



EUROPEAN

# POLICY BRIEF



## TACKLING ILLEGAL E-WASTE SHIPMENTS FROM THE EU TO CHINA AND OTHER DEVELOPING COUNTRIES

Policy Implications for the EU

Policy Brief 4: February 2015

### OVERVIEW OF CASE STUDY

The illegal shipment of e-waste from the European Union to China and other developing countries provides an example of complex and serious environmental crime. Over the past decade or more, cross-border transport of e-waste to third countries has increased significantly and China represents the largest downstream destination for e-waste exported from North America and Europe. Despite the fact that the import of e-waste into China has been officially banned since 2000, a UNODC<sup>1</sup> estimate implies that around 8 million tonnes of e-waste is imported illegally into China every year. **The impacts of e-waste trade are pervasive in the sites of e-waste management in China, where contamination of air, soil, water and biota is considerable. Environmental impacts have generated a significant public health threat, with spill-over to surrounding areas through water and food systems.** Employing large numbers of local and migrant workers, WEEE shipments have transformed social realities for people living in parts of China.

The case study examines the illegal activity of e-waste shipment from the EU to China from a number of aspects, including the extent of the illegal activity, the main institutions involved at the different governance levels, the different stakeholders, the links to organised crime, the motivations and drivers behind the illegal activities, the key impacts of e-waste in China and the key groups of victims.

The legal framework, both in the EU and China, of e-waste shipments is also presented and the effectiveness of these regulations is analysed. The current EU legislative framework to fight illegal e-waste shipments, which translates the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal into EU law, includes mainly the Waste Shipment Regulation (WSR) and the Waste Electrical and Electronic Equipment (WEEE) Directive. Even though extensive amendments have been recently introduced to both regulations in order to improve enforcement and inspection, gaps and weaknesses still remain.

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<sup>1</sup> United Nations Office on Drugs and Crime (2013) Transnational Organised Crime in East Asia and the Pacific

The case study is based on qualitative empirical analysis, including desk research and a limited number of interviews.

## POLICY IMPLICATIONS AND RECOMMENDATIONS FOR THE EU

The case study suggests that the recently introduced amendments to the WSR and WEEE Directive have the potential to improve inspection and enforcement on the ground, though its success will highly depend on the willingness of the individual Member States to provide the necessary resources (such as budget and staff) to implement the new provisions in a meaningful way. Furthermore, given the complexity of the e-waste problem and its inter-linkage to broader waste and materials management and product design, approaches beyond enforcement and inspections are needed to deal adequately with the illegal shipment problem.

Building on the knowledge gathered during the completion of the case study the following policy responses are proposed which could provide an effective solution to tackle the illegal e-waste shipment:

- EU policy makers should make the fight against transnational e-waste crimes (and other transnational crimes related to the 'grey environment') a priority, thereby providing for instance for substantial and permanent budgets for international police and customs cooperation.
- The EU could facilitate cooperation among national authorities and support initiatives such as setting up of a list of contact points of national prosecutors, sharing by national practitioners of relevant case law best practices and establishing joint investigation teams by national competent authorities specifically focusing on the illegal e-waste shipments.
- The focus of EU policy makers should not only be on strict crimes but also on activities that are on a thin line between legal and illegal.
- The EU should encourage national authorities even further to introduce a more integrated approach towards enforcement whereby inspection activities downstream in the e-waste chain (e.g. at EEE outlets) and inspection activities in more upstream segments of the chain (e.g. in ports) mutually support and inform each other.
- Approaches are needed that enhance regulation of the (informal) recycling industry in developing countries in order to avoid environmental harm from inadequate disposal of e-waste. The EU could support establishing collection and recycling facilities in developing countries, thereby looking for funding by electronic producers in the EU within the context of extended producer responsibility.
- Policies are needed that are even more than now directed towards the prevention or reduction of e-waste through reducing toxics or replacing them all together, making products environmentally friendly and easier to dismantle and recycle, but also towards the reduction of consumption of electronic and electrical tools in Europe.

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**Authors of this brief: Kristof Geeraerts and Andrea Illes, Institute for European Environmental Policy**

Full citation of the case study: Geeraerts, K., Illes, A. and Schweizer, J-P. 2015. *Illegal shipment of e-waste from the EU: A case study on illegal e-waste export from the EU to China. A study compiled as part of the EFFACE project.* London: IEEP, available at <http://www.efface.eu>

"European Union Action to Fight Environmental Crime" (EFFACE) is a 40-months research project involving eleven European research institutions and think tanks. EFFACE assesses the impacts of environmental crime as well as effective and feasible policy options for combating it from an interdisciplinary perspective, with a focus on the EU. Project results include several case studies on the causes, actors and victims of different types of environmental crime as well as policy options and recommendations. For more information on EFFACE, see <http://www.efface.eu> or contact: [envcrime@ecologic.eu](mailto:envcrime@ecologic.eu)

EFFACE receives funding under the European Union's Seventh Framework Programme for research, technological development and demonstration (FP7) under grant agreement no 320276. The contents of this policy brief are the sole responsibility of EFFACE and can in no way be taken to reflect the views of the European Union.