

**WORKSHOP ON ILLEGAL TRAFFIC
BRATISLAVA, SLOVAK REPUBLIC
3 TO 5 OCTOBER 2006
Questionnaire No. 2**

Country: Czech Republic
Government entity completing the questionnaire: Ministry of Environment (MoE) Czech Environmental Inspectorate (CEI) General Directorate of Customs
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Date when Questionnaire Completed (DD/MM/YY): 15/09/2006 29/08/2006 11/09/2006

Please identify a suspected or proven case of illegal traffic discovered in your country and prepare a presentation providing the following information:

1. Factual description of the case, including any consequences, such as damage to the environment or human health, or costs to remedy such damage;

Trucks detected in Sosnová.

Wastes imported to Libčeves.

2. Which provisions of the Basel Convention and/or the EU legislation were contravened?

Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community, as amended (hereinafter the “WSR”).

3. What led your authorities to suspect that the shipment was illegal?

The waste consignee was not authorized to receive wastes; in fact he was not authorized to manage any wastes. The waste dispatcher is obliged to make sure that consignee of waste is authorised to receive the waste in its possession and that treatment of waste is in compliance with all permits. The wastes were dispatched as green listed wastes, but in fact the wastes were mixtures of wastes, probably originating from treatment of household wastes. Mixture of green listed waste can not be considered as green listed waste, there are no possibilities for energy recovery operation in CZ; therefore the wastes declared as wastes for energy recovery must be considered as waste for long time storage- it means for disposal (in contradiction with Act on Wastes No.185/2001 Coll.).

4. What procedure was followed to investigate the case?

Customs service, CEI inspectors, members of regional authority in co-operation informed Ministry of Environment about the case and provided Ministry with necessary documents. Ministry then started negotiation with the state of dispatch (Germany) about taking wastes back.

5. Were safety measures taken when handling the shipment?

The trucks shipping wastes to Sosnová were guarded until they were returned to the state of dispatch, although waste in question was not suspected to be hazardous.

Wastes stored in agricultural area in Libčeves were suspected to be hazardous and three fires were on the site. Therefore, the wastes were transported to a safe place for a proper storage until final measures are taken.

6. Which governmental agency led the investigation? Were other governmental agencies involved? How did the communication/collaboration between these agencies work?

CEI investigated the cases in co-operation with customs service. Subsequently, the cases were investigated and prosecuted by Police. Ministry of Environment as the CA negotiated with CA's of dispatch the possibilities of taking-back.

7. Were other countries involved? How did you communicate/collaborate with those countries?

Country of dispatch and country of destination only. Communication is between competent authorities, not very well in the beginning, but the co-operation improves during the on-going negotiations.

8. Did your investigation lead to a prosecution or some other form of punishment (e.g., fine)?

CEI penalised unauthorised Czech consignee with a fine and asked CA of dispatch for information what procedure will start with company that dispatched waste in question illegally. Czech Police prosecuted 6 persons.

9. Which governmental agency led the prosecution? Were other governmental agencies involved? How did the communication/collaboration between these agencies work? What was the outcome of the case?

Governmental bodies led the investigation according their competencies given in Czech national legislation (Act on Wastes); outcome is mentioned in paragraph no.8

10. Did you face any problems during the investigation?

Mentioned case was the first one after accessing CZ to EU and we have had none or only a little experience with similar cases. That is why procedure was rather slow at first, we only start with closer co-operation and collaboration on national and international level.

11. How did you solve the problems faced (Lessons learned).

Better information exchange among national authorities is necessary. Better control on borders not only on the Czech side but primarily in the state of export would be of big importance.