

Waste shipments inspection planning

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on compliance with the legislation on Trans Frontier Shipment of Waste**

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Article 50: enforcement

- Article 50.2:
- **Member States shall**, by way of measures for the enforcement of this Regulation, **provide**, inter alia, **for inspections of** establishments, undertakings, brokers and dealers in accordance with Article 34 of Directive 2008/98/EC, and for inspections of **shipments of waste** and of the related recovery or disposal.



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What is an inspection acc. to WSR?

- Article 35a:
- “inspection” means **actions** undertaken **by the authorities** involved **to ascertain whether** an establishment, an undertaking, a broker, a dealer, **a shipment of waste** or the related recovery or disposal **complies with the** relevant **requirements** set out in this Regulation.



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Key Elements of the regulation 660/2014

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



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Establishment of Inspection Plans

- MS shall establish IP's by 1/1/2017
- IP's shall be based on a risk assessment
 - covering specific waste streams and source of illegal shipments
 - considering intelligence-based data, if available and appropriate
 - aiming to identify minimum number of required inspections and physical checks
- IP's shall be reviewed at least every 3 years



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An inspection plan shall include:

- objectives and priorities
- geographical area covered
- information on inspections and physical checks
- tasks assigned to each authority involved
- arrangements for cooperation between authorities involved
- information on the training of inspectors
- information on the human, financial and other resources for the implementation of the IP



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Waste shipment Inspections

- Inspections of shipments may take place:
 - point of origin (with producer, holder, notifier)
 - point of destination (with consignee or facility)
 - frontiers of the Union
 - during the shipment within the Union
- Inspections shall include:
 - administrative checking (verification of documents, confirmation of identity), and
 - physical checking of the waste (if appropriate)



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The authorities involved in inspections may require:

- Documentary evidence in order to ascertain that a substance, or object being carried is not waste :
 - on origin and destination of the object
 - evidence of functionality, where appropriate
- The protection against damage (e.g. adequate packaging and appropriate stacking) during transportation, loading and unloading



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The authorities involved in inspections may conclude:

- That the object concerned is waste, if:
 - the required documentary evidence is not submitted within a given period of time, or
 - they consider the evidence is insufficient for a conclusion, or
 - they consider the protection against damage is insufficient
- ... and following, the shipment is to be considered an illegal shipment of waste



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The authorities involved in inspections may require:

- The notifier, the person who arranges the shipment, the holder, the carrier, the consignee, and the facility that receives the waste relevant **documentary evidence that the waste complies with the Regulation**
- The person who arranges the shipment pursuant to *article 18* to submit **relevant documents** from the facility receiving the waste, and in necessary, approved by the competent authority of destination

In case the required documentary evidence is not submitted within a given period of time, or they consider the evidence is insufficient for a conclusion, the shipment is to be considered an illegal shipment of waste



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Cooperation of Member States

■ Member States shall:

- a) cooperate bilaterally and multilaterally
- b) exchange relevant information on:
 - shipments of waste
 - flows of waste
 - operators and facilities
- c) share experiences and knowledge on enforcement measures (incl. the risk assessment of IP):
 - (b) and (c) to take place within established structures (e.g. correspondents' network)



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Access to information

- Inspection Plans shall be available upon request
- The outcome of inspections and the measures taken, including any penalties imposed, should be made available to the public



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Guidance material

- IMPEL: Doing the Right Things for TFS (DTRT TFS)
- IMPEL: Waste Shipment Inspection Planning (WSIP)



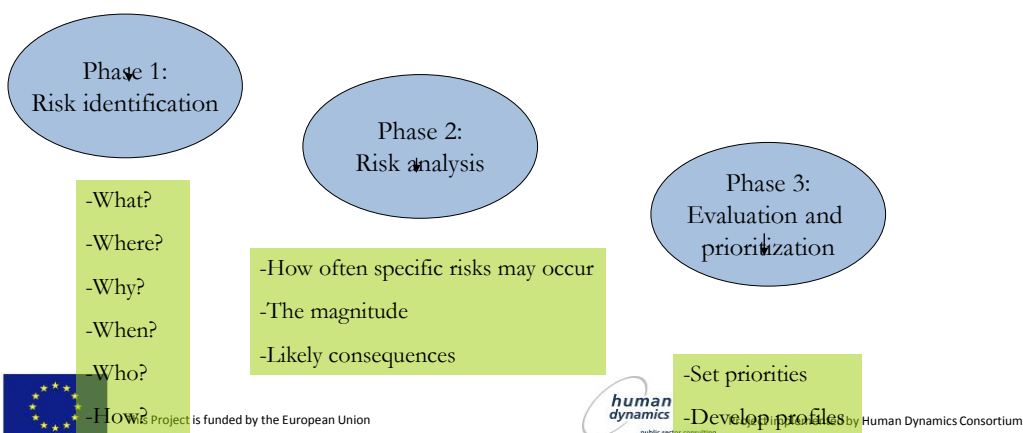
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1. Risk Assessment

- “Risk”: potential for non-compliance with relevant rules and regulations



2. Profiling and risk indicators

- 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



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Key questions for discussion

1. What should be the elements of the risk assessment? What method is best?
2. How do you identify the minimum number of inspections required?
3. Should there be a clear focus on certain waste streams (e.g. WEEE, batteries, ELVs, mixed household waste)?
4. In how far do you need police intelligence for effective inspections?
5. Should the inspection plan also address the follow-up to inspections?
6. What parts of the inspection plan are to be published?



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Thank you for your attention

Questions?



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