

***Eco-MAFIA* AND THE ILLEGAL TRANSPORT OF HAZARDOUS WASTE**

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II Cycle of seminars

MOBILITY AND SECURITY IN THE MEDITERRANEAN:
ILLICIT TRADES OF PERSONS AND GOODS

13 May 2022



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Introductory video Interpol

- <https://www.interpol.int/Crimes/Environmental-crime/Pollution-crime>

The definitions

Waste: as substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law (Article 2, paragraph 1). The provisions apply to what are known as “hazardous” and “other” wastes

Transboundary movement: means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement; (Basel Convention of 22 March 1989)

Definitions

- Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste, as amended by Directive 94/ 31/EC (OJ L 168, 2.7.1994)

Hazardous waste: waste which must contain one or multiple properties specified in Annex III of this Directive and requires special handling and transport of the same, as well as special treatment and disposal in order to avoid its risky and adverse effects on human health and the environment.

- Properties of the waste which render it hazardous are: explosivity, reactivity, flammability, irritability, harmfulness, toxicity, carcinogenicity, corrosiveness, infectivity, teratogenicity, mutogenicity, substances and preparations which release toxic or very toxic gases in contact with water.



UN lists plastic as hazardous waste, votes to control international trade

10 May 2019,
187 States voted to list
plastic as hazardous
waste

**A major step
Implementation?
Increased Illegal shipments?**

Some figures

- The total waste generated by industry and household in the EU in 2018(the latest year for which Eurostat data are available). :

2 337 million tonnes

- In 2020, EU exports of waste to non-EU countries reached 32.7 million tonnes (+75 % since 2004).
- This represents about 16 % of global trade in waste. Turkey – a member of the OECD – is by far the largest destination for EU waste exports, receiving around 13.7 million tonnes in 2020.

(EP Doc Revision of the EU's Waste Shipment Regulation)





The Guardian on 7 Febr 2019

- Estimated 352,474 metric tonnes of electronic waste is being illegally shipped from the EU to developing countries each year
- The UK is the worst offender in Europe for illegally exporting toxic electronic waste to developing countries, according to a two-year investigation that tracked shipments from 10 European countries.
- Jim Puckett, director of BAN (Basel Action Network), said the illegal shipments perpetuated an EU waste management regime “on the backs of the poor and vulnerable”.
- “We have discovered a very significant stream of illegal shipments of hazardous consumer electronic scrap to vulnerable populations,” he said.

Table 2.20: Revenue estimate of the EU illicit waste market

| EU Member State | Annual revenue, adjusted for inflation, 2019 (€ million) | | | | | | | | |
|---------------------------------------|--|----------------|----------------|----------------|----------------|-----------------|-------------------------------------|----------------|-----------------|
| | Hazardous | | | Non-hazardous | | | Total (hazardous and non-hazardous) | | |
| | Mid | Low | High | Mid | Low | High | Mid | Low | High |
| 23 EU Member States* | 2229.01 | 2065.29 | 2392.75 | 7277.61 | 1658.20 | 12896.99 | 9506.62 | 3723.49 | 15289.74 |
| 22 EU Member States without UK | 1870.49 | 1733.10 | 2007.89 | 5057.41 | 1152.33 | 8962.45 | 6927.89 | 2885.43 | 10970.34 |
| Austria | 64.47 | 59.74 | 69.20 | 31.00 | 7.07 | 54.94 | 95.47 | 66.80 | 124.13 |
| Belgium | - | - | - | - | - | - | - | - | - |
| Bulgaria | 11.24 | 10.41 | 12.06 | 155.76 | 35.49 | 276.03 | 167.00 | 45.91 | 288.09 |
| Croatia | 5.68 | 5.26 | 6.10 | 33.46 | 7.62 | 59.29 | 39.14 | 12.89 | 65.39 |
| Czech Republic | 51.35 | 47.57 | 55.12 | 108.39 | 24.69 | 192.08 | 159.74 | 72.27 | 247.21 |
| Cyprus | - | - | - | - | - | - | - | - | - |
| Denmark | 20.19 | 18.70 | 21.67 | 102.70 | 23.40 | 182.00 | 122.89 | 42.09 | 203.67 |
| Estonia | 10.14 | 9.40 | 10.89 | 118.83 | 27.07 | 210.59 | 128.97 | 36.48 | 221.48 |
| Finland | 13.73 | 12.72 | 14.74 | -8.91 | -2.03 | -15.80 | 4.82 | 10.69 | -1.05 |
| France | 524.29 | 485.78 | 562.80 | 777.10 | 177.06 | 1377.14 | 1301.39 | 662.84 | 1939.94 |
| Germany | 322.14 | 298.48 | 345.81 | 709.13 | 161.58 | 1256.69 | 1031.27 | 460.06 | 1602.49 |
| Greece | 1.11 | 1.03 | 1.19 | 96.19 | 21.92 | 170.45 | 97.30 | 22.95 | 171.64 |
| Hungary | 14.62 | 13.53 | 15.69 | 106.36 | 24.24 | 188.46 | 120.97 | 37.77 | 204.15 |
| Ireland | 16.02 | 14.85 | 17.20 | 132.52 | 30.19 | 234.85 | 148.54 | 45.04 | 252.05 |
| Italy | 452.64 | 419.40 | 485.88 | 937.78 | 213.67 | 1661.90 | 1390.42 | 633.07 | 2147.77 |
| Latvia | 3.93 | 3.65 | 4.22 | 31.62 | 7.21 | 56.03 | 35.55 | 10.86 | 60.26 |
| Lithuania | 8.94 | 8.28 | 9.60 | 70.47 | 16.05 | 124.89 | 79.41 | 24.33 | 134.49 |
| Luxembourg | - | - | - | - | - | - | - | - | - |
| Malta | - | - | - | - | - | - | - | - | - |
| Netherlands | 42.13 | 39.02 | 45.21 | 151.59 | 34.54 | 260.00 | 190.00 | 73.56 | 313.85 |

