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

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25 March 2015, Granada

EFFACE Workshop: Making the case against environmental crime
Introduction

• 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”
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

• 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

• 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 \textit{bans the export of e-waste from the EU to non-OECD countries}
Legal framework in China

• 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

• 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

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, a massive amount of WEEE is imported every year into China
Key stakeholders

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

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

- **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

• 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

• 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
Thank you for your attention!

To access the case study please visit the EFFACE website: [http://efface.eu/](http://efface.eu/)

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