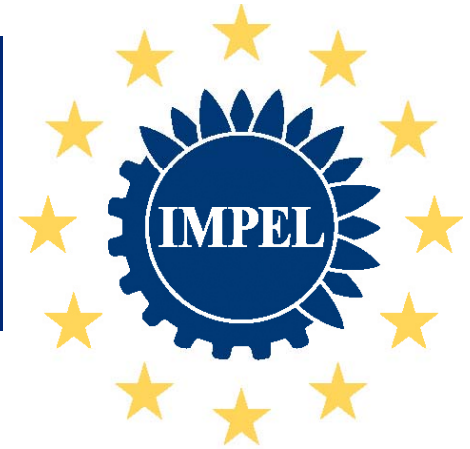


Workshop of the Asian Network for  
Prevention of Illegal Transboundary  
Movements of Hazardous Wastes  
Cambodia, 1 December 2010



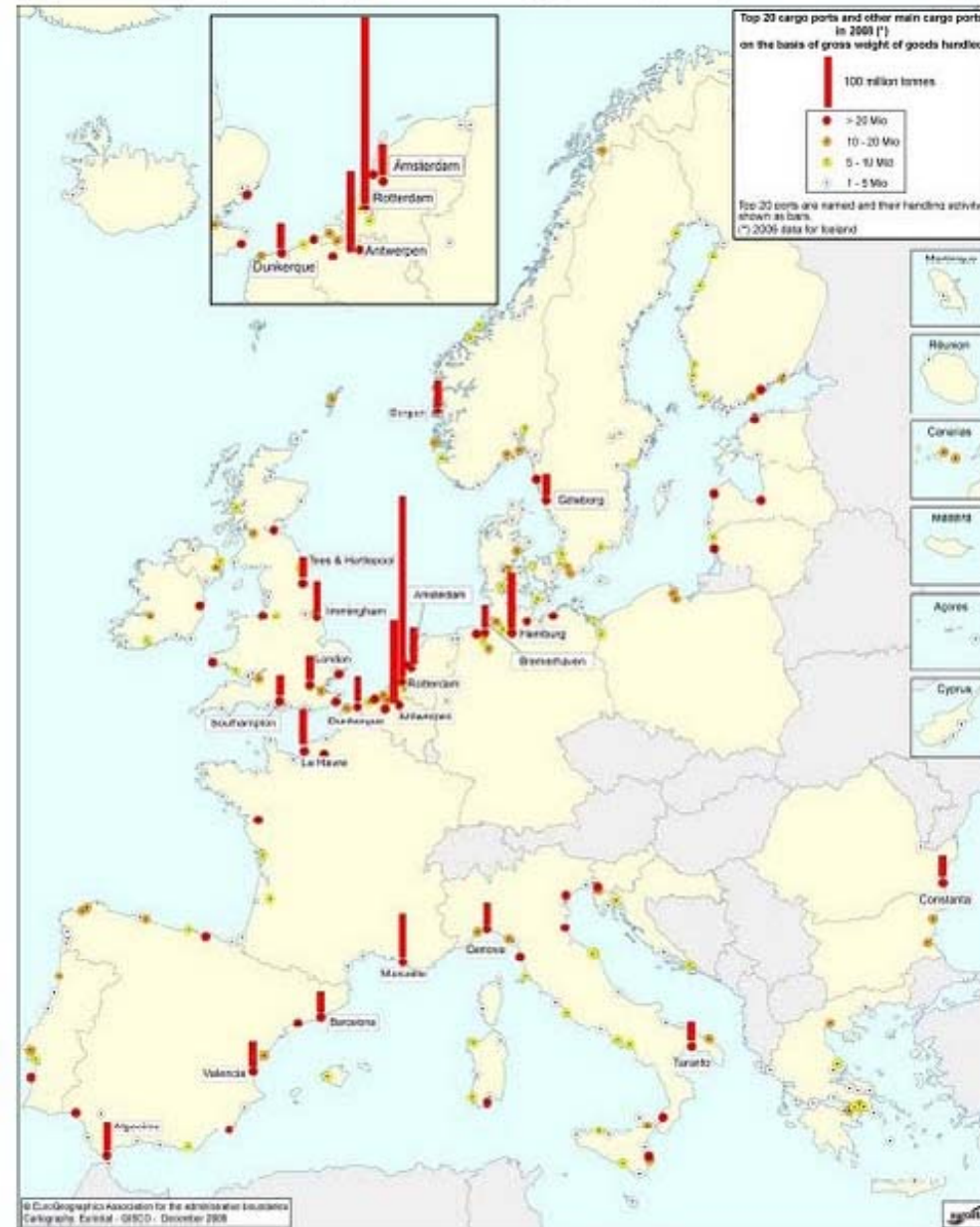
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# IMPEL-TFS

## Return shipments in Europe

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Map 1: Main European cargo ports in 2008<sup>(1)</sup> by gross weight of goods handled



(1) 2008 data for Iceland.