Captura de pantalla



| EU Member State | Annual revenue, adjusted for inflation, 2019 (€ million) | | | | | | | | |
|-----------------|--|--------|--------|---------------|--------|---------|-------------------------------------|--------|---------|
| | Hazardous | | | Non-hazardous | | | Total (hazardous and non-hazardous) | | |
| | Mid | Low | High | Mid | Low | High | Mid | Low | High |
| Poland | 25.84 | 23.95 | 27.74 | 318.33 | 72.54 | 564.14 | 344.18 | 96.49 | 591.88 |
| Portugal | 30.02 | 27.82 | 32.23 | 164.05 | 37.38 | 290.74 | 194.08 | 65.20 | 322.97 |
| Romania | 16.53 | 15.32 | 17.74 | 123.63 | 28.17 | 219.07 | 140.16 | 43.49 | 236.82 |
| Slovakia | 23.37 | 21.65 | 25.08 | 91.31 | 20.81 | 161.82 | 114.68 | 42.45 | 186.90 |
| Slovenia | - | - | - | - | - | - | - | - | - |
| Spain | 97.61 | 90.44 | 104.78 | 583.91 | 133.04 | 1034.77 | 681.51 | 223.48 | 1139.56 |
| Sweden | 114.50 | 106.09 | 122.92 | 222.18 | 50.62 | 393.75 | 336.69 | 156.71 | 516.67 |
| United Kingdom | 358.53 | 332.20 | 384.86 | 2220.20 | 505.87 | 3934.53 | 2578.73 | 838.07 | 4319.40 |

Notes: Estimates were produced for 2014–2016 (mean) updated to 2019 values using Eurostat's HICP (Eurostat, 2020). *It was not possible to produce estimates for BE, CY, LU, MT, SI.

Waste: a major problem a big business

Around 15% of all shipments in the EU involve waste

In 2016, 3.1 million tonnes of plastic waste were exported from the EU to non-OECD countries.

In 2017, around 8,5 mil tonnes hazardous notified (legal) shipments from EU MS to other EU MS. Around 10% of the total hazardous waste generated in the EU = proximity principle: treated where generated.

Illegal shipments: obligation to repatriation and clean up: example 2013, case where hazardous waste destined for Nigeria had to be brought back to the port of Rotterdam, with costs amounting to €1.2 million.



“Criminals believe marine pollution crime is a low-risk crime with no real victims. This is a mistake and one which INTERPOL and our partners are addressing as demonstrated in this operation.”

Types of waste crime

- Waste crime may result from act or omission harming the environment or from the avoidance of protective measures and take many forms generally falling into one or more of the six categories, including: (ESEAT, 2017)
- Illegal waste sites (which may operate for a short or a long period);
- Illegal burning of waste;
- Fly-tipping (or illegal disposal of waste);
- Misclassification and fraud;
- Serious breaches of permit conditions, including the abandonment of waste; and
- Illegal shipment of waste and hazardous (import, export and transit).

