

# augias

## Waste Transport Checks Manual



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With the financial support from the Prevention of and  
Fight against Crime Programme of the European Union  
European Commission - Directorate-General Home Affairs

» **Published by:** Federal Police, Rue Fritz Toussaint 8, 1050 Brussels

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# PREFACE



In 2008 the environmental crime unit of the French Gendarmerie Nationale (OCLAESP) organised an international seminar on the traffic of waste. Every participant to this seminar agreed that there was a need to improve the exchange of information. Moreover, they stressed that it was necessary to increase awareness with the officer in the field regarding environmental crime and to develop tools to facilitate and enhance the efficiency of transport checks. The manual you are reading now aims to do just that. It does not want to turn police officers into experts, but offers them some simple pointers, practical advice and useful suggestions.

This manual is one of the results of the Augias project. The idea to start up this project was born in 2009 when the Belgian Federal Police and authorities started preparing for the rotating presidency of the EU which was due to take place the second half of 2010. Like every other EU member state, Belgium tries to make the most of its presidency by putting some items on the agenda that it thinks are important. The combat against waste trafficking is such an item. It has been a priority in the Belgian national security plan since 2003 and is thus supported by the political authorities. These are the circumstances that led to the birth of the Augias project. Funding was provided by the Belgian Federal Police, the Hungarian Ministry of Interior and the EU<sup>1</sup>.

Logical partners in this project were of course the French, since they initiated the whole process with their seminar in 2008. Next we turned to our northern neighbours, the Dutch. They have a good reputation when it comes to tackling environmental crime and are always willing to cooperate. Our next partner was Hungary. They had already expressed the will to boost the enforcement of environmental legislation. Since Hungary takes up the EU presidency just after Belgium, we could take advantage of two succeeding presidencies to put this item on the political agenda. Finally we sought the support of a number of international organizations. IMPEL, EUROPOL and INTERPOL joined forces with us. Representatives of all these partners formed a working group that has prepared all the activities in the Augias Project and that has developed this manual.

A lot of people have contributed to the realization of this manual by expressing their opinions and criticism, proofreading draft versions etc. I would like to express my gratitude to everyone who has contributed to the manual, especially to the participants to the “Augias train-the-trainer” seminar in May 2010 and all members of the Augias working group. I would specifically like to thank Mr. E. Verheuge, member of the Belgian Federal Traffic Police, who wrote the text serving as a starting point for the manual and who also contributed to the editing of the definitive version.

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<sup>1</sup> ISEC grant “Prevention of and Fight against Crime”, ref. N° JLS/2009/ISEC/AG/052

# INTRODUCTION



This manual has been devised to aid the first-line police officer who wants to check a cross-border transport of waste. It deals with all types of international waste transportations, whether they are facilitated by lorry, ship, aeroplane or train.

Nearly every human activity generates waste, even more so in our highly industrialised society. To deal with this waste is one of the important challenges of our modern day world. Processing this enormous amount of waste involves transporting it to places where it can be treated, recycled, disposed of etc. Often these transports cross national borders either because a particular country might be interested in receiving certain kinds of waste or because there are better waste processing facilities. In order to transport waste from country A to country B certain procedures have to be followed.

The complicated procedures involving notifications regarding import, export and transit through the EU have been thoroughly simplified in this text because they are more an issue for the various environmental administrations and agencies than a police matter. This manual aims to enable non-specialist officers to inspect a waste transport, check the required documents, draw up a report and advise on when to ask for assistance from environmental administrations and all competent authorities.

The rules on cross border shipments of waste have been set in the Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste<sup>2</sup>. It entered into effect on July 12th 2007 and is directly applicable in all EU member states (not the case with an EU directive). The enforcement of the regulation enables European member states to get an idea of the existing waste flows and to supervise them, minimising risks for the environment and public health.

Waste has become big business these days. A lot of people are employed in this line of trade and large profits are being made. Illegal waste transports have to be considered as serious offences, since they do not only put the environment at risk, but they are often linked to other forms of crime such as money laundering, tax evasion, forgery, organised crime etc.

<sup>2</sup> This regulation will be referred to in the remainder of this document as "the regulation" or with the abbreviation "WSR" (Waste Shipment Regulation)

# SCOPE (ART. 1 WSR)



The Regulation (EC) No 1013/2006 (WSR) applies to all cross border shipments of waste within the EU, into the EU, out of the EU and through the EU.

Procedures vary according to origin, destination and route of the shipment, and also the type of waste shipped and the type of treatment to be applied to the waste at its destination.

The WSR does not apply to:

1. the offloading to shore of waste generated by the normal operation of ships and offshore platforms (this means waste products such as the kitchen waste, septic tank waste etc.)
2. waste generated on board vehicles, trains, aeroplanes and ships, until such waste is offloaded in order to be recovered or disposed of (this means the waste generated on those vehicles who transport passengers)
3. radioactive waste (e.g. isotopes from dentists or hospitals)
4. shipments which are subject to the approval requirements of Regulation (EC) No 1774/2002 on animal byproducts
5. import of waste from the south pole area (cf. Treaty of Antarctica)
6. import of waste generated by armies or NGO's in crisis- and peacekeeping missions
7. second hand goods (see also 9.3.2)

# DEFINITIONS (ART. 2 WSR)



The most important definitions in the WSR are a.o.:

**Waste:** any substance or object which the holder discards or intends to or is required to discard. (Art. 1 (1) (a) of the Directive 2006/12/EC)

**Mixture of wastes:** means waste that results from an intentional or unintentional mixing of two or more different wastes.

**Producer:** is anyone whose activities produce waste (original producer) and/or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste (new producer).

**Holder:** is the producer of the waste or the natural or legal person who is in possession of it.

**Collector:** is anyone carrying out waste collection.

**Dealer:** is anyone who acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste.

**Broker:** is anyone arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste.

**Consignee:** the person or undertaking under the jurisdiction of the country of destination to whom or to which the waste is shipped for recovery or disposal.

**Notifier:** any natural or legal person under the jurisdiction of that Member State who intends to carry out a shipment of waste or intends to have a shipment of waste carried out and to whom the duty to notify is assigned (may be the producer, dealer or broker).

**Transport:** the carriage of waste by road, rail, air, sea or inland waterways.

**Illegal shipment:** any shipment of waste effected:

- (a) without notification to all competent authorities; or
- (b) without the consent of the competent authorities; or
- (c) with consent obtained from the competent authorities through falsification, misrepresentation or fraud; or



- (d) in a way which is not specified materially in the notification or movement documents; or
- (e) in a way which results in recovery or disposal in contravention of Community or international rules; or
- (f) contrary to Articles 34, 36, 39, 40, 41 and 43 (import from third countries or export to third countries → see chapter 5.4); or
- (g) which, in relation to shipments of waste as referred to in Article 3(2) and (4), has resulted from:
  - (i) the waste being discovered not to be listed in Annexes III, IIIA or IIIB, or
  - (ii) non-compliance with Article 3(4),
  - (iii) the shipment being effected in a way which is not specified materially in the document set out in Annex VII.

# LISTS



The fundamentals of the WSR are the lists in which the kinds of waste are divided. These lists can be found in the **Annexes III, IV and V** of the regulation.

- The non-hazardous wastes and/or wastes implying little or no environmental risks are classified in the **GREEN list** (Annex III and V (B list) of the regulation)
- Hazardous wastes and/or wastes implying higher environmental risks are classified in the **AMBER list** (Annex IV and V (A list) of the regulation).

In addition there is a list of wastes subject to export prohibition (export outside of the EU).

Finally, there are the wastes that are not mentioned on any of these lists, the so-called unlisted wastes. The WSR also provides in a procedure for these wastes.

Note: The European Catalogue list of waste (EC list) that is also a part of the regulation, only serves to identify different kinds of waste. It permits reporting and is not needed to decide which procedure has to be followed. In the EC list, some kinds of waste are provided with an asterisk, meaning they are hazardous kinds of waste. In this sense the EC list may be a means to determine which procedure should be followed.

## 5.1 Green list (non-hazardous)

The green list is the most extensive one and can be found in **Annex III and V (B list)** of the WSR.

Some examples of green listed waste:

GB040	Slags from precious metals
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form, like iron and steel scrap, copper scrap, aluminium scrap etc.
B1115	Waste cables coated with plastics
B1180	Waste photographic film and waste photographic paper
B2020	Glass waste in non-dispersible form
B3010	Solid plastic waste
B3020	Paper, paperboard and paper product wastes
B3030	Textile wastes
B3070	Waste of human hair
B3060	Waste from the agro-food industry



## 5.2 Amber list (hazardous)

The amber list can be found in **Annex IV and V (A list)** of the WSR.

Some examples of amber listed waste:

AC270	Sewage sludge
A1010	Waste containing lead or mercury
A1160	Waste lead-acid batteries, whole or crushed
A1170	Unsorted waste batteries
A2010	Glass waste from cathode-ray tubes and other activated glasses (e.g. TV screens and PC monitors)
A1190	Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB (4), lead, cadmium etc.
A2050	Waste asbestos (dusts and fibres)
A3020	Waste mineral oils
AC170	Treated cork and wood waste
A4020	Clinical and related wastes
AC260	Liquid pig manure

## 5.3 Unlisted waste

It goes without saying that not every conceivable kind of waste is included in the **amber** and **green** lists. The lists would become too extensive and unusable.

If a certain kind of waste does not occur on either the green or amber list, article 3.1.b.iii of the regulation is applicable. This article states that these kinds of unlisted waste fall under the notification procedure. This means that they should be regarded as though they were on the amber list although they are not coded.

**Note:** It is not the EC list that should be verified in order to determine which procedure is applicable. Even if we are dealing with an “uncoded” kind of waste, we will always be able to designate a EC list code (often using the xx xx 99-code). EC list codes were designed for the purpose of identification and reporting. They should not be used when determining procedure.

Examples of wastes not included in the amber and green lists:

- mechanically separated rejects from pulping of waste paper and cardboard
- garden and park wastes
- end of life vehicles



- sludges from oil/water separators
- waste from incontinence material from homes for the elderly, day-care centres
- certain mixtures of wastes
- excavated soil
- rubble from demolition activities

When confronted with waste not included in either the green or amber list, the notification procedure should be followed.

→ see chapter 6.1.

