

**WORKSHOP ON ILLEGAL TRAFFIC
BRATISLAVA, SLOVAK REPUBLIC
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QUESTIONNAIRE NO. 1

Country: Slovenia
Government entity completing the questionnaire: Ministry for Environment and Spatial Planning, - Inspectorate of RS for Environment and Spatial Planning (IRSEP) - Environmental Agency of the Republic of Slovenia (EARS) Ministry for Finance, The Customs Administration of Republic of Slovenia (CARS)
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I. Procedures established to manage transboundary movements of hazardous wastes and other wastes

(a) Relevant rules, regulations, laws and administrative measures

1. Have you received training in your country on:

- i) the Basel Convention and its procedures; **Only under the organization of the BCRC.**
- ii) the EU law and its procedures : **In the year 2003 IRSEP and EARS joined the training held in Vienna. IRSEP has also participated in Seaport Project II (2004 – 2006) and during the project some exchanges of inspectors were made.**
- iii) the UN Recommendations on the Transport of Dangerous Goods; and/or
- iv) the Globally Harmonized System of classification and labelling of chemicals (GHS)?

2. Has your country enacted legislation that regulates the transboundary movement of hazardous wastes and other wastes? If yes, please specify.

Yes:

- **Council Regulation (EEC) No 259/1993 on the supervision and control of shipments of waste within, into and out of the European Community;**
- **Regulation on transboundary movements of wastes (O.J. of RS No. 101/04 and 46/05).**

3. Has the national legislation enacted in your country been harmonised with the requirements established by the Basel Convention and relevant EU legislation?

Slovene legislation is in line with the relevant EU legislation. The harmonisation with the last amendments of the Annexes VIII and IX of the Basel Convention takes place now.

4. Has your country prohibit the import of hazardous wastes for disposal?

According to the national legislation import of wastes destined for D1 and D7 operations from Annex IV A of Basel Convention is prohibited. This prohibition is valid for import from all countries/regions and for all wastes. Exception: cases according to Art. 4(3)(a)(ii) of Council Regulation 259/93/EEC

5. Does your national legislation consider any wastes other than those covered by the Basel Convention and EU legislation, as hazardous?

Yes. With regard to transboundary movements of wastes applies European Council Regulation 259/93/EEC. The subject of control is:

- in the case of movements destined for recycling:

- waste listed in Annex III and IV

- any waste not listed in Annex II, III, IV and V of European Council Regulation 259/93/EEC,

- waste destined for final disposal

- in the case of export out of EU: waste which is subject of control in the country of destination.

6. Does your national legislation impose any additional requirements to those contained in the Basel Convention for the export, transit, or import, of hazardous wastes?

- **The requirement for the bank guarantee in all cases;**
- **permits required always – there is no tacit consent;**
- **determined border crossings.**

7. What procedure do applicable rules require you to follow when a shipment of hazardous wastes or other wastes: i) is exported from your country; ii) is transiting through your country; and iii) is imported into your country? **WSR – Procedures.**

Which governmental agency in your country has the main responsibility for managing transboundary movements of hazardous wastes and other wastes? Are there other governmental agencies involved? If yes, please specify: i) the role played by each entity (for example, data collection, verification of notifications and other data, investigation, prosecution), and ii) the legislation under which that role is conferred.

The responsibilities are determined in Regulation on transboundary movements of wastes (O.J. of RS No. 101/04 and 46/05).

- **The main responsibility of the EARS : data collection, verification of notifications, permitting system, management of hazardous wastes and other waste, assesment of disposal capabilities and sites, monitoring of hazardous wastes and other wastes**
 - **The main responsibility of IRSEP – responsible for carrying out inspections of establishments and undertakings in the country of export (producer, collector, dealer, broker); at the destination of waste carried out at the recovery/disposal facility and also for spot checks of shipments determined by the annual program.**
 - **The main responsibility of Customs – Identification of cases of illegal traffic, the inspection of documents and physical control of waste.**
 - **The main responsibility of Police – emergency response, Identification of cases of illegal traffic.**
8. Has a task force been established to coordinate their activities? If yes, what is the structure and procedures of the task force? If no, how is the exchange of information and cooperation between these agencies organised? Are there bottlenecks?

