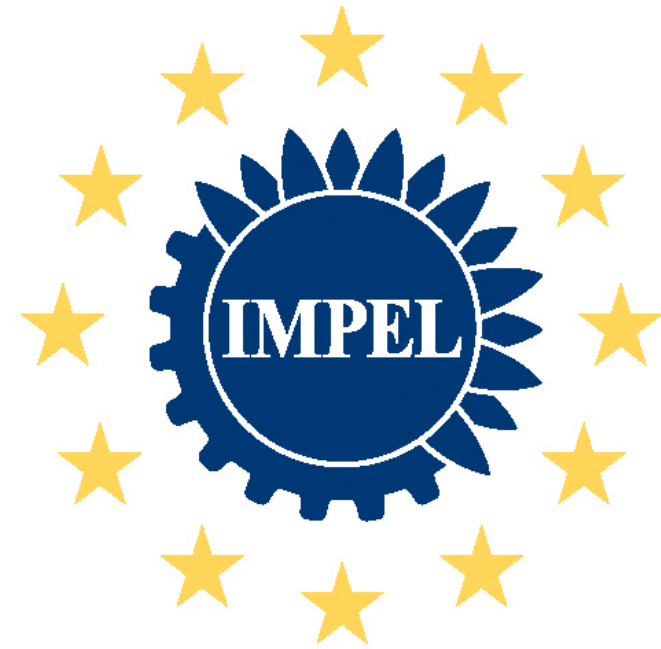


Implementing Take-Back



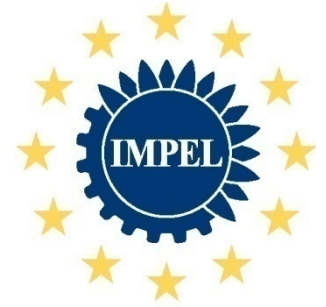
Marina de Gier IMPEL-TFS

Cebu 21 November 2012

European Union Network for
the Implementation and Enforcement
of Environmental Law



Outline:

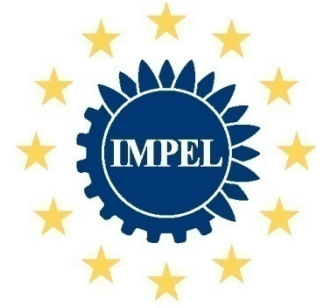


European Union Network for
the Implementation and Enforcement
of Environmental Law

- implementing status of take-back in Europe
- take back cases from Asia to EU
- difficulties concerning take-back
- important actions in case of return shipments



Take-Back within Europe



European Union Network for
the Implementation and Enforcement
of Environmental Law

Waste Shipment Regulation: important articles

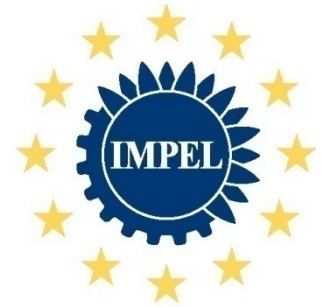
Art 2: Definitions of illegal shipment

Art 24: Take-back when a shipment is illegal

Art 25: Costs for take back when a shipment is illegal



Take-Back within Europe



European Union Network for
the Implementation and Enforcement
of Environmental Law

Art 2: Definitions of illegal shipment (examples)

- without notification when notification is obligatory;
- with notification but obtained through falsification, misrepresentation or fraud;
- export of hazardous waste to non-OECD countries;
- export to a non-licensed facility;
- when the content of the container is different than stated on the documents
- Etc.



Take-Back within Europe



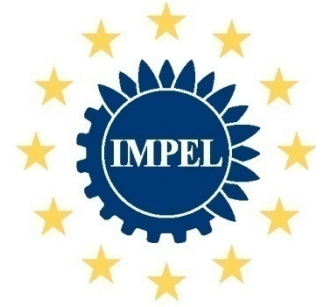
European Union Network for
the Implementation and Enforcement
of Environmental Law

Art 24:

- when discovering an illegal shipment competent authority inform other competent authorities involved immediately ;
- the notifier is responsible;
- competent authority of dispatch have to ensure:
 - that the notifier takes back or;
 - the competent authority itself takes back or;
 - alternatively recovered or disposed in country of destination or dispatch or other country if all the competent authorities concerned agreed
- take- back within 30 days or other agreed period, new notification needed;
- when consignee responsible for illegal shipment then country of destination responsible for EMS recovery or disposal.