EG 1013/2006 Art. 3.1.b (iii) and (iv)

#### 5.4 Waste subject to export prohibition

This list can be found in annex V of the regulation and contains of the kinds of waste subject to an export prohibition to non OECD countries (e.g. China, India, Ghana, Brazil, Argentina etc.) All hazardous waste (amber listed) is subject to this export prohibition.

In principle non-hazardous (green listed) wastes may be exported to non-OECD countries. However, some countries have decided to accept some kinds of green listed wastes with specific instructions on the procedures on import. When confronted to such a waste transport, there is no general rule to apply.

Example: Textiles waste destined for recovery: Europe considers textile wastes to be green listed waste when they will be recovered (recycled). For these shipments to and within the EU an annex VII document suffices. When the same cargo is destined to e.g. Argentina, the notification procedure will have to be followed.

Depending on the preferences<sup>3</sup> expressed by the non-OECD country in question there are three possibilities for the export of non-hazardous waste:

- an export prohibition
- notification procedure (cf. amber listed waste)
- information requirements procedure – Annex VII (cf. green listed waste)

Given the complexity of this kind of cases, it is best to contact the competent national authority for information and further settlements.

<sup>3</sup> See EU regulation 1418/2007 for all answers per non-OECD country (later amended by EG/740/2008 and EG/967/2009). They can be consulted online on <http://www.eur-lex.europa.eu>

# PROCEDURES



- Regarding shipments of waste within the EU, there are basically two different procedures. To determine which procedure should be followed, two criteria should be taken into account.

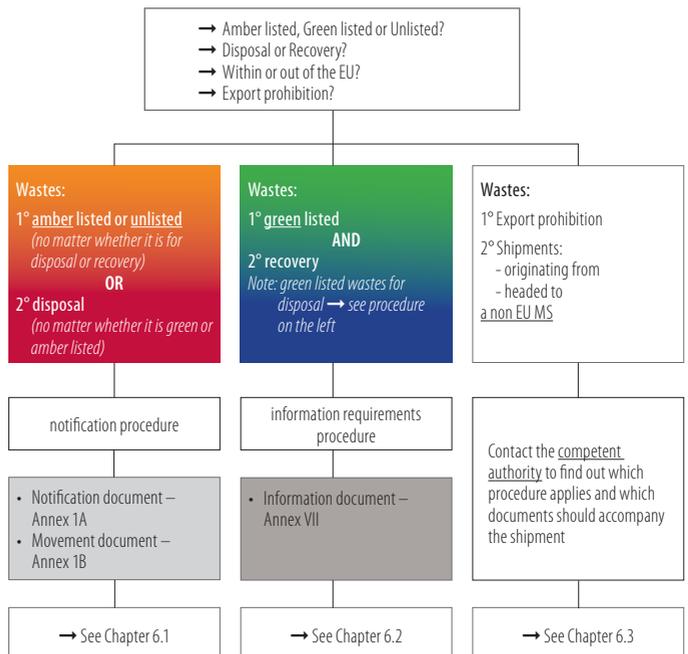
Criterion 1: Is the waste intended for disposal or recovery?

Criterion 2: Is the waste green or amber listed?

Once the answer to these questions is known, it is very simple to see what procedure should be followed and what documents should accompany the shipment.

- In the following cases, the competent authorities should always be notified. They can then decide what procedure applies and which documents should accompany the shipment:
  - The shipment originates from a non EU member state
  - The shipment is headed to a non EU member state
  - The waste is/might be subject to export prohibition
  - The waste does not occur on any of the lists (unlisted)

Schematically:





## 6.1 Notification procedure (infringements → see 8.2.1)

### 6.1.1 What kind of waste?

The notification procedure is used for:



### 6.1.2 What is disposal of waste?

**Disposal:** destruction, permanent deposit on or into land and all actions to this effect.

These actions are detailed and coded in the Annex IIA of the Directive 2006/12/EG from D1 to D15.

- D 1 Deposit into or on to land (e.g. landfill, etc.)
- D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
- D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D 6 Release into a water body except seas/oceans
- D 7 Release into seas/oceans including sea\_bed insertion
- D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 7 and D 9 to D 12
- D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 8 and D 10 to D 12 (e.g. evaporation, drying, calcination, etc.)
- D 10 Incineration on land
- D 11 Incineration at sea
- D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12



- D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
- D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where it is produced)

### 6.1.3 Documents

When a notifier intends to ship waste to a European member state, he should apply for permission to do so by sending a “**notification**”. The notification is done by sending a notification document to the competent authority of dispatch. The competent authority of dispatch is the authority for the area from which the shipment is (planned to be) initiated. If there are no objections and all competent authorities have given written consent, the shipments can be initiated.

One notification can cover **several** transports in a certain period of time. The exact number of transports and the period of time has to be mentioned on the notification. The notification will be copied as many times as there are transports.

The movement document on the other hand, is a **unique** and numbered document (top right hand corner). There is only one per transport.

When a holder of waste plans to do an actual shipment –for which he has already sent a notification– he has to inform the **consignee** and several authorities of his plans **at least three days in advance**.

These authorities are:

The competent authority in the country of **dispatch**

The competent authority in the country of **destination**

The competent authority in the country of **transit**

When checking a waste transport that falls under the notification procedure, **both** documents should always be presented: a notification document and a movement document. In order to be able to check whether the transport is legal, these two documents should be put next to one another and compared.

Since every transport has to be announced **three days in advance**, it is useful to check with the competent authorities whether they were indeed informed of the transport. If this is not the case, the transport is illegal. Furthermore, there is a possibility that more transports are being executed than were permitted and that the unique movement document is being used more than once.





## Movement Document

### Movement document for transboundary movements/shipments of waste

1. Corresponding to notification No: <b>IE 069 716</b>		2. Serial/total number of shipments: <b>125 / 500 /</b>	
3. Exporter — notifier Name: <b>Ralto Environmental Ltd.</b> Address: <b>Greenogue Park IE Rathcoole, Dublin</b> Contact person: <b>Sinead O'connor</b> Tel.: _____ Fax: _____ E-mail: _____		4. Importer — consignee Name: <b>Recycocomp. SA</b> Address: <b>6, Place de la Salen 75008 Paris</b> Contact person: _____ Tel.: _____ Fax: _____ E-mail: _____	
5. Actual quantity: <b>20.000 kg</b> (Tonnes (t)/kg)		6. Actual date of shipment: <b>21.04.2010</b>	
7. Packaging Type(s) (1): _____		Number of packages: Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
8.(a) 1 <sup>st</sup> carrier (2): Registration No: _____ Name: <b>All Transport SA</b> Address: <b>Calle Amor 1 Sevilla - SPAIN</b> Tel.: _____ Fax: _____ E-mail: _____		8.(b) 2 <sup>nd</sup> carrier (2): Registration No: _____ Name: _____ Address: _____ Tel.: _____ Fax: _____ E-mail: _____	
8.(c) Last carrier (2): Registration No: _____ Name: _____ Address: _____ Tel.: _____ Fax: _____ E-mail: _____		----- To be completed by carrier's representative -----	
Means of transport (2): _____ Date of transfer: _____ Signature: _____		Means of transport (2): _____ Date of transfer: _____ Signature: _____	
9. Waste generator(s) — producer(s) (3) (4) (5): Registration No: _____ Name: <b>Ralto Environmental Ltd.</b> Address: <b>Greenogue Park IE Rathcoole, Dublin</b> Contact person: _____ Tel.: _____ Fax: _____ E-mail: _____ Site of generation (2): _____		12. Designation and composition of the waste (2): <b>UN 2794 Class 8 used acid batteries with sulphuric acid. Waste lead-acid batteries, whole or crushed</b>	
10. Disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/> Registration No: _____ Name: <b>Recycling Co Ltd.</b> Address: <b>20, Rue de Kersbillec 92161 Versailles</b> Contact person: _____ Tel.: _____ Fax: _____ E-mail: _____ Actual site of disposal/recovery (2)		13. Physical characteristics (1): 14. Waste identification (6) (in relevant codes) (i) Basel Annex VIII (or IX if applicable): <b>A1160</b> (ii) OECD code (if different from (i)): <b>not applicable</b> (iii) EC list of wastes: <b>16 06 01</b> (iv) National code in country of export: _____ (v) National code in country of import: _____ (vi) Other (specify): _____ (vii) Y-code: _____ (viii) H-code (2): _____ (ix) UN class (2): <b>Class 8</b> (x) UN number: <b>UN 2794</b> (xi) UN shipping name: _____ (xii) Customs code(s) (HS): _____	
11. Disposal/recovery operation(s) D-code/H-code (1): <b>R4</b>		15. Exporter's — notifier's/generator's — producer's (1) declaration: I certify that the above information is complete and correct to my best knowledge. I also certify that legal, enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned. Name: <b>Sinead O'connor</b> Date: <b>20.04.2010</b> Signature: _____	
16. For use by any person involved in the transboundary movement in case additional information is required			
17. Shipment received by importer — consignee (if not facility): Name: _____ Date: _____ Signature: _____			
<b>TO BE COMPLETED BY DISPOSAL/RECOVERY FACILITY</b>			
18. Shipment received at disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/> Date of reception: _____ Accepted: <input type="checkbox"/> Rejected (2): <input type="checkbox"/> Quantity received: Tonnes (t)/kg: _____ (2) Immediately contact competent authorities		19. I certify that the disposal/recovery of the waste described above has been completed Name: _____ Date: _____ Signature and stamp: _____	

(1) See list of abbreviations and codes on the next page.

(2) Attach details if necessary.

(3) If more than three carriers, attach information as required in block 8 (a, b, c).

(4) Required by the Basel Convention.

(5) Attach list if more than one.

(6) If required by national legislation.



## 6.2 Procedure with information requirements (infringements → see 8.2.2)

### 6.2.1 What kind of waste?

This procedure without prior notification to the competent authorities is used for shipments of:

green listed wastes that will be recovered

The fact that there must **not be a prior notification** does not mean that they can be exported and/or imported without any formalities. Every shipment has to be accompanied by an information document (Annex VII). It is the person who arranges the shipment who is responsible for the presence of the information document.

#### Requirements for the information document

Form and content of this document are determined in the Regulation and may not be altered. It may, however, be reproduced (photocopy).