No. Collaboration between CAs is performed in accordance with the spot-cheks-annual-programme.

9. Do the governmental agencies identified in paragraph 6 cooperate/coordinate with other entities at the European/international level? How is the exchange of information between these entities organised? Has your country faced difficulties with this cooperation?

- **For shipment destined into China for recovery operations there is a problem to find a contact with the proper body. Also other CAs of the EU member states find the problem to get a contact with the CA of the China as the biggest one.**

- **There is a good cooperation established through IMPEL/TFS NFP for exchanging information and experiences especially on classification of waste.**

10. Does your country contribute to an international customs network? What are your experiences with this network?

The Customs Administration of Republic of Slovenia (CARS) is connected to the data base by the Common Communications Network/Customs System Interface (CCN/CSI) of the European Commission, on which NCTS (New Computerised Transit System), TARIC (Tarif Intégré de la Communauté) or Integrated Community Tariff and other applications are based. The main functions of computer platform CCN/CSI are to improve control standards and to provide the basis for e – customs and it also permits the rapid transmission of control and crisis information to customs posts at the communities external borders.

11. How do you receive/transmit information from/to the Focal Point and/or the Competent Authority of the Basel Convention? Have you faced any difficulties in this communication?

IRSEP and CARS receive information about the licence for shipment of waste from the Competent Authority of the Basel Convention by post. IRSEP and CARS receive/transmit additional information from/to the Competent Authority by e-mail or phone mostly.

12. How do you receive information concerning: i) wastes other than those listed in the Annexes to the Basel Convention that are considered hazardous by other countries; and ii) import bans of other countries relating to hazardous wastes? Have you faced problems in receiving this type of information?

CARS receives information concerning non-listed wastes or import bans by e-mail or phone also.

Information are available on the Basel web site.

(b) Practical aspects, including safety measures

13. Have you received training in your country on how to handle cargos that contain hazardous wastes and other wastes?

In the field of the waste control the competences are split between different ministries and organisations, so the Ministry of the RS for Environment and Spatial Planning co-ordinates the waste control activities with other ministries, authorities and organisations.

Since 1997 every year Slovenian Competent Authorities for the implementation of the Basel Convention have been successfully performing the waste controls together with Austrian competent authority on the border-stations.

All responsible authorities also collaborate in joint border controls with the inclusion of the border station to Hungary and Croatia.

Slovenia was also involved in Seaport Project II.

CARS has not received any training on wastes.

14. Has your country a training academy for customs officers? If yes, do the curricula of the academy include environmental modules? Is the environmental authority in your country involved in the training of the academy?

No it has not.

15. What procedure do you have to verify whether a cargo conforms to the accompanying documentation, when the cargo is: i) exported from your country; ii) transiting through your country; or iii) imported into your country?

To avoid and prevent precautions on the field of the export of waste environmental inspectors performed inside the country site visits of great installations (generators of hazardous waste) which intended to ship certain hazardous waste into another country. Environmental inspectors also control the exporters and collectors (authorised) of wastes. One of the tasks of the environmental inspectors is also the control of the recovery/disposal facilities.

For all activities in the field of customs control, we have two basic legal framework of the Customs System:

- **Council Regulation (EEC) No 2913/92 (Community Customs Code) –and implementing act**
- **Commission Regulation (EEC) No 2454/93 (implementation of Community Customs Code).**

Our national legislation are:

- **Act implementing the customs regulations of the European Community**
- **Customs Service Law.**

Legal bases taken by customs to control entry, exit and transit of goods under special provisions (hazardous waste) are in Article 58 of the Community Customs Code (Council Regulation 2913/92):

»Save as otherwise provided, goods may at any time, under the conditions laid down, be assigned any customs-approved treatment or use irrespective of their nature or quantity, or their country of origin, consignment or destination.