- Waste of different specialties may be mixed for concealment.
- Another mode of illegal shipment is to mix up waste of different degrees of speciality required for treatment (e.g. paper and hazardous waste) and to report the mixed-up shipment as only one lower priced / less protected category of waste (e.g. paper).
- For example, a storage site may mix toxic substances with domestic waste (Massari & Monzini, 2004).
- Illegal actors purchase lands or empty houses for waste storage and dispose of waste by burning the entire site⁶⁶. The illegal shipment of waste is enabled through fraudulent documents and reporting.



Origins and destination

- Waste trafficking originates mainly in developed countries, with the EU, North America (the US and Canada), Japan, and Australia being commonly identified as the main exporters of illegal waste
- The main destination countries for illegal waste trafficking in Asia (Indonesia, India, Malaysia, Pakistan, and Vietnam). Illegal waste trade routes depend on the type of waste, with e-waste usually shipped to South-east Asia, used-cars part and end-of-life vehicle to Eastern Europe and Africa, and plastic to Asia (DOTCOM Waste Project, 2017a, UNEP 2019).
- Italy a major transit country for illegal export, but also illegal disposal

Main Convention



BASEL CONVENTION

ON THE CONTROL OF TRANSBOUNDARY
MOVEMENTS OF HAZARDOUS WASTES
AND THEIR DISPOSAL

PROTOCOL ON LIABILITY AND COMPENSATION

FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS
OF HAZARDOUS WASTES AND THEIR DISPOSAL

UN Basel Convention 1989

- It is the most comprehensive global environmental agreement on hazardous wastes and other wastes. With 187 Parties it has nearly universal membership.

Main objectives

- 1) reduction of production of hazardous waste
- 2) reduction of movement of hazardous waste
- 3) improving the safety in handling and disposal of hazardous waste
- 4) strictly controlling waste trade that does occur via a notification and consent mechanism known as “prior informed consent”

Ban Amendment to the Basel Convention

- Ban Amendment adopted on 22 Sept. 1995
- Entry into force 5th December 2019
- Is an agreement taken by Basel Convention Parties to prohibit the member states of the Organization for Economic Cooperation and Development (OECD), the European Union (EU), and Liechtenstein from exporting hazardous wastes as defined by the Convention to other countries
- Number of parties:100

Bamako Convention 1991

Bamako Convention on the Ban of the Import into Africa
and the Control of Transboundary Movement and
Management of Hazardous Wastes within Africa
29 January 1991.

Ban of export of hazardous waste

- REGULATION (EC) No 1013/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2006 on shipments of waste
- Article 34
- Export prohibited except to EFTA countries
- 1. All exports of waste from the Community **destined for disposal** shall be prohibited.
- 2. The prohibition in paragraph 1 shall not apply to exports of waste destined for disposal in EFTA countries which are also Parties to the Basel Convention.

EU framework on shipment of hazardous waste

- Directive 84/631/EEC of 6 December 1984, on the supervision and control within the European Community of the transfrontier shipment of hazardous waste, amended by
 - Directive 86/279/EEC of 12 June 1986 (increased monitoring of exports)
- Directive 91/689/ EC on hazardous waste, of 12 December 1991, complementing Directive 75/442/EC general waste.
- Directive 2008/98/EC of 19 November 2008 on waste and repealing certain Directives
- **Regulation (EC) No 1013/2006 of 14 June 2006, on shipments of waste, cover almost all waste, save those with specific regulations.**
- Directive 2008/99/EC, on the protection of environment through law, of 19 November 2008. Does not create list of new illegal acts, but requires MS to ensure that shipment of hazardous waste constitutes a criminal offence (art. 3c)) and also criminal liability by legal persons. (+ Proposal Directive 2021)
- Directive 2011/65/EU of the European parliament and of the council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment

EU framework revision

- On 17 November 2021, the European Commission tabled a proposal to revise EU rules governing shipments of waste.
- Among its aims: ensuring that waste exported from the EU is managed in an environmentally sound manner in the destination countries; and stepping up enforcement to counteract illegal shipments of waste.
- The proposal is **now** in the hands of the co-legislators. In the European Parliament, the Committee on the Environment, Public Health and Food Safety (ENVI), responsible for the file, plans to consider its rapporteur's draft report in May 2022.