It needs to:

- be **signed and dated** (Art. 18 Reg. 1013/2006)
- state the name of the person who arranges the shipment
- state the consignee (person who will receive the shipment in the country of destination)
- state the producer of the waste
- state the quantity of the waste
- state the actual date of the shipment (may differ one day)
- state the recovery code (R1 – R13)
- state the name of the recovery facility
- state the usual description of the waste. The WSR does not specify clearly what this “usual description” is. It might be the name of the material or the commercial name. E.g. the same cargo might be described as “oxiton” or “aluminium waste”.
- state the code of the waste (these are specified in the “green list”)

When checking a waste transport that falls under the information requirements procedure, the **information document (Annex VII)** should always accompany the shipment in addition to the CMR or bill of lading. It has to accompany the cargo from starting point to the final destination and may be passed on from one carrier to another.

The place where the waste is being shipped to, has to be a facility where the waste will actually be recovered. The address therefore needs to be the address of the **actual facility** (no office, post office box or fake address).



Information document – Annex VII

INFORMATION ACCOMPANYING SHIPMENTS OF WASTE AS REFERRED TO IN ARTICLE 3(2) AND (4)

Consignment information (\*)

<b>1. Person who arranges the shipment</b> Name: <b>Recytech</b> Address: <b>WasteStreet 25</b> <b>9030 Ghent - Belgium</b> Contact person: Tel.: E-mail:		<b>2. Importer/consignee</b> Name: <b>RecovMetal</b> Address: <b>Lisboastreet 25</b> <b>256358 Lisbon - Portugal</b> Contact person: Tel.: E-mail:	
<b>3. Actual quantity: 20.000 kg</b> Tonnes (Mg): m <sup>3</sup> :		<b>4. Actual date of shipment: 21.04.2010</b>	
<b>5.(a) First carrier (*)</b> Name: Address: Contact person: Tel.: Fax: E-mail: Means of transport: Date of transfer: Signature:		<b>5.(b) Second carrier:</b> Name: Address: Contact person: Tel.: Fax: E-mail: Means of transport: Date of transfer: Signature:	
<b>5.(c) Third carrier:</b> Name: Address: Contact person: Tel.: Fax: E-mail: Means of transport: Date of transfer: Signature:			
<b>6. Waste generator (*)</b> Original producer(s), now producer(s) or collector: Name: <b>BPSA</b> Address: <b>Port of Antwerp</b> <b>2000 Antwerp</b> Contact person: Tel.: E-mail:		<b>8. Recovery operation (or if appropriate disposal operation in the case of waste referred to in Article 3(4)):</b> R-code/D-code: <b>R4</b>	
<b>7. Recovery facility</b> <input type="checkbox"/> <b>Laboratory</b> <input type="checkbox"/> Name: <b>RecovMetal</b> Address: <b>Lisboastreet 25</b> <b>256358 Lisbon - Portugal</b> Contact person: Tel.: E-mail:		<b>9. Usual description of the waste:</b> <b>Steel scrap</b>	
		<b>10. Waste identification (BY in relevant codes):</b> (i) Basel Annex IX: <b>B 1010</b> (ii) OECD (if different from (i)): (iii) EC list of wastes: (iv) National code:	
<b>11. Countries/States concerned:</b>			
Export/Dispatch		Transit	
<b>Belgium</b>		<b>France Spain Portugal</b>	
<b>12. Declaration of the person who arranges the shipment:</b> I certify that the above information is complete and correct to my best knowledge. I also certify that effective written contractual obligations have been entered into with the consignee (not required if the case of waste referred to in Article 3(4)).			
Name: <b>Mr. Vanadium</b>		Date: <b>20.04.2010</b>	Signature:
<b>13. Signature upon receipt of the waste by the consignee:</b> Name: _____ Date: _____ Signature: _____			
<b>TO BE COMPLETED BY THE RECOVERY FACILITY OR BY THE LABORATORY:</b>			
<b>14. Shipment received at recovery facility</b> <input type="checkbox"/> <b>or laboratory</b> <input type="checkbox"/>		Quantity received:	Tonnes (Mg): m <sup>3</sup> :
Name: _____ Date: _____		Signature: _____	

(\*) Information accompanying shipments of green listed waste and destined for recovery or waste destined for laboratory analysis pursuant to Regulation (EC) No 1013/2006. For completing this document, see also the corresponding specific instructions as contained in Annex C of Regulation (EC) No 1013/2006.

(\*) If more than three carriers, attach information as required in books 5 (A), (B), (C).

(\*) When the person who arranges the shipment is not the producer or collector, information about the producer or collector shall be provided.



### 6.2.2 What is recovery?

**Recovery:** The use of waste to gain materials, products or energy, the direct and legal use of waste

These actions are detailed and coded in article 1.1.f of the directive 2006/12/EG from R1 to R13.

- R 1 Use principally as a fuel or other means to generate energy
- R 2 Solvent reclamation/regeneration
- R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
- R 4 Recycling/reclamation of metals and metal compounds
- R 5 Recycling/reclamation of other inorganic materials
- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of wastes obtained from any of the operations numbered R 1 to R10
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11
- R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where it is produced)

### 6.3 Procedures outside of the EU

The procedures are similar whether waste is being shipped out of the EU or into the EU from a third country. The general principles remain, no matter if the third country is a party to the Basel convention or an OECD country or not. The documents and procedures as stated above remain the same.

The EU has asked all non-EU countries whether they are in favour of accepting certain kinds of waste and whether there are wastes they absolutely do not wish to receive. Procedures may vary according to the wishes these countries expressed<sup>4</sup>.

When one comes across a waste shipment importing or exporting waste involving a non EU member state, it has to be accompanied by either a notification or an Annex VII document (depending on the kind of waste and method of treatment). If a notification document is present and stamped in box 20, one can assume that the competent authorities have examined the notification and that the shipment has been authorised. If an Annex VII document accompanies the shipment, it still has to be verified whether the cargo does not fall under the conditions of the notification procedure (disposal, amber listed or unlisted waste).

<sup>4</sup> These specifications are stipulated in a.o. EU Reg. 1118/2007; 740/2008 and 967/2009. They can be consulted online on <http://www.eur-lex.europa.eu>



In case of doubt it is always best to contact the competent authority. If these documents are not present, there is most certainly an infringement and the competent authorities will have to be notified. In general these authorities will handle the case, since this is a very complex matter.

It is evidently impossible for police officers to know all this by heart. The competent authorities are the ones with the necessary knowledge on what kinds of waste can be imported from or exported to third countries.

Example: Textile wastes (not second-hand clothing) are green listed wastes in the EU. One would consequently expect that exporting these should fall under the general information requirements procedure. India has however received quite a lot of these wastes in the past and has made it known that they would like to limit the import of these wastes. That is why shipments of textile wastes to India are only permitted when the competent authorities explicitly agree to admit them. Therefore shipments of textile wastes to India fall under the notification procedure.

When checking a waste shipment involving a non-EU member state, the competent authorities should always be notified, since they are the ones who are best informed of which procedure applies for specific countries and specific types of waste.

# TRANSIT (INFRINGEMENTS → SEE 8.2.3)



A shipment from one country to another often implies a transit through third countries. If such a shipment falls under the notification procedure, these third countries can impose additional conditions on these transborder shipments (Art. 10 of the WSR).

In most cases this means that an **accompanying letter** is required. This document is in fact the transit country's permission for the transport to take place within its borders. It can be a photocopy of the original document that has been sent to the notifier.

This accompanying letter should always comprise amongst others:

- the notification number
- the total approved amount of waste
- the kind of waste
- the approved period for the transport
- place of entry in the country
- place where the transport will exit the country

Note: These additional conditions **only apply in case of the notification procedure**.

Shipments of waste that fall under the information requirements procedure (green listed waste that will be recovered) cannot be subject to additional conditions imposed by transit countries. For these, only the Annex VII document is required.

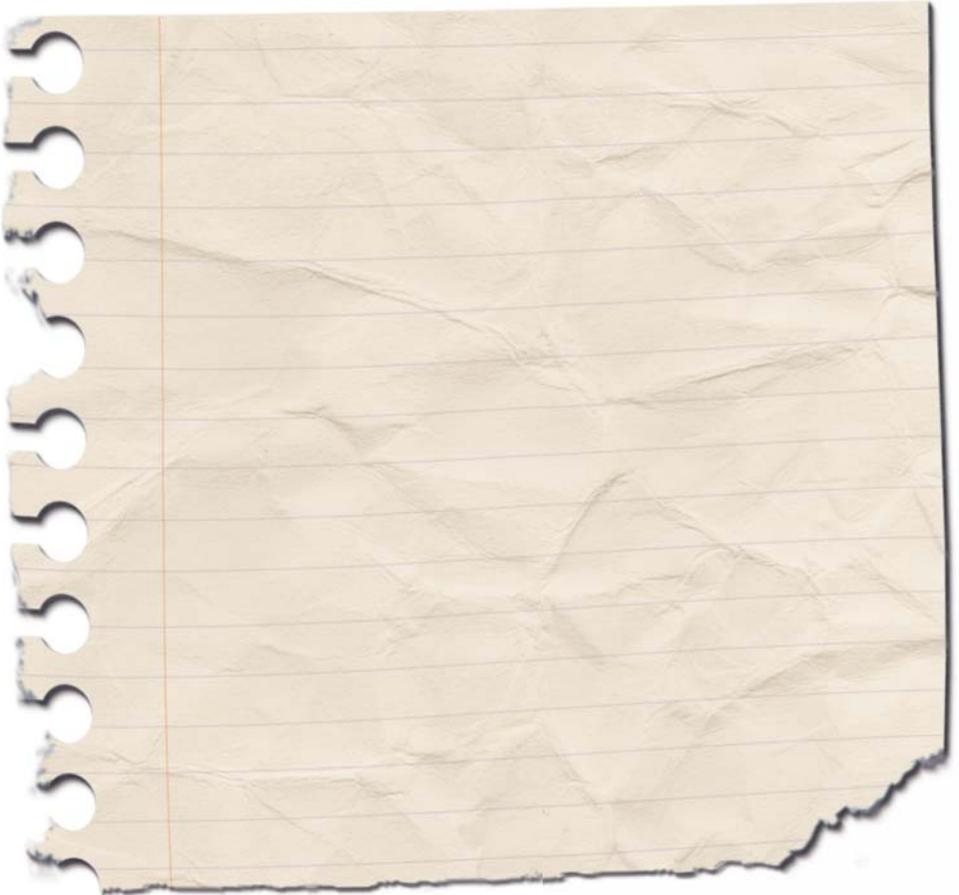
The additional conditions for transiting shipments in your country are stated in Annex 4 'National Information'.



