



European Union Network for the Implementation
and Enforcement of Environmental Law

Operational and Strategic Work of Waste & TFS Expert Team – Network collaboration

Date of report: 31st of December 2024

Report number: 2022(V)



Funded by the
European Union

IMPEL is funded by a "FRAMEWORK PARTNERSHIP AGREEMENT" with European Commission DIRECTORATE-GENERAL FOR ENVIRONMENT - LIFE PROGRAMME (ENV.E.4/FPA/2022/001 – IMPEL)



Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the European Union (EU) Member States, and of other European authorities, namely from acceding and candidate countries of the EU and European Economic Area (EEA). The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 8th Environment Action Programme that guide European environmental policy until 2030, the EU Action Plan: "Towards a Zero Pollution for Air, Water and Soil" on Flagship 5 and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at: www.impel.eu



<p>Title of the report:</p> <p>Operational and Strategic Work of Waste & TFS Expert Team – Network Collaboration - Final Report</p>	<p>Number report:</p> <p>2022(V)</p>
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	<p>Total number of pages: 10</p> <p>Report: 10 Annexes: -</p>
<p>Executive Summary</p> <p>Exchange of representatives of IMPEL Waste & TFS experts to the networks outside Europe. The exchanges can be persons of the Expert Team but also other representatives of the IMPEL Waste & TFS projects with a link to the network or IMPEL project managers. Furthermore, the Expert Team will maintain the contacts throughout the year, try to build new relationships and assist members of IMPEL in their work by providing the useful contacts and information that has been gathered. The participants will share the knowledge gathered and pursue the goals of IMPEL members in the events outside Europe.</p>	
<p>Disclaimer</p> <p>This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations or the Commission.</p>	
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1. Asian Network meeting, Bangkok, December 2023

The Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes” is an informal network among the Competent Authorities to the Basel Convention in Asia, which aims at facilitating exchange and dissemination of information on transboundary movements of hazardous wastes and assisting countries in implementing the Basel Convention under each country's system, The Network also provides useful information that can contribute to capacity building of the participating countries for control on import and export and environmentally sound management of hazardous waste and other waste. The establishment of the Asian Network was proposed by the Government of Japan, in 2003 and since then activities under the Network has been led by Ministry of the Environment, Japan (MOEJ).

The Network organizes every year a meeting where all the participating countries in the network and other organizations such as the Basel Secretariat, UNEP and UNODC will meet. IMPEL is also always invited to share the latest developments in Europe regarding the transfrontier shipments of waste.

In 2023 the focus of the meeting was the adopted e-waste amendments to the Basel Convention which will enter into force on 1 January 2025. The participating countries and IMPEL shared their understandings and possible consequences regarding permitting, legal and illegal trade. E-waste which will be listed under code Y49 in Annex II of the Basel Convention will be prohibited to export from the EU to non-OECD countries. For shipments between OECD countries a notification (PIC) procedure will apply.

An update on expected national legislative changes and import restrictions regarding plastic waste was also shared. It is expected for instance, that Thailand will ban the import of all plastic waste on 1 January 2025.

The other main topic which was discussed was the issues related to the PIC procedure and the digitalization of this process. IMPEL shared the initiatives and the developments under the revised EU Waste Shipment Regulation and the DIWASS.

All presentations of the workshop can be found at:

https://www.env.go.jp/en/recycle/asian_net/Annual_Workshops/Ws2023.html

2. 44th Enforcement Committee Meeting, WCO, Brussels, March 2024

Representatives of Waste & TFS Expert Team participated in 44th session of WCO Enforcement Committee which took place in Brussels. The meeting was entitled “Improving Customs Control through Cooperation with Partners”.



The meeting took place from 18 to 22 March and was divided into programmes, e.g. the Environment Programme, the Drugs Programme, the Safety and Health Programme, etc. The session was attended by more than 180 representatives (delegations) of WCO members from all over the world. The first part of the day was devoted to introductory speeches, where it was emphasized that customs authorities play an important role in the fight against illicit trafficking in drugs, waste, ozone-depleting substances, etc. Of course, this is not possible without the participation of other stakeholders and partners, such as the Police, environmental agencies and inspectorates, as well as other partners involved in cooperation with customs authorities. This was followed by an overview of various reports on the work of the Committee in the period 2023/24. In the afternoon session, the first topic on the agenda was the environment. Reports were prepared on Operation Thunder 2023 (an operation against illegal trade in endangered species and timber), on the project on plastic waste in the Asia-Pacific region and Operation Sesha (intended to control illegal cross-border trade in timber from India). A draft manual for the implementation of controls on cross-border shipments of waste, which was prepared in cooperation with the WCO, the Secretariat of the Basel Convention and IMPEL, was presented. The last part of the first day was devoted to a discussion on Operation DEMETER IX and the cooperation of partners in the implementation of this action. The discussion was attended by representatives of IMPEL (Bojan Počkar and Katie Olley), INTERPOL, Belgian Customs Administration, RILO Asia/Pacific, Chinese Customs Administration, Gambian Customs Administration, UNEP and the Basel Convention Secretariat. Before the discussion, the work of each organization was presented within the framework of Operation DEMETER IX and its achievements (a total of 338 irregularities detected, more than 17,000 tons of illegally shipped waste and an additional 140,000 pieces of waste seized, almost 70 tons of ozone-depleting substances seized, and 31 tons and over 74,000 other substances seized, such as hazardous chemicals and pesticides).