EU Directive 2008/99

- Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, of 19 November 2008
- Member States shall ensure that the following conduct constitutes a criminal offence, when unlawful and committed intentionally or with at least serious negligence:
 - Article 3 c) the shipment of waste, where this activity falls within the scope of Article 2(35) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (1) and is undertaken in a non-negligible quantity, whether executed in a single shipment or in several shipments which appear to be linked;



EUROPEAN
COMMISSION

Brussels, 15.12.2021
COM(2021) 851 final

2021/0422 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the protection of the environment through criminal law and replacing Directive
2008/99/EC**

{SEC(2021) 428 final} - {SWD(2021) 465 final} - {SWD(2021) 466 final}

EU SOCTA 2021

EUROPOL

Same networks and methods than other illegal trading of “goods” by TOC

EUROPEAN UNION
**SERIOUS AND ORGANISED CRIME
THREAT ASSESSMENT**

A CORRUPTING INFLUENCE:

THE INFILTRATION AND UNDERMINING OF EUROPE'S
ECONOMY AND SOCIETY BY ORGANISED CRIME

Actions



Mediterranean
Action Plan
Barcelona
Convention

[Who we are](#)

[What we do](#)

[Meetings](#)

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Mediterranean Action Plan (MAP)

The Mediterranean Action Plan (MAP)–Barcelona Convention System works with Contracting Parties and partners to fulfill the vision of a healthy Mediterranean Sea and Coast that underpin sustainable development in the region.



**UNITED
NATIONS**



UNEP



**UNITED NATIONS
ENVIRONMENT PROGRAMME
MEDITERRANEAN ACTION PLAN**

Increased Action

- **COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS COM/2020/98 final, of 11 March 2020**

**A new Circular Economy Action Plan
For a cleaner and more competitive Europe**

Actions

IMPEL (EU Network for the Implementation and Enforcement of Environmental Law)

WASTE FORCE PROJECT

Guidance for prosecuting waste crime (2020)

STUDY: Understanding the Impacts of Transboundary Waste Shipment Policies: The Case of Plastic and Electronic Waste of 2020

Detection

Illegal shipments to waste sites can be detected:

- during transport checks (port or road inspections)
- during checks of waste producer's documentation;
- during the supervision of waste treatment sites;
- during inspections of storage facilities/dock storage;
- in the context of accidents or problems on sites;
- on the basis of reports made to authorities or the police ([IMPEL](#), 2008).

The investigative strategy (Dotcom Waste Toolkit, 2017), on waste related crimes entails:

- Identification of waste (categorization);
- Determine waste volume;
- Determine traceability (the responsible party, sources and destinations);
- Determine illegal profits or cost savings;
- Determine environmental damage if there has been a release.

Guidance prosecution

- Collect appropriate evidence to assess a violation and/or containment, storage and clean-up criteria. Obtain a record relevant to the waste and identify the type of waste.
- Identify the types of sample equipment and sample containers required.
- Instruct the person sampling (hazardous materials responder) on how and where to sample.

- Collect samples.
- Submit (waste, soil, water etc.) samples for specific analysis if the composition of the waste is known.
- GPS mark and photograph the scene and any evidence on containers, which could help identify the source of the waste, or current or past owners (For more information see the DOTCOM Waste webinar Using Remote Sensing Technologies When Fighting Illegal Waste Crime).
- Collect evidence of documents and papers that may have been left at the scene that may identify the contents of the waste or the ownership of the waste.
- Obtain copies of plant operating records.

The gathering of digital data should be considered in the broader framework of a set of digital forensics best practices and chain of custody matters, in order to facilitate the cooperation between investigators and prosecutors in ensuring an actual development of the enforcement chain. In this regard, technology can also play an important role in ensuring the actual chain of custody – from gathering and actual use of evidences (as currently explored in European projects dealing with other illicit trafficking).⁴

EnviCrimeNet

Intelligence Project on Environmental Crime (2015)

- As main challenge, the lack of an established communication system was highlighted. Respondents also feel that there is no network of contact points to exchange intelligence and information between different LE and (non-LE) management authorities and to find the right partner for cooperation.
- In particular the waste industry is seen as an inter-connected, global industry and the trafficking of illicit waste has been identified by both Europol and Interpol as one of the key crime areas exploited by organised crime at an international level. The challenge is constructive exchange of intelligence and practical tasking and co-ordinating of resources across borders.

Conclusions

- There is need for a more effective implementation of the rules against illegal hazardous waste management and export.
- More coordination among the different institutions involved (customs, PPs, tax, port authorities, intelligence)
- Multilevel crime prosecution: combat corruption, money-laundering, tax evasión, etc.
- Improve international cooperation in prosecuting environmental crime and specifically illegal transport/disposal of hazardous waste.
- Drones surveillance and other IT controls

Message

- More involvement of the citizenship
- Raise awareness of the problem
- Educate responsible consumption of goods, specially non-recyclable and toxic goods
- Promote circular economy even at a small scale

- Be coherent!!!