

RETH!NK PLASTIC

#breakfreefromplastic

FUNDACIÓ
ent



REPORT

November 2021

Understanding illegal plastic waste shipments: a focus on Spain



Understanding illegal plastic waste shipments on Spain


This report has been commissioned by the Rethink Plastic alliance, and prepared by Fundació ENT


info@ent.cat


www.ent.cat



Fundació ENT
Josep Llanza, 1-7, 2n 3a
08800 Vilanova i la Geltrú

 @ENTmediambient

 ENTmediambient

 ENT Environment & Management

 ENT environment & management

INDEX

1.	INTRODUCTION	5
2.	PLASTIC WASTE MANAGEMENT IN SPAIN: SOME FIGURES	6
2.1.	Plastic waste trade	7
3.	LITERATURE REVIEW: DOCUMENTED INSTANCES OF ILLEGAL PLASTIC WASTE	9
4.	“WHO FILLSWHAT” IN PLASTIC WASTE SHIPMENTS	13
4.1.	Identifying the point of the value chain where plastic waste exports become a management option	13
4.2.	Documents and procedures for exporting waste from Spain	16
4.2.1.	Exporting waste for disposal	16
4.2.2.	Exporting waste for recovery	18
4.3.	Who fills what when plastic waste is exported?	20
5.	GAPS AND OPPORTUNITIES FOR MISDECLARATION IN CURRENT PROCEDURES AND RELATED AGENTS	22
5.1.	Gap/opportunity 1: plastic waste classification remains at the discretion of the exporter	22
5.2.	Gap/opportunity 2: procedural complexity and lack of a digitised and universal electronic procedural platform	22
5.3.	Gap/opportunity 3: gaps in reporting requirements and lack of transparency	22
5.4.	Gap/opportunity 4: current sanctions are not a deterrent	23
6.	CONCLUSIONS AND RECOMMENDATIONS	23
6.1.	Improved monitoring of key waste operators able to make plastic waste exports	23
6.2.	Improving mass balances and monitoring stocks of plastic waste	23
6.3.	Excellence and good practice should be incentivised	24
6.4.	Crediting and registering agents allowed to make plastic waste exports in origin	24
6.5.	Using financial indicators to target inspections	25

6.6.	<u>Improving enforcement and the deterrent effect of sanctions</u>	<u>25</u>
6.7.	<u>Creating a certification system for the classification of plastic waste for exports</u>	<u>25</u>
6.8.	<u>Improving traceability and transparency on plastic waste managed by producer responsibility schemes</u>	<u>25</u>
6.9.	<u>Coordinating customs and environmental authorities and procedures</u>	<u>25</u>
6.10.	<u>Research on illegal operations to understand key loopholes in waste exports</u>	<u>26</u>
6.11.	<u>Crediting facilities to ensure EU sound plastic waste treatment</u>	<u>26</u>
6.12.	<u>Ensuring an accountable and response intra-EU plastic waste trade market</u>	<u>26</u>
6.13.	<u>Banning the exports of plastic waste out of the EU</u>	<u>27</u>
	<u>REFERENCES.....</u>	<u>28</u>
	<u>ANNEX 1: INTERVIEWS.....</u>	<u>29</u>

1. INTRODUCTION

The development of waste legislation in recent decades in the EU has fostered a major improvement in terms of waste management practices and their environmental outcomes. However, as costs of waste management are gradually being allocated to producers, illegal practices aiming at bypassing these costs, such as the illicit waste trade, have flourished.

For global waste value chains such as plastic waste, this has been exacerbated by additional factors such as the ban on plastic imports enacted by China in 2018, historically the world's largest importer of plastic waste, which has subsequently been followed by bans in other importing countries that have since been targeted by exporters. These changes have fostered a shift in the routes, procedures, and shipments of both legal and illegal plastic waste, including an increase in intra-EU shipments towards eastern European countries (INTERPOL, 2020). Furthermore, recent changes regarding plastic waste classifications have entered into force due to amendments to the Basel

Convention¹ narrowing the types of plastic that can be exported without prior informed consent procedures. This procedure entails that the importing country has to formally agree on the specific operations of waste imports, which have to be properly documented and in turn makes certain types of illicit waste trade more difficult. Moreover, the EU is in the process of amending the Waste Shipment Regulation² to address this issue of illegal waste trading, amongst other concerns, and make these solutions operational.

