

What the European Union can do to stop illegal plastic waste trade

Introduction

Recent changes in the international waste policy landscape, such as the China 2018 import ban or the development of stricter import restrictions from newly targeted receiving countries as well as a continued lack of responsibility enacted by those producing this plastic waste, led to an increase in the quantity of illegally traded plastic waste both outside and within the European Union (EU).

However, these practices are not new and stem from the will to avoid paying legal waste management costs by instead taking advantage of a lax monitoring system and shipping waste to locations where labour costs are lower and precarious or where treatment infrastructure is equally overwhelmed by the quantity and nature of plastic waste produced. Waste criminals also exploit the lack of demand within the EU for poorer quality plastic waste, for which recycling is less economically viable. Changes made to the Basel Convention in 2019, and enacted in 2021, is a step in the right direction (i.e. the plastic waste amendments consent notification procedure)

in preventing illegal shipment practices from occurring. However, despite this we are still witnessing illegal trade taking place, showcasing how illegal shipments, as a result of lax notification, only constitutes the tip of the waste criminality iceberg.

Drawing on the findings from [an analysis of the Spanish system](#), the Rethink Plastic alliance, alongside commissioned research from [ENT Fundacio](#), identified current gaps in national legislation facilitating the occurrence of illegal practices, as well as the ways forward by which current legislative solutions can be developed. Although stemming from an analysis of the Spanish system, we believe these findings are also relevant and applicable to all EU Member States and should therefore be taken into account throughout the revision process of the [EU Waste Shipment Regulation](#).

Gaps in the plastic value chain

It has been identified that the illegal plastic waste trade in Spain can mostly be attributed to the misdeclaration of these waste shipments – falsely listed as raw materials or as non-hazardous – and that the decision to illegally ship plastic waste instead of ensuring correct treatment mostly occurs at one point within the plastic value chain, between sorting and/or refuse collection and the recycling process. Within this identified stage there are a large variety of local waste operators that are responsible for deciding whether or not the waste in question should be exported, and whether shipment will happen in line with legal procedure. It is at this stage where four main gaps have been identified that currently facilitate the occurrence of illegal shipment practices.

4 identified gaps facilitating illegal shipments

1. Plastic waste classification remains at the discretion of the exporter who can easily mislabel the shipment as recyclable waste or raw material;
2. The the required procedural requirements occurring primarily through paper-based administration eases the possibility to evade inspection or render misdeclared shipments untraceable;
3. Gaps in reporting requirements and overall lack of transparency, for instance, brokers and dealers who do not own waste management facilities have fewer declaration requirements regarding data on the waste they manage;
4. Current sanctions are not a deterrent as the profit made through illegal shipments is sufficient to compensate for said penalties, if they are found and charged.

1. Up to 4 according to the Waste Framework Directive: "Waste producer", "Waster holder", "Dealer" and "Broker".

Recommendations to fix current gaps and restrict illegal plastic waste trade

Considering the gaps above, a set of specific recommendations can be applied to resolve these issues and further limit the occurrence of illegal plastic waste trade shipments:

1. Improving the monitoring of key waste operators able to make plastic waste exports through adopting the same level of requirements for documentation provided by all waste operators.

2. Improving mass balances and monitoring stocks of plastic waste at plastic waste treatment/recycling facilities to flag accumulation of plastic waste likely to be traded or more likely to be traded illegally.

3. Incentivising excellence and good practice, especially regarding the uptake of the latest Basel Convention plastic waste amendments that solidify control procedure. This can be done through facilitating operations for legitimate waste agents – who have a strong and continuous record of operating legally – through fast-track procedures.

4. Stringent crediting and registering of agents allowed to make plastic waste exports. Through an accreditation procedure, this would lead to a reduction and a clear identification of the number of agents legally allowed to make an export of plastic waste, easing monitoring and inspection pressures.

5. Using financial indicators to have targeted intelligence-led inspections as the cheapest operations can be a sign that cheap plastic – more vulnerable and subject to illegal practices – is being exported illegally.

6. Improving enforcement and the deterrent effect of sanctions ensuring that they are genuinely dissuasive. In addition further capacity should be devoted to the inspection of plastic waste and raw material exports.

7. Creating a certification system for the classification of plastic waste for exports through a third-party mandatory certification scheme providing an official system for monitoring and reducing the possibility of misdeclaration.

8. Improving traceability and transparency of plastic waste managed by producer responsibility schemes through making information publicly available and excluding companies with a history of illegal practices from buying plastic waste.

9. Coordinating customs and environmental authority procedures. Coupled with digitised procedures and credited exporters, the building of a database of companies managing plastic waste could be used by different authorities to anticipate and identify potential illegal activities across national borders.

10. Commission further research on illegal operations to continuously understand key loopholes in waste exports and make illegal case studies publicly accessible.

11. Crediting facilities through certification to ensure sound treatment of EU plastic waste. This would narrow down the number of identified agents allowed to receive plastic waste thus rendering illegal shipments more difficult.

12. Fully implementing the Basel Convention internally within the EU to ensure an accountable and responsive intra-EU plastic waste trade market. This would only allow little to no contaminated, homogeneous and non-hazardous plastic waste to be traded freely for recycling whilst other forms of plastic waste would require more stringent procedures that are harder to evade.

13. Banning the export of plastic waste outside of the EU to close the door to the practice of Basel Convention code and procedure misdeclaration. Furthermore, this would also allow currently limited inspection capacity to concentrate on other illegal trade methods, including the misdeclaration of plastic waste exports as plastic raw materials or fuels.

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RETHINK PLASTIC

Rethink Plastic, part of the Break Free From Plastic movement, is an alliance of leading European NGOs working towards ambitious EU policies on plastics. It brings together the Carbon Market Watch (CMW), Center for International Environmental Law (CIEL), ClientEarth, Environmental Investigation Agency (EIA), European Environmental Bureau (EEB), European Environmental Citizen's Organisation for Standardisation (ECOS), Greenpeace, Seas At Risk, Surfrider Foundation Europe, and Zero Waste Europe. Together they represent thousands of active groups, supporters and citizens in every EU Member State working towards a future free from plastic pollution.

#breakfreefromplastic

#breakfreefromplastic is a global movement envisioning a future free from plastic pollution made up of 2,400 organisations from across the world demanding massive reductions in single-use plastic and pushing for lasting solutions to the plastic pollution crisis.



The Environmental Investigation Agency is an international NGO with offices in London and Washington D.C. It was founded in 1984 by Dave Currey, Jennifer Lonsdale and Allan Thornton, three environmental activists in the United Kingdom. EIA investigates and campaigns against environmental crime and abuse.



Zero Waste Europe is the European network of communities, local leaders, experts, and change agents working towards the elimination of waste in our society. We advocate for sustainable systems and the redesign of our relationship with resources, to accelerate a just transition towards zero waste for the benefit of people and the planet.