National information:

*Cf. Annex 4*

## Notes



# LEGAL PROVISIONS



## 8.1 Design of the WSR

Although one of the goals of this manual is to present the first line police officer with an easy to use selection of the most interesting items from the WSR, sometimes it will be necessary to look up something in the WSR itself. To simplify the search for the right section and/or article, the structure of the WSR is reproduced below.

TITLE I	Scope and definitions
TITLE II	Shipments within the community with or without transit through third countries
CHAPTER 1	<i>Prior written notification and consent</i>
CHAPTER 2	<i>General information requirements</i>
CHAPTER 3	<i>General requirements</i>
CHAPTER 4	<i>Take-back obligations</i>
CHAPTER 5	<i>General administrative provisions</i>
CHAPTER 6	<i>Shipments within the Community with transit via third countries</i>
TITLE III	Shipments exclusively within member states
TITLE IV	Exports from the community to third countries
TITLE V	Imports into the community from third countries
TITLE VI	Transit through the community from and to third countries
TITLE VII	Other provisions
ANNEX IA	<b>Notification document</b> for transboundary movements/shipments of waste
ANNEX IB	<b>Movement document</b> for transboundary movements/shipments of waste
ANNEX IC	Specific instructions for completing the notification and movement documents
ANNEX II	Information and documentation related to notification
ANNEX III	List of wastes subject to the <b>general information requirements</b> laid down in article 18 ( <b>'GREEN' LISTED WASTE</b> )
ANNEX IIIA	<b>Mixtures</b> of two or more wastes listed in Annex III and not classified under one single entry as referred to in article 3(2)
ANNEX IV	List of wastes subject to the <b>procedure of prior written notification and consent</b> ( <b>'AMBER' LISTED WASTE</b> )
ANNEX V	Waste subject to the <b>export prohibition</b> in article 36 (containing the so called <b>A list</b> and <b>B list</b> )
ANNEX VI	Form for pre-consented facilities (article 14)
ANNEX VII	<b>Information accompanying</b> shipments of waste as referred to in article 3(2) and (4)



The WSR and all Annexes are available in all official European languages on this website:

<http://www.eur-lex.europa.eu>

In order to find the most recent text of the WSR Reg. 1013/2006:

- click on “[simple search](#)”
- click on “[consolidated text](#)”
- enter year [2006]
- enter number [1013]

## 8.2 Infringements

What follows is a list of the most common infringements against the provisions of the WSR. They have been subdivided according to the procedures dealt with in chapter 6.

### 8.2.1 Infringements with regard to the notification procedure (→ see 6.1)

(all wastes for **disposal** + **amber listed** waste)

→ Article to use in case of an illegal cross-border waste shipment within, **into or out of the EU** of either amber listed waste or waste for disposal:

**Art. 2 (35): ‘illegal shipment’** means any shipment of waste effected:

- (a) without notification to all competent authorities concerned pursuant to this Regulation; or
  - (b) without the consent of the competent authorities concerned pursuant to this Regulation; or
  - (c) with consent obtained from the competent authorities concerned through falsification, misrepresentation or fraud; or
  - (d) in a way which is not specified materially in the notification or movement documents; or
  - (e) in a way which results in recovery or disposal in contravention of Community or international rules; or
  - (f) contrary to Articles 34 (export out of the EU), 36 (export to OECD countries), 39 (export to the Antarctic), 40 (export overseas), 41 and 43 (exceptions);
- (...)



→ Article to use in case of an illegal cross-border waste shipment of either **amber listed waste** or waste for **disposal within the EU**:

**Art. 3 (1)**: Shipments of the following wastes shall be subject to the procedure of prior written notification and consent as laid down in the provisions of this Title:

- (a) if destined for disposal operations: all wastes;
- (b) if destined for recovery operations:
  - (i) wastes listed in Annex IV, which include, amongst others, wastes listed in Annexes II and VIII to the Basel Convention,
  - (ii) wastes listed in Annex IVA,
  - (iii) wastes not classified under one single entry in either Annex III, IIIB, IV or IVA,
  - (iv) mixtures of wastes not classified under one single entry in either Annex III, IIIB, IV or IVA unless listed in Annex IIIA.

### 8.2.2 Infringements with regard to the information requirements procedure (→ see 6.2)

(all **green listed** wastes that will be recovered)

→ Article to use in case of an illegal cross-border waste shipment **within, into or out of the EU** of green listed waste that will be recovered:

**Art 18 (1)**: Waste as referred to in Article 3(2) and (4) that is intended to be shipped shall be subject to the following procedural requirements:

- (a) In order to assist the tracking of shipments of such waste, the person under the jurisdiction of the country of dispatch who arranges the shipment shall ensure that the waste is accompanied by the document contained in Annex VII.
- (b) The document contained in Annex VII shall be signed by the person who arranges the shipment before the shipment takes place and shall be signed by the recovery facility or the laboratory and the consignee when the waste in question is received.

→ Article to use in case of an illegal cross-border waste shipment **within the EU** of **green listed** waste that will be **recovered**:

→ If the waste concerned is meant to be analysed in a laboratory, e.g. to determine its suitability for recovery or disposal operations; **Art 3 (4)** applies.

→ If the waste is being shipped to a non EU country which has made it known that the shipment of this kind of waste is not subject to any control, **Art 37 (3)** states that the shipment will have to be executed according to **Art 18** (general information requirements procedure).



### 8.2.3 Infringements with regard to transit (→ see 7)

→ Article to use in case of absence of the required documents when checking a shipment falling under **the notification procedure**:

**Art 16:** After consent has been given to a notified shipment by the competent authorities involved, all undertakings involved shall complete the movement document, or, in the case of a general notification, the movement documents at the points indicated, sign it or them and retain a copy or copies. The following requirements shall be fulfilled:

(...)

(c) Documents to accompany each transport: the notifier shall retain a copy of the movement document. The movement document and copies of the notification document containing the written consents and the conditions of the competent authorities concerned shall accompany each transport. The movement document shall be retained by the facility which receives the waste.

(...)

→ As stated earlier, European member states can impose **additional conditions** on transiting shipments falling under the notification procedure (Art 10 WSR). These additional conditions imposed by your country are specified in annex 4.

### 8.2.4 Other useful articles

→ **Art 13 (2) and Art 17 (1):**

Deviating from the route specified for the notified and consented shipment – see also block 15 in the notification document.

→ **Art 19:**

Prohibition on mixing waste during shipment.

→ **Art 17:**

Making essential changes in the details and conditions of an already consented shipment e.g. route

→ **Art 27:**

All shipment documents required by the WSR, should be supplied in a language acceptable to the competent authorities.

→ **Art 28:**

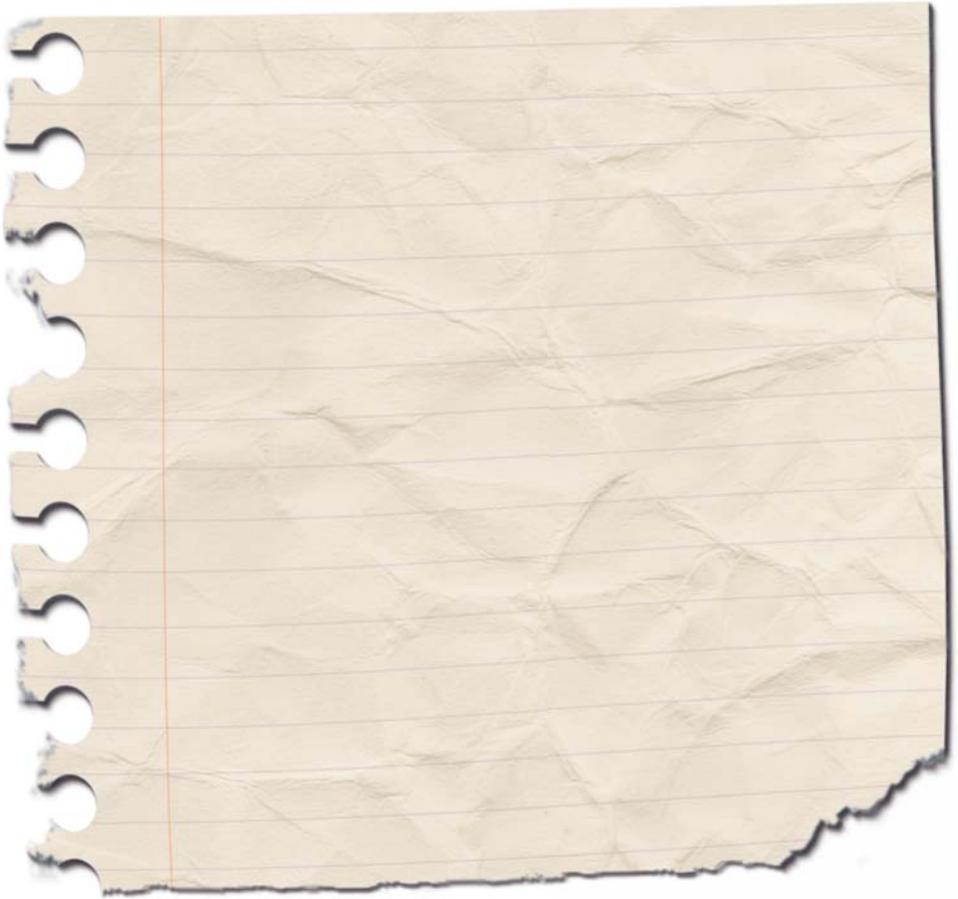
Article to refer to in case of disagreement on classification issues, e.g.: Waste or product? Recovery or disposal? Green listed or amber listed? The most severe interpretation prevails.