Paragraph 1 shall not preclude the imposition of prohibitions or restrictions justified on grounds of public morality, public policy or public security, the protection of health and life of humans, animals or plants, the protection of national treasures possessing artistic, historic or archeological value or the protection of industrial and commercial property.«

...in other words, these restriction serve the protection of

- **the population,**
- **the environment,**
- **the fauna and flora and**
- **the international security.**

In General Customs Directorate there are two divisions dealing with hazardous waste. The first is Customs and Tax procedures Division with the Restrictions and Prohibitions Section (guidelines for customs officers /catalogue of measures on procedures for the control of the hazardous waste). The next one is the Investigation division for investigation and analytic – information.

Customs control at the external border includes the inspection of documents, physical control of goods and the sampling in order to test at customs laboratory. Where on import, export or transit of the certain waste the customs authorities find out that there is a valid export licence for these goods corresponding to the customs declaration, the goods will be released. Where the customs authorities suspect that there is no licence for that goods, they:

- check the documents and require other documents to be produced by the declarant and, if possible, examine the goods in question;
- take whatever steps necessary for subsequent verification of the goods identity and communicate the information to the Customs office Control Section;
- inform competent authorities;
- release/refuse/seize the goods for the required procedure.

16. Do the procedures to be applied depend on the means of transport, the type of container and packing used?

They do not depend on the means of transport only. We are focused also on information about exporters, importers, producers, brokers, types of goods and the countries of destination.

17. What percentage of the i) imported, ii) transiting, and iii) exported, cargo is checked in your country? How do you make the selection?

We don't have hazardous waste statistic . we have only general statistic, which is:

- i) 10%**
- ii) 5%**
- iii) 3%**

Information on possible suspicious consignments is communicated to locally competent customs authorities (customs directorates). These authorities take decision on possible further actions (to examine additional papers and goods). Information on the number of exporters and importers, type of goods and the country of destination is to be obtained for proper activity guidelines. To this end an analysis of exports and imports of goods classified under the same CN code as prohibited goods has been made in the Investigation Division.

18. Do you have any safety measures for handling suspicious cargos in place?

Yes, we have Health and Safety guideline on how to handle with dangerous goods at work. There are also responsibility of the employer to provide safe working practices and equipment.

19. Have you faced problems in identifying the type of wastes contained in a cargo? If yes, please specify what type.

General problem:

All goods intended to be placed under a customs procedure must be covered by a declaration for the customs procedure. Customs declarations in writing are to be made in prescribed form (SAD). With regard to the fact that wastes are not usually classified under autonomous CN headings, in SAD box 33 (Commodity Code) they are often declared as "Other", meaning only certain goods within a tariff heading. Therefore, the customs authorities should pay special attention to boxes 31 (Packages and description of goods), 44 (Additional information/Documents produced/Certificates and authorisations) and 17 (Country of destination). The licence for hazardous waste is to be entered in the box 44 by using the certain code.

Specific problem:

Lead storage battery has been declared without loaded stick (to avoid the required licence).

20. Do you keep any records of i) the amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification; and ii) the amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods? Has your country created databases containing the latter information? If yes, please explain how do the databases operate?

EARS keeps the data information system. The data from the notification form are put into database, which enables to make inquiries, basis for writing acknowledgements, permits. This information system enables the preparation of the annual report in accordance with the Art. 13 and 16 of the Basel Convention.

CARS has not got such data yet.

II. Procedures established to prevent, identify, monitor and manage cases of illegal traffic of hazardous wastes and other wastes

21. Has your country enacted legislation that prevents and punishes illegal traffic in hazardous wastes and other wastes? If yes, please specify.

Yes, in national legislation: Regulation on transboundary movements of wastes (O.J. of RS No. 101/04 and 46/05).

22. How is illegal traffic of hazardous wastes and other wastes defined in your national legislation? What are the penalties under your national legislation?

The definition is included in Art. 26 of the WSR, penalties are determined in Art. 18 of the Regulation on transboundary movements of wastes (O.J. of RS No. 101/04 and 46/05).