The conclusions of the discussion were as follows:

- All hazardous waste should be shipped with prior written information and consents (legal basis in the Basel Convention);
- Customs services need to carry out controls using a risk analysis system and need support from environmental agencies and inspectorates;
- All control authorities need to cooperate with each other to effectively investigate illegal practices;
- All available tools that can support the implementation of data analysis should be used;
- Cooperation in global operations is an opportunity to exchange experiences, build capacities and information.

At the end of the discussion, China announced Operation DEMETER X, which will take place between July 15 and September 15 this year, and the objectives of the operation are to combat illegal shipments of waste and illegal trade in ozone-depleting substances.



3. The European Network of Prosecutors for the Environment Annual Conference, Cork, October 2024

The European Network of Prosecutors for the Environment (ENPE) is a non-profit association that aims to promote environmental criminal law enforcement. ENPE was established in 2012 by prosecutors from several European countries and its purpose is to promote the enforcement of environmental criminal law by supporting the operational work of environmental prosecutors. ENPE held its annual Conference in Cork, Ireland on 10-11 October 2024. The conference theme was Environmental Crime: Co-operation to ensure effective prosecution. The conference provided a forum to present, share and discuss different approaches to fighting environmental crime with judiciary, government, academic and international network contributors from across Europe and the United States, including the Waste and TFS Expert Team within IMPEL. Twenty-four countries were represented at this year's conference with 57 delegates in attendance. IMPEL provided a presentation on the challenges and opportunities perceived under the new EU Waste Shipment Regulations.

4. The Asian Network for the Prevention of Illegal Transboundary Movement of Hazardous Waste held its Annual Workshop in Vientiane, October 2024

The aim of the workshop is to enhance cooperation and promote information exchange between competent Authorities in the Asian Region under the Basel Convention. Since 2007 The Asian Network and IMPEL's Waste and TFS Expert Team have attended each other's annual network events, sharing information and creating a common understanding on the status of transboundary movements of waste in Asia and Europe. IMPEL joined this year's event online and gave two presentations on the new EU legislation and implementation of the Basel Convention changes, focusing on the import and export of used EEE and Plastic waste and good practices along with the challenges for implementing and facilitating the PIC procedure in the EU, highlighting the work of the SWEAP project including a showing of the SWEAP video which was well received.

All presentations from the workshop will be available soon on [Asian Network \(env.go.jp\)](http://AsianNetwork.env.go.jp)

5. Regional workshop on the implementation of the Basel Convention for countries in the Africa region, Johannesburg, October 2024

The aim of the workshop was to strengthen Parties' capacities in the African region to implement the Basel Convention, in particular the entry into force of the E-waste Amendments on 1 January 2025 and assisting Parties with the development and review of national legal frameworks implementing the Convention, and with preventing and combatting illegal traffic.

ENFORCE/IMPEL – E-waste classification



The purpose of this presentation was to provide practical examples of the impacts of the BC e-waste amendments that come into effect in January 2025. The speaker is preparing a guidance document to assist with the implementation of the amendments and the presentation summarised the main components. A summary of the decision and the new codes introduced was provided before photo examples were shown for whole items, components and processing waste for both A1181 (hazardous) and Y49 (non-hazardous). Examples were also shown for components and processed waste that are not considered to be e-waste once they can be appropriately classified under another Basel Annex II, VIII or IX entry e.g. CRT glass (A2010), hazardous plastic (A3210), metal waste (B1010), non-hazardous plastic (B3011/Y48).

A short summary of the main elements of the revised European Waste Shipment Regulation was also delivered to advise participants of the upcoming changes. The presentation was broadly welcomed though there some suggestions to incorporate Customs codes into the guidance document.

BC Secretariat/ENFORCE/IMPEL – E-waste classification Exercise

The Secretariat introduced this classification exercise and based it on the ENFORCE/IMPEL presentation. Participants were divided into four groups, provided with a worksheet and asked to evaluate whether a variety of e-waste types were permitted to ship across a series of fictional trade routes e.g. EU to Africa, Africa to EU, UK to Africa, Australia to Africa, Africa to Australia, Africa to China.

The BAN Amendment introduced in Article 4a of the BC was shown to prohibit the shipment of A1181 from OECD countries to Africa. As the BAN Amendment does not apply to non-hazardous waste, shipments of Y49 can still technically be permitted in some instances. However, a number of factors mean shipments will still not take place e.g. WSR prohibition of Annex II wastes to non-OECD countries, country specific prohibitions on import e-waste (Uganda). Other African countries may not let a shipment proceed as it does not have the facilities to process the waste in an environmentally sound manner.