## 8.3 National legislation

*Cf. Annex 5*

### Notes



# INSPECTION OF THE SHIPMENT



## 9.1 In general

It is clear that it is not a simple task for the non-specialist to check whether a waste shipment is being carried out in a legal way. First of all, the specific legislation is uncharted territory for a lot of officers. The procedures and transport documents are often unknown and seldom taught in police academies. Secondly, some definitions regarding different kinds of waste, recovery and disposal often require interpretation. It is not easy, for instance, to draw a clear line between what is considered to be waste and what might be considered a product. To conclude there is the problem of identifying the cargo. The production of every conceivable product that is manufactured yields its own specific kind of waste. Checking the cargo to find out whether it corresponds to the contents mentioned on the documents can prove to be very difficult. Still, with some common sense and the aid of the competent authorities, it is possible to detect quite a lot of ongoing infringements.

## 9.2 Working method

### 9.2.1 Different kinds of WSR checks

Waste shipments checks can be carried out in different ways. One could go into detail and distinguish quite a lot of different kinds according to one or more of the following criteria:

- multidisciplinary approach or exclusively aimed at WSR compliance
- in collaboration with other organizations or performed by one police service
- planned in advance or spontaneous
- intelligence-led or random inspections
- static or dynamic
- ...

It would lead us too far to discuss every possible combination of these factors. We will limit ourselves to the discussion of what we will call the “multidisciplinary check” and the “spontaneous check”. They are situated more or less at the extremes of the continuum of possible kinds of inspections. It is up to the person who will perform a check to decide what he/she thinks will work best since either method has advantages and disadvantages. Also, there are several local factors and specific organisational contexts that might have an influence on what will work or is desirable that cannot be dealt with within the scope of this manual. It is up to every one to use this manual in a creative and flexible way and to adapt to his or her specific situation and wishes.



### 9.2.2 Multidisciplinary check

These checks are the ones which are planned in advance and performed in collaboration with other police services, competent environmental authorities, customs etc. In general one or more spots are carefully selected where the compliance checks will take place. Vehicles, ships, trains or containers are selected based on the available information and brought to the place where the actual check will take place. In this spot, the shipment is then led through several checkpoints. Each checkpoint is manned by experts in a specific field.

One of the advantages of the multidisciplinary method is the possibility to have checks performed by people who are experts in their field. In general, the competent authorities will be present at the checkpoint and will not have to rely on a report drawn up by a police officer to make decisions with regard to procedures. Each organisation involved will not only bring their expertise, but they can also bring their equipment (for taking samples, detecting fumigation etc.). When following this method, WSR checks can easily be combined with other existing compliance checks such as checks on drinking and driving, dangerous goods transports (ADR, ADN, RID), driving and resting times, customs checks, overloading etc. Integrating WSR compliance checks into these “regular” inspections on compliance with other legislations may result in a more efficient use of time, equipment and staff in the long term.

Disadvantages of this method are that it requires quite some preparation and the deployment of a large number of officers. Another disadvantage is that this kind of check is not dynamic. It stays in the same place and carriers who have something to hide will make a detour to avoid the checkpoint or wait somewhere for the inspection to end before continuing their trip. Strategies to counter this (additional checks on parallel roads, waterways, parking lots in the vicinity etc. . .) will require even more planning, equipment and personnel.

### 9.2.3 Spontaneous checks

Spontaneous checks are quite different from the multidisciplinary ones. These are WSR checks that are performed by patrolling officers on their own initiative. They might ensue from a compliance check with



another legislation revealing that the cargo consists of waste or may on the other hand have started out as a WSR inspection because it was obvious that the shipment is a waste shipment. These checks are very dynamic, flexible and unpredictable to possible offenders. They do not require the deployment of extra personnel and/or equipment. For this kind of checks to happen, one will need officers who are aware of the waste trafficking issue and the WSR and who are motivated to check compliance with it of their own accord.

### 9.2.4 Targetting

The selection of the “interesting” shipments (i.e. those who are more likely to be illegal) deserves some further explanation. The criteria used for this selection can result from analysis of available intelligence, on experience or on plain common sense. This intelligence may result from analysis of data from other compliance checks, from analysis of data provided by customs, railway authorities, competent environmental authorities etc. The analysis of these data might show that there are a lot of infringements in a certain geographical area, at a certain time of day, in a certain sector (e.g. construction: rubble from demolition) by a certain carrier etc. Based on this intelligence it will be decided when and where the checks will be performed and whether a certain carrier, sector or waste stream should be targeted.

## 9.3 Actual inspection

### 9.3.1 In general

Once the decision has been made to dedicate precious police time to the checking of waste transports, it is advisable to consider the next pointers.

- It is always a good idea to get to know the competent authorities and the people who work for them. In order to combat environmental crime efficiently, the police will always have to rely on them because of their expertise. Make sure that the division of tasks is clear. If possible, conclude partnership agreements and/or cooperation protocols.



- Police time is scarce everywhere. Do not limit yourself to merely checking shipments on one kind of infringements. The police encounter shipments on a daily basis during regular, everyday police work such as patrols, routine checks on drinking and driving, checks of other transportation documents, checking cargo for contraband etc. Since these activities are being carried out anyway, it only takes a small additional effort to do a WSR compliance check.

On the other hand, if the plan is to carry out a large scale control on waste shipments, make the most of the effort you have put in and check compliance with other legislation as well.

Taking into account the explanations of the driver/captain, the presented documents and his own observations, the police officer has to judge whether the cargo consists of waste, then determine what kind of waste it is, what the waste's destination is and which procedure applies.

### 9.3.2 Modus operandi

There are some modi operandi that are often used by offenders to avoid having to keep up with the requirements of the WSR.

#### **Completely illegal shipment**

The most obvious modus operandi is the completely illegal shipment. In this case there will be no document whatsoever to accompany the cargo. On the one hand this poses no big problem for the police officer since the infringement is proven from the moment the cargo can be identified as waste. On the other hand, they are more difficult to target since there are no documents that are transmitted to competent authorities or customs. These carriers and waste streams will rarely surface as a result of the analysis of data submitted by means of transport documents.

#### **Conflict between documents and actual cargo**

Another modus operandi is where the actual cargo does not correspond with what is stated on the documents. Often this method is used to avoid falling under the much more demanding notification procedure by presenting the cargo as if it should fall under the information requirements procedure. There is no other way to discover this kind of offence than by identifying the nature of the actual cargo and comparing it to what is stated on the documents. This is one of the infringements where the police can be an important added value to the inspections carried out by the competent authorities. The competent authorities mainly perform compliance checks on the bases of the paper trail of shipments and never come into contact with the shipment itself. The police are in the field which offers them the opportunity to discern between fiction (on paper) and fact (in reality).

#### **Presenting the cargo as something else (a.o. second hand goods)**

This modus operandi is closely related to the preceding one, but in addition the offender has taken measures to make the cargo look as if it was something else. The cargo may seem to be another kind of waste or even a product. This can be done in several ways, e.g. by covering hazardous demolition waste by a layer of non hazardous rubble or by stuffing part of a container with second hand goods that hide the rest of the content. E.g. WEEE in the back of a container hidden by second hand computers or



waste tyres hidden by second hand tyres. Often the waste will be presented as second hand goods or raw material in stead of waste. This modus operandi is not always easy to recognize. Asking the driver/captain some questions might shed a light. Always take into account that even if the cargo does not look like waste and might be useful for someone, it is by definition waste if the owner plans to discard it (definition of waste in Article 1(1)(a) of Directive 2006/12/EC: *any substance or object which the holder discards or intends to or is required to discard*).

It is not always easy to distinguish between waste and second hand goods. There are some European and national guidelines that can be consulted on the internet<sup>5</sup>. In a lot of cases it's a question of common sense and applying the definition of waste to the letter. In case of doubt or conflict, contact the competent authorities, since they will ultimately have to interpret the legislation and guidelines.

#### Mixing of waste

Mixing of wastes is forbidden. However, sometimes offenders are tempted to do so to make very troublesome hazardous waste disappear bit by bit. Treating or disposing of hazardous waste is very expensive so they dispose of it illegally by mixing it with non hazardous waste that will be burnt, dumped or reused. Another reason to mix wastes is to force concentrations of certain substances to drop. E.g. Soil contaminated with heavy metals can be mixed with clean soil to make the relative content drop to acceptable levels.

### 9.3.3 Actual inspection of the shipment

#### Procedure: Try to establish what procedure should have been followed

- Check whether the waste cargo will be recovered or disposed of. Check the "R" and "D" codes on the documents. Check the destination of the shipment: waste for recovery should be sent to a real recovery facility. A PO box address or an address of an office on the 15th floor is not a waste treatment facility;
- If the waste will be recovered, try to find out whether it is green or amber listed;

<sup>5</sup> <http://ec.europa.eu/environment/waste/shipments/guidance.htm>



### Documents: Verify whether the shipment is accompanied by the required documents

- Check whether the shipment is accompanied by documents: movement document (see 6.1) notification document (see 6.1), information document (see 6.2)
- Check whether the document has been stamped by the competent authorities in the country of destination proving that they consent to the shipment
- Check whether the documents have been filled out completely
- Every time it is established that one of the items in the documents has not been filled out or in case of non-conformity with the actual cargo, route etc., a report should be drawn up
- Try to make photocopies of all presented documents and join them to the report;

### Cargo: Try to establish the nature of the cargo



- Never unquestioningly copy the data/information found on the shipment documents or other presented documents such as the bill of lading/CMR, invoices, receipts etc. since these are often incorrect;
- Take photos if possible and try to weigh the cargo
- Describe how the waste has been packed
- Describe the cargo as well as possible (appearance, liquid, granules, lumps, slags, viscosity, grit . . . )  
E.g. "The waste is fly ash originating from a blast furnace. The ashes have been compressed into granules with an average diameter of 1 cm. They are brown . . ." or: "The metal/copper/aluminium scrap consists of shredded material. The pieces are approximately 10 by 5 cm and apparently polluted by the presence of . . ."

A detailed description is of great importance to the competent authorities and the prosecutor's office. Based on these descriptions, they can determine what waste has been shipped and whether or not due procedure has been followed. Details are very important: aluminium waste in pieces is green



listed, whereas it is amber listed when in powdered form.

- Pay special attention to open containers, containers without a number, old and dirty containers and trucks.

