

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

A case on illegal shipment of waste in Croatia

Izmir, Turkey, 25 – 26 Jun 2016

MENP

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Legal base

- **Regulation (EU) No 660/2014 of 15 May 2014 strengthens the requirements for inspection of shipments of waste within the EU and between the EU and third countries**
- **For this purpose, it amends Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste**

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Legal base

The EU (WSR) main bans:

- all exports of hazardous waste to non-OECD countries and
- all exports of waste for disposal outside the EU/EFTA

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Legal base

The WSR applies to shipments of waste:

- **between EU countries within the EU or transiting via non-EU countries;**
- **imported into the EU from non-EU countries;**
- **exported from the EU to non-EU countries;**
- **in transit through the EU, on the way from or to non-EU countries.**

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Legal base

Article 50 is amended as follows:

(e) the following paragraphs are inserted:

'4a. In order to ascertain that a substance or object being carried, require the natural or legal person who is in possession of the substance or object concerned, or who arranges the carriage thereof, to submit documentary evidence:

- (a) as to the origin and destination of the substance or object concerned; and
- (b) that it is not waste, including, where appropriate, evidence of functionality.

For the purpose of the first subparagraph, the protection of the substance or object concerned against damage during transportation, loading and unloading, such as adequate packaging and appropriate stacking, shall also be ascertained.

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Legal base

4b. The authorities involved in inspections may conclude that the substance or object concerned is waste where:

- the evidence referred to in paragraph 4a or required under other Union legislation to ascertain that a substance or object is not waste, has not been submitted within the period specified by them, or
- they consider the evidence and information available to them to be insufficient to reach a conclusion, or they consider the protection provided against damage referred to in the second subparagraph of paragraph 4a to be insufficient.

In such circumstances, the carriage of the substance or object concerned or the shipment of waste concerned shall be considered as an illegal shipment. Consequently - involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.

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Legal base

Article 28 (WSR)

Disagreement on classification issues

- 1. If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the subject matter shall be treated as if it were waste. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Community or international law.

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Port of Rijeka



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Port of Split



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Port of Ploče



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Case study



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Case study

- Customs stopped 3 trucks
- Suspicion about waste (car spare parts)
- Call to environmental inspection
- Confirmation from inspection side about shipment of waste

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[illegible]

<div style="text-align: center; font-size: 2em; font-family: cursive;">OTPAD</div>		 16HR080810T0018537	
Podjedin. / izvornik (2) RAZNI ITALIA RAZNI IT 62010 BB		DEKLARACIJA (1) 1 Ostali IPO (532) --- Obrasci (3) 001 Sig. dok. (500) S	
Primalac (8) RAZNI ALBANIA BB AL 00 BB		MRN 16HR080810T0018537 Ostalo (5) 1 Ukupno paketa (6) 108 Bruto masa (kg) (35) 17100	
Dostava / vrijeme dostave u prvo mjesto dostavka na carinsko područje (512) IT		Referentni broj (7) --- Povratnik se primjerak mora poslati carinarnici: AL	

Case study

- Inspector informed Croatian competent authority about consideration to be an illegal shipment on the border
- Competent authority immediately informed the other competent authorities concerned

Case study

- Exporter (Italian company) disagree about conclusions (waste-nonwaste)
- Asked for reconsideration about customs and inspectors opinion

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Correspondents' Guidelines

No 9 on shipment of waste vehicles

(not legally binding)

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8. A used vehicle should normally be classified as waste if at least one of the following criteria applies:

.....

- (f) The piece(s) of evidence has/have not been provided where a competent authority or any other state authority such as customs, police or other relevant bodies has requested it/them.

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Case study

- Following those non binding rules, we explained the exporter that he is able to ask for experts opinion to prove that all parts within shipment are usable

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Case study



The exporter has hired the expert witness (those report Croatian competent authority does not consider relevant).

This report we submitted the relevant competent authorities in the country of departure and destination to help decide whether it is a waste or not.

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Act on sustainable waste management

Article 156

- (1) During the supervision of transboundary movement of waste the inspector establish that there is a reasonable doubt that the type of waste indicated in documents accompanying the waste shipment does not correspond to the type of waste found in the waste shipment, he shall, in order to take emergency measures, make an oral decision on the basis of the minutes to the person carrying out the import, transit or export of waste that **the vehicle and the waste shipment will be temporarily kept in the temporary bonded warehouse** until the analysis of physical and chemical properties of waste has been completed.

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Instead conclusion

The temporary bonded warehouse – there is not any.....

Cases are still ongoing...

Questions...

Suggestions...

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EU IPA 2009 Twinning project: „Strengthening the capacities for control of transboundary movement of waste”



Manual for coordinated enforcement of regulations concerning shipments of waste

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EU IPA 2009 Twinning project: „Strengthening the capacities for control of transboundary movement of waste”



Waste Catalogue

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