# This presentation



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- Legal background
- Return shipments procedures in Europe
- Tips & Tricks for return shipments

# Legal Background take back obligations

- Basel Convention
- European Waste shipment Regulation

*This presentation contains a summary of European legislation and informal agreements between Member states. This content does not necessarily represent the view of the national administrations or the Commission. No rights can be claimed based on this presentation.*

# European Waste Shipment Regulation EC No. 1013/2006



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- Take back in case a shipment can not be completed  
(art 22, 23)
- Take back in case of an illegal shipment  
(art 24, 25)

## In case a shipment can not be completed as intended in a notification and movement form



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- When a receiving facility rejects a shipment, it shall immediately inform the authorities.
- authority of dispatch shall take care that the notifier takes the waste back within 90 days
- Authorities can agree about an alternative
- Exemptions:
  - for waste that is mixed up with other waste
  - when the receiver has sent the declaration of recovery/disposal

## Costs in case a shipment can not be completed as intended in a notification and movement form



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- The notifier  
(financial guarantee of the notification)
- Another natural or legal person
- Authority of dispatch
- Otherwise agreed by the involved authorities

## In case of an illegal shipment -definition



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### Illegal shipment:

- Without notification
- Without consent
- Notification based on falsification, fraud etc
- Process leads to recovery/disposal in contravention with int. rules
- Contrary with an export ban
- Shipment as green listed waste
  - Seems not to be green listed
  - Abuse of exemption of laboratory samples
  - Movement document Annex VII is not correct



## In case of an illegal shipment (Art 24)



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- A government that discovers an illegal shipment shall immediately inform the other authorities involved
- If the notifier is responsible, the competent authority of dispatch shall ensure that the waste is:
  - Taken back by the notifier de facto or de jure
  - Taken back by the authority of dispatch itself
  - Alternatively recovered/disposed in the country of destination or dispatch
  - Alternatively in another country by the country of dispatch
- Take back within 30 days, or otherwise agreed
- With notification, unless otherwise agreed

## In case of an illegal shipment -exemptions



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- In case the consignee is responsible the authority of destination is responsible
- Authorities work together in case neither the notifier and consignee can be defined as responsible
- When the receiver has sent the declaration of recovery/disposal

## In case of an illegal shipment -costs



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- When the notifier is responsible
  - The notifier de facto  
(financial guarantee of the notification)
  - The notifier de jure, or another natural or legal person
  - Authority of dispatch
- When the consignee is responsible
  - the consignee
  - the competent authority of destination

# IMPEL-TFS Practical guidance for “ managing illegal shipments of waste”



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1. General
2. Enforcement actions relating to illegal shipments to waste sites
3. Further investigations
4. Actions phase – application of take back procedures

## Actions phase – application of take back procedures



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Directly after discovering an illegal shipment, the final investigation form (Annex B2) needs to be send to the other authorities. → start 30 days term

The competent authorities shall examine in detail if and to what extend the notifier and/or consignee have contributed to the illegal shipment

Options:

-responsible company is willing to take back the waste "voluntarily" →letter Annex C

-responsible company refuses to take back the waste  
→letter Annex D

- Notification procedure starts or alternative procedure  
→ Annex E + Annex G2

## Tips & tricks



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- Always inform the country of origin and inform the involved companies that the shipment will be followed to prevent the waste getting lost.
- check the return by tracking & tracing websites of shipping lines
- Inform the shipping line and point them on their responsibility to prevent claims
- take the hazardous goods transport legislation into account

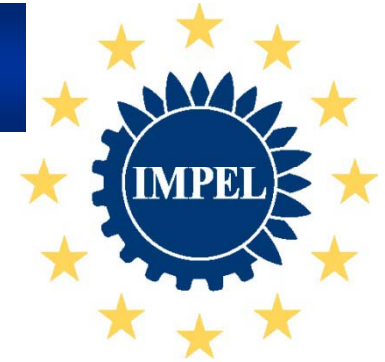
## Tips & tricks



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- If you don't have a contact in an European country, contact the Basel focal point as well as the IMPEL-TFS national contact point
- In case the country of origin did not ratify Basel Convention and is not obliged to take the waste back, try to get agreement and assistance for a court procedure in the country of origin
- Balance between formal procedures and pragmatic solutions

## More information



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