#### **Attitude: When inspecting a shipment, one should always be suspicious**

- Carriers involved in illegal waste shipments will try to make the transport look as though it was legal. They will not present all documents or present meaningless documents they have made themselves or pretend that the cargo is not waste but a material still needing to be processed etc.
- People employed in the transport sector know that in general police officers are not well acquainted with this legislation and will try to exploit this.
- Carriers will attempt to present the cargo as green listed waste that will be recovered, since this implies a less demanding procedure. To counter this strategy, it is important to rigorously check all persons and/or companies involved such as the producer, notifier, transporter, consignee, waste treatment facility ...). Try to find out what the usual activities are of the company that collected the waste and of the company where the waste is headed. Look for words, names and titles that might give away that the company produces, handles or treats waste, such as: Glasrecycle, Recymet, Blast furnace, production of cattle feed, Drumrecycling, Delco recycling, Recytech, (metal) scrap, etc.
- In case of doubt, always contact the competent authorities. They know the procedures, transporters and companies. They will help if there is any doubt whether the cargo should be considered as waste or not. If they are not available, the police officer will have to decide, taking into account the potential hazard for the environment.

## **9.4 Specific checks**

### **9.4.1 Particularities and recommendations on train inspections train inspections**





- Controlling the papers and load of freight wagons in stations, shunting yards, railway terminals, border station, etc.
- Inspecting waste facilities that are sending or receiving wastes by train (waste producer, recycling facility, etc).
- Inspection of the papers and the load of freight wagons at waste facilities with an own connection to the railway network.
- Select the most interesting shipments based on intelligence provided by railway authorities and/or customs before performing the actual check

#### 9.4.2 Particularities and recommendations on port inspections (sea, inland water and air)

- Make an inventory of the shipping/airlines that are sailing or flying to prior destinations
- Obtain a sailing/fly schedule of the selected shipping/airline
- Make an appointment with customs or the shipping/airport agent where all the documents/declarations are collected
- Select the most interesting shipments based on intelligence provided by customs before performing the actual check



# REMARKS AND TIPS



## 1. Followed Route

Pay special attention to the route the transport follows or is supposed to follow. If the shipment is intercepted on a point that is not on the logical route from its place of origin to its destination, something is probably wrong. If a shipment makes a detour, this often means that the waste is being sent to another, illegitimate, destination, that it is being mixed, or that something is being done to make it appear as something else. (Art. 13.1.c and 17.1 WSR)

## 2. Assessment

When checking a shipment, it is not always easy to know what one is dealing with. In practice, some questions might prove difficult to answer, e.g. Is the cargo waste or a product?; What is the category of the waste? (green listed, amber listed, un-listed, subject to export prohibition?); What will be done with the waste? (recovery or disposal?). All member states of the EU have agreed that when in doubt between two interpretations, the most severe interpretation prevails. This provision can be found in article 28 of the WSR. Note that these interpretations are not to be made by the police but by the competent authorities. Nevertheless, it might prove useful to know this when checking a waste shipment.

Sometimes, wastes are being made to look like a product or raw material by giving it a name. This *modus operandi* constitutes forgery and an infringement with article 2.35.c of the WSR.

## 3. Documents

Wastes are being shipped by air, road, railroad, sea and waterways. The notification document and movement document have to accompany the shipment regardless of the transport mode.

## 4. Mixtures

Green listed wastes can be mixed with chemical or toxic waste in order to reduce the relative content of the hazardous substances. Mixing waste with other substances constitutes an infringement with article 19 of the WSR if this has happened during the transport. If the waste has been mixed before or after the transport, the relevant national legislation applies.

## 5. Containers

Always be careful when opening containers (see also chapter 11 on safety tips). Do not open them yourself, but let the driver do this. If he refuses, do not make the driver open the container.



Every container has a unique identification number. This number consists of 4 letters indicating the owner (e.g. GCDU and OCPU for P&O, MSKU for Maersk Sealand, etc.). These letters are followed by a serial number of 6 digits and an additional identifying number of 1 digit. It is this unique number consisting of 4 letters and 7 digits that has to appear in all police reports.



#### 6. OECD countries, non-OECD countries, EU member states, non-EU member states

The OECD that is mentioned in the WSR is the Organisation for Economical Cooperation and Development. It was created in 1960 and its main goal was to support economical growth and the standard of living in those countries who were part of it. Parties of the OECD are: all European member states, Canada, Australia, Finland, Turkey, Japan, Mexico, New Zealand, Norway, South Korea, Switzerland, Iceland and the USA. The principles of the WSR will generally apply to waste shipments involving an OECD country.

Examples of non-OECD countries: Russia, China, India, Pakistan, Brazil, Indonesia, all African countries. . .

EU member states: Germany, France, Italy, the Netherlands, Belgium, Luxembourg, Denmark, Ireland, United Kingdom, Greece, Spain, Portugal, Austria, Finland, Sweden, Czech Republic, Cyprus, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia, Bulgaria and Romania



## 7. Language of the transport documents

All transport documents imposed by the WSR are drawn up in the language of the country of dispatch. However, they should be supplied in a language acceptable to the competent authorities in the countries of dispatch, transit countries and countries of destination.

## 8. ADR – ADN - RID



Take into account that insofar as ADR/ADN/RID legislation is concerned, the same measures and codes apply for a product and the waste of this product. E.g. “Hydrochloric acid” and “hydrochloric acid waste” both carry the code UN-1789.

According to the ADR/ADN/RID legislation the components of the cargo of a waste shipment have to be described with their scientific names and classification. E.g. “Waste, 3175, soil containing toluene, Class 4.1, 4° c) ADR”.

Very often waste cargo with ADR/ADN/RID signs will not be included in the green list.

## 9. Breaking seals



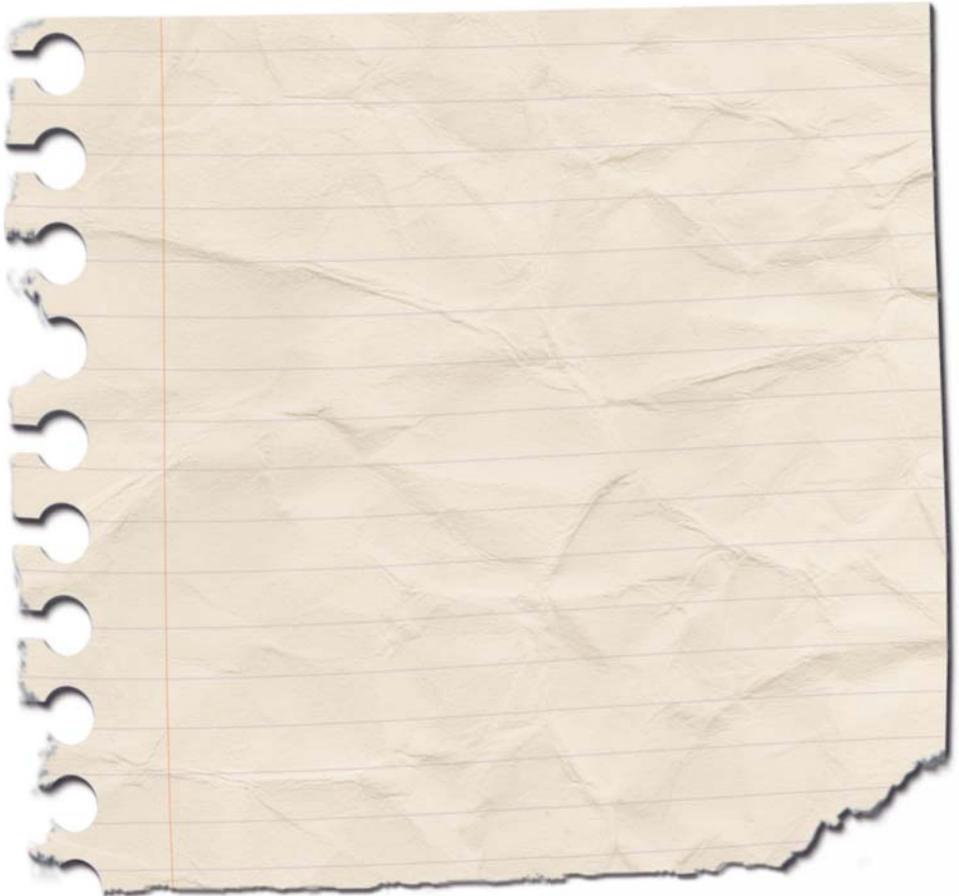


Often, police officers are allowed to break customs seals, but in some countries only customs are allowed to break custom seals.

After breaking a seal and after the check or sampling, a new seal has to be applied and the relevant documents updated.

*Cf. Annex 6*

## Notes



# SAFETY ISSUES



When checking compliance with the WSR, personal security is of key essence. There might be dangers related to the place where checks are being executed or dangers related to the cargo.

## **Place:**

When checking a waste transport, make sure that you can work in a safe environment. These checks will often take place in places where there is traffic (highway, railway) or heavy machinery moving about (trains, loading and unloading of containers etc.). It is best to ensure that you are visible, so consider wearing something fluorescent to make your presence known.

Carefully pick the spot where you are planning a check. It is preferable to have a truck leave the highway so you can check it on a calm road or a parking lot. In stead of stopping trains or going aboard ships, you might consider checking shipments on those places where cargo is stored before it is loaded or after it is unloaded. If you cannot choose the spot where you will be working, demarcate the working place, so others will notice your presence from afar.

Make sure that you know the spot where you will be working. If possible, explore it in advance.

## **Cargo:**

Waste can present all sorts of dangers depending on its nature. A few simple guidelines and some common sense can avoid quite a few problems. Personal hygiene: wear gloves and do not eat or drink in the vicinity of waste. Do not work downwind from a hazardous substance.

Be careful and take into account everything that might indicate a danger. Be sure to question the driver on the contents of his cargo. Look for signs such as ADR signs or remarks on the shipment documents. Ask the driver to open the containers, but do not make him do it if he refuses since you might be held responsible if an accident occurs while opening it. If you have reasons to believe the container needs to be opened, turn to the specialists who have the equipment such as environmental agencies, fire department or others.

Opening containers can be very dangerous. They are often loaded in a vertical position, closed and then repositioned horizontally. When they are opened while in a horizontal position, the cargo is very likely to fall out on the person opening the doors. To prevent this from happening, a chain attached with hooks to the doors of the container can be used to make sure that the doors do not open all the way.