Take-Back within Europe



European Union Network for
the Implementation and Enforcement
of Environmental Law

Art 25:

Cost (transport, storage disposal) arising from take-back for the
notifier and if impracticable the country of dispatch

Or consignee and country of destination

Or competent authority of dispatch and destination



Take-Back within Europe



European Union Network for
the Implementation and Enforcement
of Environmental Law

IMPEL-TFS developed a manual managing illegal shipment of waste which contains:

- information on the legal background;
- enforcement actions relating to illegal shipments to waste sites;
- measures you have to take when the shipment is illegal divided in:
 - discovered in country of transit
 - when the situation does not require the return of waste
 - when the responsible company is willing to take it back voluntary and when company is unknown or not willing.



Recent cases of take-back from Asia to EU



European Union Network for
the Implementation and Enforcement
of Environmental Law

Indonesia:

Return shipments of metal waste to UK, the
Netherlands and Belgium

China:

Return shipment of household waste (paper) to the
Netherlands



Difficulties



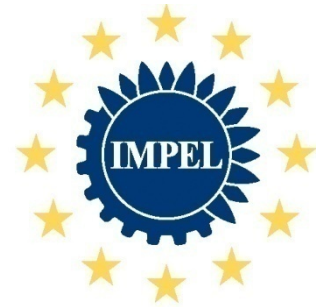
European Union Network for
the Implementation and Enforcement
of Environmental Law

- Bankruptcy of the owner of the waste
- Notifier not clear
- Notifier not willing
- Abandoned waste at ports
- Waste not allowed, but further shipped outside the control of the authorities
- Unclear who to contact
- Gathering evidents, investigation may be time consuming
- Complex trail of involved companies and individuals
- Financial implications
- Different opinions of competent authorities eg regarding classification of waste.
- Lack of a commonly agreed procedure.

When it is difficult 30 days is quite short



Important actions in case of return shipments



European Union Network for
the Implementation and Enforcement
of Environmental Law

Gather evidence!

Evidence that the waste is transported or was going to be transported van point A to point B and all the involved companies/persons and their responsibilities.

Checklist of evidence: customs documents, bill of lading, invoices, contracts, packing list, safety data sheets, test certificates, photos of the load, analyses, terms of delivery, reports of interviews with involved actors.

Take care that the load is not mixed with other loads (the link between that specific load and the involved companies must be clear)



Important actions in case of return shipments



European Union Network for
the Implementation and Enforcement
of Environmental Law

Contact the involved competent authority, within your country:

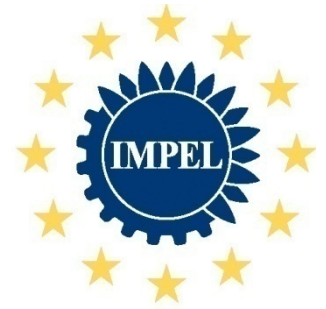
- they can help to investigate
- provide support with technical questions
- deal with official take-back request
- link with the Basel Secretariat

Contact asap the competent authority of country of dispatch (even before the formal take back request)

Information concerning the actual return shipment (number of containers, seals, date waste release)



Important actions in case of return shipments



European Union Network for
the Implementation and Enforcement
of Environmental Law

**Asian Network and IMPEL develop a
commonly take-back procedure!**

**“The INECE guidance for the takeback of detected
illegal shipments of waste” is a good bases”**



Strengthening cooperation : Request for participation

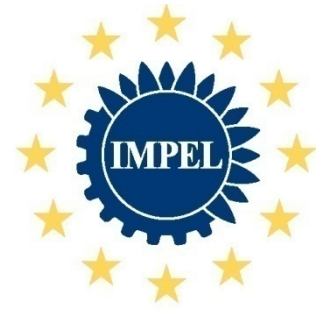


European Union Network for
the Implementation and Enforcement
of Environmental Law

- **Join the forum**
- **Fill in your country profile**
- **Give your comments on the verification
and **Take-back procedure****



Strengthening cooperation : Request for participation



European Union Network for
the Implementation and Enforcement
of Environmental Law

Questions?