- from 5.000.000 SIT – 30.000.000 SIT for firms, depending on sort of violation ;

- from 150.000 SIT – 30.000.000 SIT for individual (independent entrepreneur, responsible person, carrier..)

23. Has the national legislation regulating the illegal traffic of hazardous and other wastes been harmonised with the requirements established by the Basel Convention and relevant EU legislation, in particular, Waste Shipment Regulation 259/93?

Yes.

24. Have you identified any gaps in the national legislation regulating the illegal traffic of hazardous and other wastes?

No, we have not. But to avoid the difficulties in collaboration between different bodies the rules of procedure should be prepared.

25. What procedure do you apply when you have determined that a cargo may be illegal traffic? For example, do you turn it back? Do you seize the suspect shipment and conduct an investigation? Do you contact the country of export / transit / import?

In cases when the customs authorities discover or have reasons for suspicion that a cargo may be illegal traffic, they temporarily seize the goods. Then customs authorities inform the competent authorities and cooperate with them. Prohibited hazardous wastes are either seized or must be turned back.

In cases that Customs send the written report of detected violation, IRSEP makes further investigation and takes the appropriate measures when the responsible firm or person is under our jurisdiction.

Competent authorities contact another involved countries.

26. Do different procedures apply depending on whether your country is: i) the export state; ii) the transit state; or iii) the import state? If so, what procedures apply in each case?

Different procedures are based on customs legislation.

27. Which governmental agency is responsible and which are the procedures to be followed for investigating suspected cases of illegal traffic of hazardous wastes and other wastes in your country? Are there other entities involved? If yes, please specify.

Customs control includes the inspection of documents and physical control of waste. Police is responsible for checking the adequacy and equipment of vehicles (ARD), transporting documents and physical control of waste.

The customs investigation (in term of criminal law) is not authorized to reach a final decision of proceedings. Customs task is to clarify the facts of the case and to safeguard evidence.

Procedures to be followed for investigating suspected cases of illegal traffic of hazardous wastes and other wastes are explained in answers 18 and 26.

In cases that Customs send the written report of detected violation, IRSEP makes further investigation and takes the appropriate measures when the responsible firm or person is under our jurisdiction.

28. If several governmental agencies are involved, what are the responsibilities of each agency? How is the exchange of information and cooperation between these agencies organised? Are there bottlenecks?

EARS is nominated as the Competent Authority (CA) and Focal Point (FP) for the Basel Convention and also the correspondent for WSR is nominated from EARS.

Customs have an important role to play to combat fraud and criminal activities. This requires specialist investigators, sound legislation and effective tools. The protection of Community interests also requires good co-operation and mechanisms for the exchange of information between customs administrations and between them and other authorities.

In the case of non-conformity in applying control measures, the customs authorities contact the competent body. For their work data exchange between authorities is important and should be available to all involved authorities. The existing customs tools on information exchange are:

- **CIS (Customs Information System)**
- **AFIS (Anti-Fraud Information System)**
- **CIRCA (Communication and Information Resource Centre Administrator)**
- **Council Regulation (EC) 515/97 (mutual assistance)**
- **Conventions...**

It is important to have risk assessment, which is based on appropriate information and data exchange between authorities.

To avoid the difficulties in collaboration between different bodies the rules of procedure should be prepared.

29. Are there joint inspections with: i) other agencies and ii) other countries? Has your country faced any problems when carrying out joint inspections? If yes, how can these inspections be improved?

Ministry of the RS for Environment co-ordinates the waste control activities with other ministries, authorities and organisations. Due to the wide range of tasks, intensive co-operation and co-ordination with other controlling bodies is necessary.

One of the problem is the responsibility for sampling of waste and analyses. The responsible person/body should be appointed and also the way of payment for such service determined.

Are there any other comments that you would like to make?

To follow-up and to coordinate controls of hazardous waste, we think it is important to establish Inter-ministerial working group for shipment of hazardous waste.