Often containers are fumigated, especially those travelling overseas. Fumigation is a method of pest control that consists of putting gaseous pesticides in a closed container. The reason for this process is the preservation of the cargo from insects etc. The products used to fumigate containers can cause serious and sometimes irreversible health problems. Some of the commonly used fumigation products are methyl bromide and chloropicrin. In some cases, fumigated containers are marked with this sign:



The absence of this sign does not mean that the container is not fumigated! When in doubt, refrain from opening it and get in touch with the competent authorities to see whether they have the equipment to check whether the container is fumigated or not.

Even if a container is not fumigated, dangerous gasses may still be present. Many types of waste, such as paper waste or humid plastic waste, will produce carbon monoxide in a closed container. Carbon monoxide is a colourless and odourless gas that can cause serious health problems and even death. Try to ventilate as much as possible if you have to access the container.

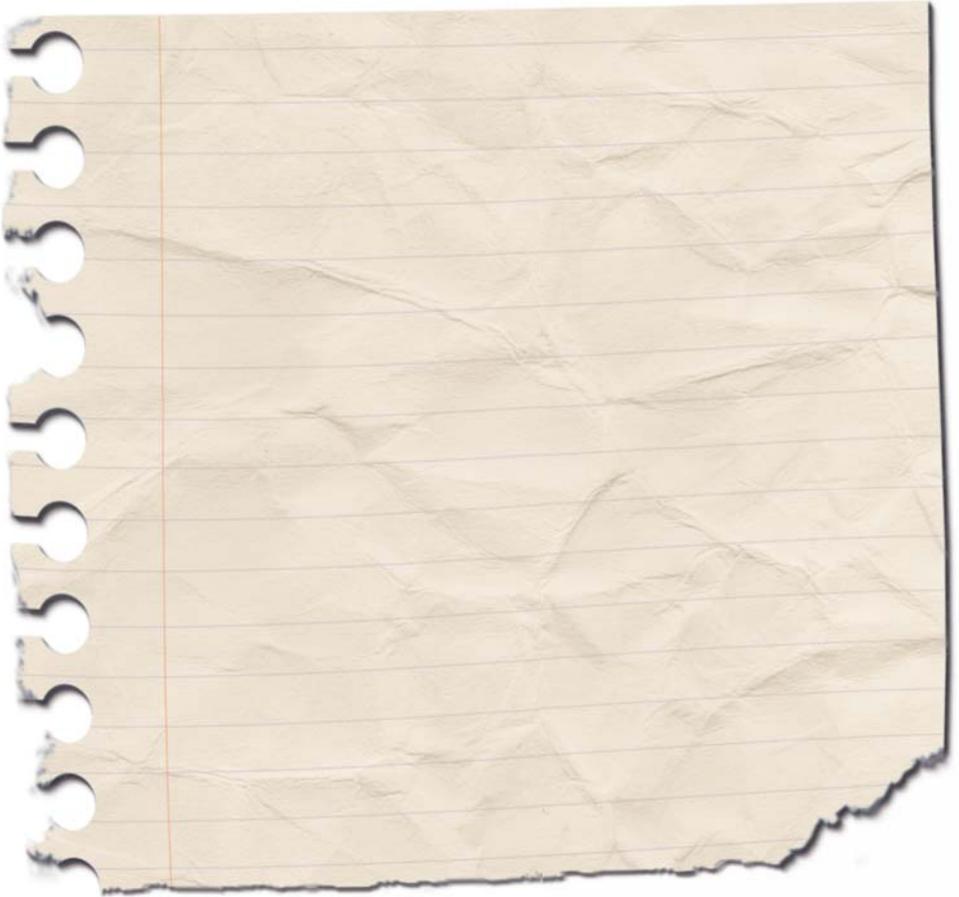
Also note that an empty tank wagon may be dangerous –sometimes even more so than a loaded one– especially if there are remnants of the previous cargo starting to evaporate in the closed but otherwise empty container. These gasses may be toxic (depending on the cargo that has been discharged) but could also cause an explosion if the thus generated gasses are combustible and/or explosive).

What kind of fumigants can or cannot be used, is a national matter.



*Cf. Annex 7*

## *Notes*



# USEFUL CONTACTS AND LINKS



## 12.1 Competent authorities

*Cf. Annex 8*

*Notes*





## 12.2 Internetlinks

- EU legislation:  
<http://eur-lex.europa.eu>
- IMPEL-TFS:  
[http://ec.europa.eu/environment/impel/impel\\_tfs.htm](http://ec.europa.eu/environment/impel/impel_tfs.htm)
- Europol:  
<http://www.europol.europa.eu/>
- Interpol:  
<http://www.interpol.int/Public/EnvironmentalCrime/Pollution/Default.asp>
- European Union:  
<http://ec.europa.eu/>
- Basel Convention:  
<http://www.basel.int/>
- Basel Action Network:  
<http://www.ban.org/>
- OECD:  
<http://www.oecd.org/>
- CEPOL:  
<http://www.cepola.europa.eu>
- COTIF:  
<http://www.otif.org>
- explanation on WSR on a german private site:  
<http://www.bipro.de/waste-events/ship/eu-lex.htm>
- text ADR agreement:  
<http://www.unece.org/trans/danger/publi/adr/adr2009/09ContentsE.html>
- text CMR convention:  
<http://www.unece.org/trans/conventn/legalinst.html>
- guidelines (WEEE, second hand goods, . . .)  
<http://ec.europa.eu/environment/waste/shipments/guidance.htm>
- ADN(R):  
<http://www.unece.org/trans/conventn/adne.pdf>
- Text RID:  
<http://www.otif.org>



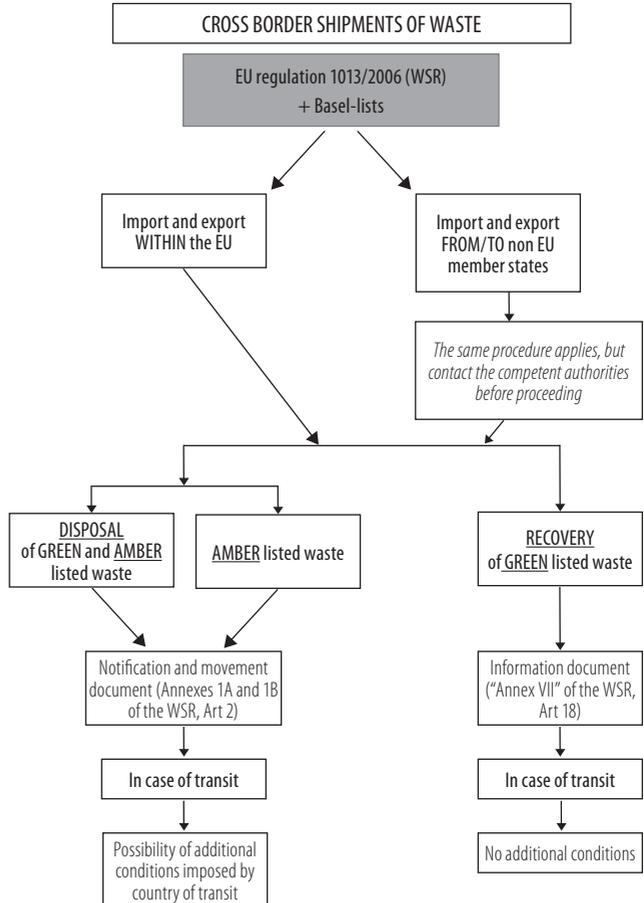
## Abbreviations

- ADR:  
"Accord européen relatif au transport international des marchandises Dangereuses par Route", also known as the European Agreement concerning the International Carriage of Dangerous Goods by Road
- ADN(R):  
"Accord Européen relative an Transport des marchandises Dangereuses par voie de Navigation du Rhin" also known as the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways
- CMR:  
standard waybill or bill of lading, developed in accordance with the "Convention relative au contrat de transport international de Marchandises par Route", also known as the Convention on the Contract for the International Carriage of Goods by Road
- COTIF:  
Convention concerning International Carriage by Rail
- EC list:  
European Catalogue list of waste
- ELV:  
End of Life Vehicle
- EU:  
European Union
- EU MS:  
European Union Member State
- IMPEL-TFS:  
Implementation and Enforcement of Environmental Law - Trans-frontier Shipment of waste
- OECD:  
Organisation for Economic Co-operation and Development
- RID:  
Regulations concerning the International Carriage of Dangerous Goods by Rail
- WEEE:  
Waste of Electronic and Electrical Equipment
- WSR:  
Waste Shipment Regulation; **Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste**

# ANNEXES

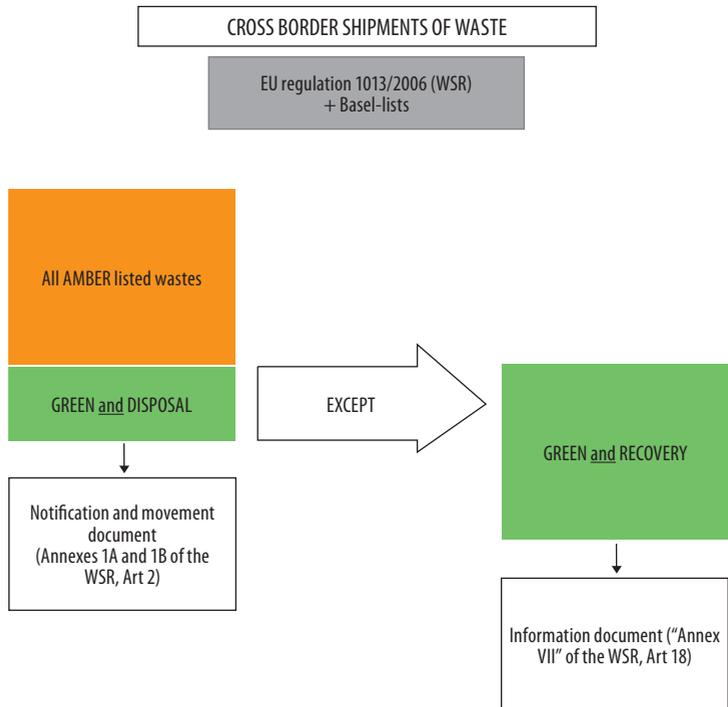


Annex 1: Flowchart cross border shipments





## Annex 2: Simplified Flowchart cross border shipments





## Annex 3: Filling out the WTC document

### WTC-form: Instructions

The core of the AUGIAS-project is the WTC-form, an acronym for Waste Transport Check-form. With this document a maximum amount of information can be gathered in a structured way. The gathered information will permit two things:

1. Determining whether the shipment is/was legitimate or not;
2. Visualisation of existing waste fluxes within, into and out of the EU.

