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# A case study on illegal e-waste export from the EU to China

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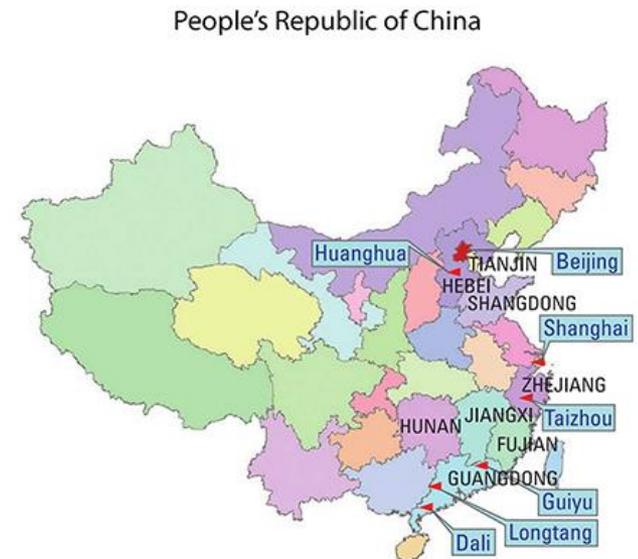


European Union Action to  
**Fight Environmental Crime**

# Introduction

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- Significant increase in cross-border transport of e-waste - rise of **illegal activities** despite extensive regulatory framework
- **Illegal export of e-waste from EU** – 1.1 million tonnes/year (Zoetman, 2006)
- **China** represents the largest downstream destination for e-waste exported from North America and Europe
  - UNOCD estimate: 80% of global amount of WEEE ends up in Asia
- Detrimental impacts on:
  - Environment
  - Human health
  - Economic activities



Source: Ni and Zeng 2009. "Law Enforcement and Global Collaboration are the Keys to Containing E-waste Tsunami in China"

# Research methodology

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## Set of research questions :

- What **limits** are there on determining the extent of illegal activity and **how reliable is data**?
- What are the **main drivers** to commit an environmental crime?
- What are the **weakest links in the relatively long enforcement chain**? Why? What is needed to address the weaknesses?
- Are proposed **changes to the enforcement provisions of the EU WSR** likely to improve enforcement?
- Are there any **approaches other than law** on inspections and its enforcement to address the illegal shipment of WEEE from the EU?

## Research method:

- Extensive **literature review**
- Semi-structured **interviews**

# Extent of illegal activity

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- Numerous aspects:
  - Domestically generated WEEE in the EU
  - Legally exported WEEE from EU
  - The illegal share of WEEE shipments from EU
  - Amount of e-waste imported to China from the EU
- Problems with **data availability** and **reliability**
- Examples of estimations:
  - 8.3 to 9.1 million tonnes generated in EU annually (Huisman et al. 2008)
  - 1.9 million tonnes leaving the EU annually – 1.1 million tonnes illegally (Zoetman, 2006)
  - 8 million tonnes imported illegally into China every year (UNODC, 2013)

# Legal framework in the EU

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- At international level:
  - The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
  - The Basel Ban Amendment
- In the European Union:
  - The EU Waste Shipment Regulation ***bans the export of e-waste from the EU to non-OECD countries***
  - The Waste Electrical and Electronic Equipment (WEEE) Directive

# Legal framework in China

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- The Chinese regulatory framework includes a wide set of legal instruments on e-waste management, including on the import of WEEE
- In 2000, the Chinese government introduced an **official ban on importing e-waste** into China (*Notification of the Import of the Seventh Category of Solid Waste No. 19/2000*)

# Effectiveness of EU legislation and its enforcement

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- Relatively long **enforcement chain** – what are the weakest points?
  - Differences in implementation and interpretation at MS level
  - Particular problems with prosecution: level of penalties and lack of exchange of information among public prosecutors
- Recent **amendments to the WSR and the WEEE Directive** – do these amendments address the weakest points of the enforcement change?
  - Improvement to inspection and enforcement on the ground
  - Willingness of individual MS to implement the amendments is crucial

# Effectiveness of Chinese legislation and its enforcement

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## Two-fold problem:

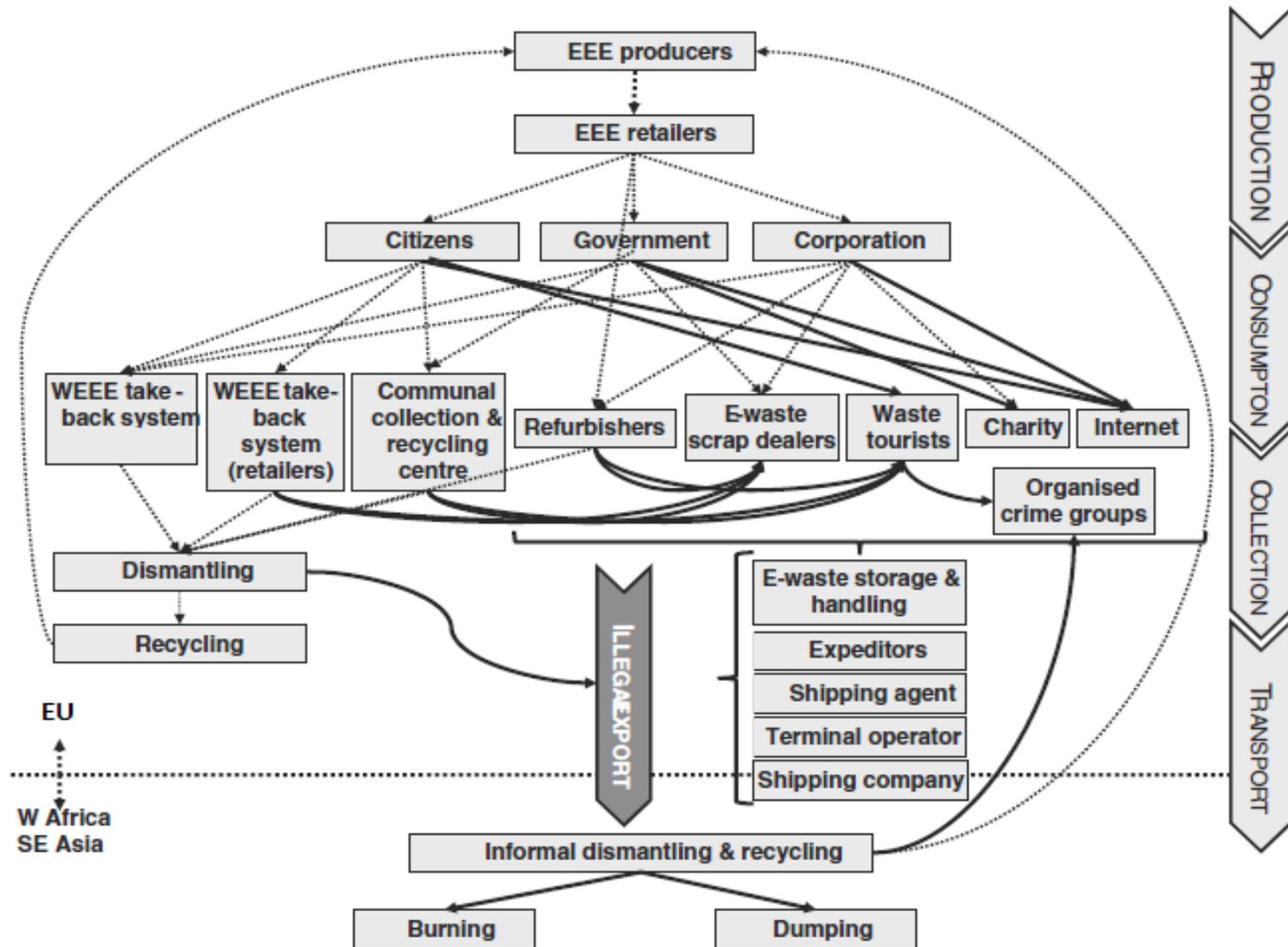
- Countering the **informal e-waste recycling** in China

Formalising the e-waste recycling sector in China proved to be very difficult and challenging

- Countering **illegal e-waste imports** into China

Despite the official ban on importing e-waste into the country massive amount of WEEE is imported every year into China

# Key stakeholders



Source: Adapted from Bisschop, L. 2014. "How e-waste challenges environmental governance". *International Journal for Crime, Justice and Social Democracy* 2 (2014): 82-96.

# Links to organised crime

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- Organised crime groups are often behind the illegal trafficking of e-waste to China
- Nevertheless, these groups are **more loosely and informally structured** than traditional mafia-like groups
- In many cases there is a very thin line between illegal and legal activities
- Numerous investigation case studies reveal details on the illegal shipments
  - Local council recycling sites in the UK
  - Smuggling to China via Hong Kong and Vietnam

# Motivations and drivers behind the illegal export

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## Three set of factors identified:

### 1. Push factors

- Historical development of the e-waste problem
- EU legislation led to higher environmental standards
- Poor enforcement

### 2. Pull factors

- Economic gains
- China's growing appliance manufacturing sector

### 3. Facilitating factors

- Low transportation costs
- Nature of e-waste
- WEEE collection points not adequately protected

# Key impacts

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- **Environmental impacts**

- Contamination of air, soil, water and biota in and around the recycling sites in China
- Direct impact on resource scarcity and indirect impact on climate change

- **Social and health impacts**

- Serious health problems: physical injuries and chronic diseases
- Employment impacts in the informal recycling sector
- Security concerns

- **Economic impacts**

- Economic gain in the Chinese informal sector
- Economic loss for the formal recycling sector in both China and the EU

# Policy recommendations - Enforcement

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- Focus on activities that are on a thin line between **legal and illegal activities**
- Need for substantial and permanent **budgets** for international police cooperation
- Need for more **integrated approach** towards enforcement and **enhanced cooperation** between prosecutors and enforcement stakeholders
- Need for more frequent use of **intelligence-led enforcement**
- Possibility of broadening the **Palermo Convention's** definition of organised crime

# Policy recommendations – Beyond enforcement

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- The nature of this specific environmental crime suggests that **environmental harm** rather than environmental crime should be taken as a frame of reference
- Need to tackle the **underlying problems** – “Best of two worlds model”
- More targeted focus on **prevention or reduction of e-waste**
- Strengthen **consumers’ awareness** of the possible links of illegal e-waste export in the EU



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# Thank you for your attention!

To access the case study please visit the EFFACE website: <http://efface.eu/>

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