

**WORKSHOP ON ILLEGAL TRAFFIC
BRATISLAVA, SLOVAK REPUBLIC
3 TO 5 OCTOBER 2006**

Draft Questionnaire No. 2

Country: POLAND
Government entity completing the questionnaire: CHIEF INSPECTORATE FOR ENVIRONMENTAL PROTECTION, DIVISION OF TRANSBOUNDARY MOVEMENT OF WASTE
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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;

On 5th of July 2006 Regional Inspection of Road Transport stopped, on the territory of Poland, 2 vehicles with 24 tons of residual wastes each from Germany. Drivers did not have any documents stipulating the dispatcher of the waste, the consignee, the quantity, destination of waste and CMR documents. According vehicles insurances they were owned by German company Korbethaer Handels und Transport GmbH. Probably, destination of this transport was a landfill. Quick cooperation between all authorities involved prevented serious consequences. Shipment was sent back to Germany.

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

According to Regulation no 259/93 (article 26) shipment in question was classified as an illegal transport of Wastes. Drivers did not have any documents indispensable for realisation this transport.

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

The shipment was stopped during routine control of Inspection of Road Transport. It is not allowed to import to Poland residual wastes. Vehicles with German plates with cargo of residual wastes one territory of Poland, are very probably illegal transport of waste.

4. What procedure was followed to investigate the case?

Procedure according to Regulation no 259/93. Illegal shipment of waste was notified to Chief Inspectorate for Environmental Protection - Division of Transboundary Movements of Waste (competent authority of transboundary movement of waste). Chief Inspectorate informed competent authority of origin the shipment about illegal movement of waste, and issued decision obligated to sent it back to the state of origin. Inspection of Road Transport informed prosecuting attorney about committing an offence.

5. Were safety measures taken when handling the shipment?

No measures were taken.

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

The governmental agency who led the investigation was Chief Inspectorate for Environmental Protection with cooperation Inspection of Road Transport and Regional Inspectorate for Environmental Protection. Prosecuting attorney was also involved. Communication with all agencies worked quite well.

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

Chief Inspectorate for Environmental Protection only informed competent authority in wastes state of origin about illegal movement of wastes.

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

Investigation led to a prosecution. No other punishment were taken, beyond fine for Inspection of Road Transport due to realization of transport without necessary documents (about 4.000 Euro for each vehicle).

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?

Prosecution was led by Regional Prosecuting Attorney in Dzierzoniow. No other governmental agencies were involved. Prosecution proceedings were finished with no penalty to German company.

10. Did you face any problems during the investigation?

No difficulties were observed.

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

The solution of this problem was sending back wastes to the state of origin. The procedure, which was used, is a standard procedure according to Regulation no 259/93. We learned that quick cooperation between agencies involved in case is possible. The shipment was stopped on 5th of July and left territory of Poland on 8th of July, after issuing all necessary decisions.