To the present day (2010) no one – be it from the police, customs or environmental authorities – disposes of an effective tool to visualise on-going waste streams in an accurate way. Such a tool might help policy makers and permit a genuine follow-up of waste streams on a European level. Consequently, it is impossible to estimate the amount of minor and major offences being committed with regard to the Waste Shipment Regulation.

When developing the document, three main criteria were taken into account:

1. User-friendliness: the WTC-document was designed in such a way that non-specialist law-enforcers would have no problems filling it out;
2. Maximisation of the relevant output: the WTC document was designed in such a way that it would permit competent authorities to decide whether an offence was committed, even after the fact;
3. Unambiguity: the WTC document was designed in such a way as to maximally prevent misunderstandings.

Data collection on a European scale is needed in order to set out a well-founded policy on the monitoring of waste-streams. Different studies already demonstrated the existence of some important waste-streams worthy of some closer attention such as WEEE and ELV, but in order to develop a proper policy on both a European and national MS level there is a need for information from the field.

If every check of a waste shipment would result in the drawing up of a WTC form, not only the legality of the shipment would be evaluated but at the same time a small part of the ongoing waste streams would be made visible.

### The document itself

#### Some preceding agreements

- A WTC has to be filled out during every waste transport check (**no empty cargo!!**) of a national or international waste shipment.
- A WTC has to be filled out (preferably in English) from the left to the right in Standard European Capitals (= A, B, C, D, ...).
- Use only 1 character per box. The zeroes are crossed out (e.g. Ø) to avoid confusion with the letter 'o'.



- Be as complete as possible. Section 10 is at your disposal for remarks and comments. Moreover, there is always the possibility to join some pages with additional information to the WTC. Often it is preferable to do so to clarify the circumstances in which the shipment and its check were executed as well as possible in order to enable the competent authorities to judge the legality of the shipment. **HINT:** It is always useful to join a copy of all documents accompanying the transport. If you dispose of a digital camera, this can be done quite easily by making a photograph that can be printed later on or even transmitted digitally.
- When some information is not available or cannot be determined, the section is left empty.

**Heading of the document:**

<b>Country</b>	<b>B</b>	<b>E</b>	<b>Serial Nr. (Unique number per country by National Augias Contact Point, NACP)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>1</b>
----------------	----------	----------	--	----------	----------	----------	----------	----------	----------	----------

The person performing the check indicates his/her country by filling in the ISO-code of his/her country:

Albania	AL	China	CN	Finland	FI	Hong Kong	HK	Italy	IT	Maldives	MD	Portugal	PT	Spain	ES
Austria	AU	Croatia	HR	France	FR	Hungary	HU	Latvia	LV	Netherlands	NL	Romania	RO	Sweden	SE
Belarus	BY	Cyprus	CY	Germany	DE	Ireland	IE	Liechtenstein	LI	Norway	NO	Russian Fed.	RU	Switzerland	CH
Belgium	BE	Czech Rep.	CZ	Greece	GR	India	IN	Lithuania	LT	Pakistan	PK	Serbia	RS	Turkey	TR
Bosnia-Herz.	BA	Dominica	DK	Denmark	DK	Indonesia	ID	Luxembourg	LU	Philippines	PH	Slovak rep.	SK	Ukraine	UA
Bulgaria	BG	Estonia	EE	Greece	GR	Ireland	IE	Holba	HT	Poland	PL	Slovenia	SI	United Kingd.	UK

The Serial Number on the right hand top corner is a unique number for the WTC-form that can (not obligatory but it is always preferable to have a reference) be given by the NACP. In every country one National Augias Contact Point will be established that will be the receiver of your WTC-document (see address on the bottom of the document).

**Section 1:**

1. WASTE INSPECTOR																															
Name	V	A	N	D	E	N	A	B	B	E	S	L	E	Surname	V	V	E	S	Unit Code	6	6	7	7								
Unit name	<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Auth.	<input type="checkbox"/> Customs	<input type="checkbox"/> Other	P	E	D	S	R	A	L	S	E	N	V	I	R	O	N	M	E	N	T	A	L	S	V.				

It is not compulsory to fill out the unit code. It has been included for those services or countries who use unit codes to distinguish between several services in one organization or MS. Using a unit code might facilitate later feedback to the author of the WTC.

**Section 2:**

The municipality is the municipality where the shipment is being checked. Tick the box of the appropriate way of transport.

Road transport

It is very important to specify the direction of the transport clearly. For instance, when you check a truck that drives from BUDAPEST to WIEN, you fill in "from BUDAPEST to WIEN," and not the inverse. See example below.



2. LOCATION OF CONTROL																																		
Municipality	B	R	A	T	I	S	L	A	V	A																								
<input checked="" type="checkbox"/> Road, Nr.	E	7	5	from	B	U	D	A	P	E	S	T	to	W	I	E	N	Milestone	I	0														
<input type="checkbox"/> Waterway															from															to				
<input type="checkbox"/> Harbour															Quay Nr.															Leave empty				
<input type="checkbox"/> Rail Station																																		

One of the items that needs to be verified is whether the shipment is stopped on a spot that is on the logical/economical route from the producer to its destination (recovery or disposal facility). If the transport is checked in a place that does not seem to be on this logical route, the driver/captain has to be asked why and the given reason should be mentioned under section 10 or on a separate page annexed to the WTC. It is always possible that the transports' destination is another than the one mentioned on the documents.

#### Transport by waterway

<input checked="" type="checkbox"/> Waterway	R	H	E	I	N	from	B	A	S	E	L	to	B	O	N	N									
--	---	---	---	---	---	------	---	---	---	---	---	----	---	---	---	---	--	--	--	--	--	--	--	--	--

In the box "Milestone", round off to the closest kilometre or mile-unit.

In the box "leave empty" the unique database number will be filled out by the Augias Data Handling Department (ADHD).

#### Section 3:

In section three the day, month and year and hour on which the transport takes place should be mentioned. In most cases this will be the same date and time as the check itself. In addition, it has to be specified whether the cargo and/or the documents have been checked and whether pictures of the documents and/or cargo have been taken and annexed to the WTC.

3. DATE/TIME and INSPECTION METHOD															
Ddmmyy	1	1	0	3	1	0	hhmm	1	0	0	5	<input type="checkbox"/> Photo taken ?	<input checked="" type="checkbox"/> Inspection of documents	<input checked="" type="checkbox"/> Visual inspection of the cargo ?	

#### Section 4:

This is one of the most important sections since it will reveal whether what is declared on the documents coincides with what is going on in reality. One must bear in mind that what is mentioned on the transport documents is not always truthful, so additional (visual) checks of the cargo are necessary. Every piece of information that might shed a light on the nature of the cargo is useful.

One must nevertheless never lose sight of security aspects. Sometimes a visual check will be made impossible due to a number of circumstances such as time and place, fumigation of the container, impossibility to open the container, the nature of the cargo etc. In this case there is no other alternative than to interview the driver/captain in order to gather as much information as possible.

Specifying the nature of the waste is of key essence since it will enable the competent authorities and the prosecutor to draw the right conclusions.



- E.g.:
- If the cargo consists of ELV's, one will have to specify whether or not they have been depolluted.
  - Construction and demolition waste is too general a description. One should explain whether the cargo consists of a mixture of different stone-like materials, or whether it is mixed with other materials such as wood, plastics or other materials (specification in quality). In addition the dimension and quantity can be described (specification in quantity).
  - Wood: mention whether or not it has been treated with paint or other substances.
  - Tanks for gasoline/oil: mention whether they have been cleaned or not.
  - Asphalt: mention whether or not it contains tar.

4. WASTE												
Description on documents	C O N C R E T E											EC waste list
Inspector's Description	C O N S T R U C T I O N W A S T E ( H O S T L Y											Basel/OECD-code
	C I D I N C R E T E S U T M I X E D W I T H P L A S T I C S )											R (recovery)/D (disposal)-code
Container no.												<input checked="" type="checkbox"/> Mixture
	Quantity											<input checked="" type="checkbox"/> kg <input type="checkbox"/> ton <input type="checkbox"/> pack <input type="checkbox"/> l <input type="checkbox"/> m <sup>3</sup>

If any of the following codes are mentioned on the transport documents, copy them on the WTC:

- **European Catalogue list of waste (EC list):** This is a list consisting of 20 chapters according to the nature of the waste. In this list all 750 kinds of waste are provided with a six digit code. If the waste is hazardous, an asterisk is added. E.g. 13 02 06\* stands for synthetic motor-, transmission and lubrication oil).  
This list can be consulted on: <http://eurlex.europa.eu/>
- **OECD-code/BASEL-code** (only applicable in case of international shipments):
  - This code can be found in box 10 on the notification or Annex VII-document. Within the WSR every listed kind of waste has been provided with a code. There are two types of codes. The first type consists of the letters "A" or "B" followed by 4 digits. These codes are derived from the lists that were part of the original Basel Convention. The "A" and "B" in the codes refer respectively to "list A" (hazardous) and "list B" (non hazardous). These codes are constituted of the letters "A" or the "B" (referring to the A or B list) + four numbers. E.g. B1010 = all kinds of metal waste. In some cases the code only consists of four numbers (without "A" or "B") which is rather confusing.
  - The second type of codes that are being used within the WSR are the codes referring to a waste-type which is not mentioned in the "A" or "B"-list. In this case the old OECD-codes are used. These are constituted of 2 characters and 3 digits. The letters refer to the now abolished OECD lists: G(reen) or not dangerous, A(mber) and R(ed) or dangerous). E.g. AA 060: Vanadium ashes and residues.
- **R-/D-code:** These are codes indicating what will happen to the waste. The "R" stands for "Recycling" and the "D" for "Disposal". See also pt. 6.2.2. (Recycling codes) and 6.1.2. (Disposal codes) in the manual.











## Annex 4

National information



## Annex 5

National legislation



## Annex 6

Breaking seals



## Annex 7

Fumigants



## Annex 8

Competent authorities



## *Notes*