6. Debriefing and Interim Evaluation Meeting Operation Demeter, Xiamen, November 2024

The IMPEL ET for Waste and TFS participated in the debriefing and interim evaluation meeting of Operation DEMETER in Xiamen, China, from 19 to 21 November 2024, which was organized by the WCO in cooperation with China Customs. To evaluate progress and chart future courses with Customs administrations and enforcement partners, the Vice Minister of China Customs attended the event as well officials from the European Anti-Fraud Office, the BRS Secretariat, and representatives from partner international organizations including IMPEL. Discussions helped identify new strategies and partnerships to support enforcement bodies.

The tenth iteration of WCO Operation DEMETER, which targets illicit wastes, ozone depleting substances (ODS) and potent greenhouse gases, took place over eight weeks in the second semester of 2024. It saw the participation of a record 110 Customs administrations and led to 450 seizures.



Operation DEMETER dates back to 2009 and is perhaps the most well-known of the efforts deployed by the Customs community to implement the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and, since 2019, to implement the provisions of the Montreal Protocol on Substances that Deplete the Ozone Layer, including the Kigali Amendment.

These Operations enable participating Customs administrations to gauge their targeting capacities and to share data on seizures as well as insights to identify high-risk consignments and strengthen cooperation mechanisms.

Cooperation is intended to take place not only at the international level, but also nationally, between customs and competent authorities and others.

In the course of Operation DEMETER X, 450 seizures related to the targeted commodities were reported by 47 Customs administrations via CENcomm, the WCO's secure and encrypted communication tool.

These seizures included 324 seizures of waste, 99 seizures of ODS, HFCs and equipment containing or relying on controlled substances under the Montreal Protocol, and 27 seizures of other commodities, including restricted or prohibited commodities such as hazardous chemicals.

Waste

E-waste, plastic waste, metal waste, and end-of-life vehicles were the most traded categories of illegal waste in terms of the number of seizures. In terms of quantity in kg, plastic waste was the first category, constituting 24.71% of the overall quantity seized. It was followed by metal waste, paper waste, end-of-life vehicles/machinery, and e-waste.

The majority of seizures (55.25%) were made at export and in transit. This highlights sustained efforts and growing awareness in both departure and transit territories. The majority of seizures made at export (53.09%) took place in Europe. A notable number of seizures was also made in Asia and in North America.

Countries of Asia and Africa were major destinations, with 45.99% and 37.96% respectively of the total number of seizures being made on cargo sent to one of the two continents. Africa was the first destination for illegal waste shipments departing from Europe, with 72 (41.86%) of the seizures related to waste being destined for an African country, followed by Asia with 62 seizures (36.05%).

Vessels were the primary mode of conveyance for waste seizures and the majority of commodities seized were not concealed. Customs administrations reported that illicit shipments were detected using risk profiling, routine control and random selection.

Substances controlled under Montreal Protocol



17 Customs administrations reported seizures related to substances controlled under the Montreal Protocol and the Kigali Amendment, which entered into force in 2019. Administrations from Gambia, Bulgaria and Italy stood out in the number of seizures they reported. However, in terms of the quantity seized, Sri Lanka took first place, followed by Italy and North Macedonia.

HFCs were the most prominently trafficked known commodities both in terms of the number of seizures and the quantity seized, while unspecified controlled substances and mixtures topped the list in terms of quantity seized. Eight Customs administrations reported 27 seizures totalling 24,198.9 kg, along with an additional 11,620 pieces of equipment.

Vessels and vehicles were the predominant modes of conveyance both for substances controlled under the Montreal Protocol and for equipment containing or relying on the controlled substances. Most seizures took place at inland and border posts and at seaports, with some seizures made at traders' and sellers' premises. Most seizures resulted from routine control.

Building capacities

The WCO Secretariat provided guidance to participants ahead of Operation DEMETER X, in line with the Guidelines on the Implementation of WCO Operations at National Level. Additionally, participants received instructions and advice on developing risk profiles for targeted commodities.

Some officers participated in the workshops in Mauritius, China, and Senegal organized by the WCO Secretariat with the financial support of China Customs. These events brought together over 150 Customs officers and environmental stakeholders who carried out in-depth and practical exercises related to illegal trade in waste, ODS and HFCs. They also received training on the CENcomm tool which significantly improved the quality of the information they reported. In addition, 46 Customs officers designated as National Contact Points for Operation Demeter attended regional workshops organized by the Basel Convention Secretariat.

Appreciation

Operation DEMETER X received financial backing from China Customs and extensive technical support from the Regional Intelligence Liaison Office for Asia/Pacific. Additionally, a range of international partners, including the Basel Convention Secretariat, the United Nations Environment Programme (UNEP) OzonAction, the European Anti-Fraud Office (OLAF), the UNODC Unwaste Project, INTERPOL, and the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), alongside the WCO RILO network, played pivotal roles in bolstering capacity building activities and facilitating information sharing within their respective networks.

More information is available at:

<https://www.wcoomd.org/en/media/newsroom/2024/november/operation-demeter-x.aspx>