down in the enforcement plan and for the annual report of enforcement results for the [EPA or MoE].
- Criteria for the evaluation are laid down in the enforcement plan in consultation. The objective of the evaluation is, in particular, to examine whether the risks have been adequately covered. The questions are, inter alia, whether the required inspections were carried out and whether they were effective.
- The annual report concerning enforcement by the [Customs Authorities] in the previous year is sent to the [EPA or MoE] by [date] at the latest. In any event this includes the number of inspections for each object, violations observed, official reports drawn up and a description of trends and particulars.

3 Exchange of Information and Training

- a Exchange of information** The [Customs Authorities]
- report violations observed to the [EPA or MoE];
 - send copies of official reports to the [EPA or MoE];
 - send a report of their environmental enforcement activities during the previous year to the [EPA or MoE] annually before [date] every year;

[EPA or MoE] can also request other information from the [Customs Authorities] on an ad hoc basis.

[EPA or MoE]:

- informs the [Customs Authorities] of the required prioritisation for enforcement in the following calendar year in [date], if possible;
- informs the [Customs Authorities] how the reported violation has been handled and of the final results;
- informs the [Customs Authorities] of changes in legal stipulations, additional regulations, new policy standpoints and case law in good time;
- informs the [Customs Authorities] of any changes in the enforcement policy.

Information on specific waste streams required by the [EPA or MoE] in the framework of projects etc. can be obtained from the Customs Information Centre. Parties will make further agreements on the sort of information to be exchanged and how and to what extent this can take place.

b Training

The [Customs Authorities] deploy specialists, to ensure good enforcement. The specialists are trained and receive periodic refresher courses under the responsibility of the Tax Authorities/Centre for knowledge and communication, with the aid of experts from the [EPA or MoE].

c Helpdesk function

The information service officials fulfil the primary helpdesk function for their colleagues within the [Customs Authorities].

The helpdesk function regarding the rules and the application of [Regulation xxx] is fulfilled by the [EPA or MoE]. Any questions the [Customs Authorities] may have are submitted via the information service official.

4 Consultation

a Consultation

Consultation takes place at least once a year between the [EPA or MoE] and the [Customs Authorities] on the enforcement and functioning of the collaboration in accordance with this appendix and the enforcement plan.

b Contacts

On behalf of the [EPA or MoE].

On behalf of the [Customs Authorities]: The Customs Information Centre, covenant management and risk control non-fiscal tasks of the [Customs Authorities].

[Organization]

[Organization]

[Title]

[Title]

[Signature]

[Signature]