In this context, the misdeclaration of plastic waste exports (e.g. declaring waste as raw materials, declaring hazardous waste as non-hazardous waste) is the most widespread mechanism to bypass legal obligations regarding plastic waste shipments. This includes both international Basel Convention-related procedures, and customs-related procedures such as general commodity classifications in terms of the combined nomenclature for statistical and tariff purposes.

The aim of this report is to understand the factors enabling the misdeclaration of plastic waste exported from Spain, with particular interest in intra-EU shipment flows.

To this aim, the report is structured in 6 sections. Section 2 gives a brief overview of Spain's trade data regarding plastic waste generation and trade. Section 3 consists of a literature review on plastic waste shipments. Section 4 addresses the point in the value chain where the decision to make an export is made, the documents and procedures involved and the agents allowed to export. Section 5 draws conclusions about gaps in the process of plastic shipments where illegal operational breaches might occur. Section 6 concludes with a list of recommendations based on the findings of the report. Data collection also includes four semi-structured interviews with key stakeholders specifically with regards to plastic waste shipments in Spain.

1 <http://www.basel.int/Countries/StatusofRatifications/PlasticWasteamendments/tabid/8377/Default.aspx>

2 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/7567584-Waste-shipments-revision-of-EU-rules_en

2. PLASTIC WASTE MANAGEMENT IN SPAIN: SOME FIGURES

Plastic waste subject to export is plastic waste that has been, to some extent, collected, source-sorted or recovered through domestic sorting/treatment facilities. Plastic at this stage in the waste treatment process can be sourced from three value chains, according to the three overall waste management systems operating in Spain: agricultural waste management systems (e.g. films and packaging required for agricultural production at pre-consumption stages), industrial waste management systems (i.e. produced in the production/manufacturing process, pre-consumption stages) and municipal waste management systems (i.e. produced in post-consumption stages).

1. **Agricultural plastic waste** includes both the packaging of agricultural products (e.g. phytosanitary products, fertilizers) and non-packaging agricultural plastics, mainly films, devoted to certain agricultural practices (e.g. tunnels, greenhouses, mulch etc.).

Agricultural plastic packaging is subject to extended producer responsibility in Spain. These products are source separated by farmers and separately collected by a producer responsibility organisation (PRO) called SIGFITO³. SIGFITO reports that the amount of agricultural plastic packaging placed in the market in 2020 was 7.995 t, of which 5.012 t were separately collected.

Non-packaging agricultural plastics should be managed through contracts between farmers and private waste operators; however, they are also commonly discarded in municipal waste containers or illegally dumped directly in the environment. The most recent figure provided by the Spanish National Statistics Institute on agricultural plastic waste is from 2006 and it quantified agricultural plastic waste generation to be around 70.000 t per year⁴. More recent data from industrial associations report a yearly consumption of 220.000 t of plastics for agricultural applications alone (i.e. excluding packaging) in 2015 (Asociación española de industriales del plástico, 2018).

2. **Industrial plastic waste** is managed through private contracts between industrial waste producers and private waste operators. According to the National Statistical Institute,⁵ plastic waste generation in the industrial sector in 2018 was about 248.821 t.
3. **Municipal waste** includes household and similar-to-household waste from economic activities. With regards to plastic this mainly includes plastic packaging but also other types of plastic waste (e.g. toys, furniture, etc.). Plastic waste contained in municipal waste can be recovered either in packaging sorting plants, through the mechanical sorting of mixed waste or through the contribution of citizens and businesses in municipal recycling centres (Table 1). According to the Ministry for the Ecological Transition and the Demographic Challenge (MITERD), plastic recovered from these sources added up 556.860 t in 2018. Plastic packaging waste in Spain is also subject to extended producer responsibility, according to the PRO in charge of packaging waste in Spain (Ecoembes), 1.655.189 t of plastic

3 <http://sigfito.es/quienes-somos/>

4 https://www.ine.es/dyngs/INEbase/es/categoria.htm?c=Estadistica_P&cid=1254735976612

5 https://www.ine.es/dyngs/INEbase/es/categoria.htm?c=Estadistica_P&cid=1254735976612

packaging subject to extended producer responsibility was placed on the market in 2018, of which 839.228 t⁶ were accounted for as recycled.

Table 1 Plastic waste recovered (t) from municipal waste in Spain.

Source	Point of recovery	2015	2016	2017	2018
MITERD	Packaging sorting plants	226.749	251.241	268.043	301.361
MITERD	Mechanical sorting from mixed waste	190.716	197.286	205.339	236.461
INE	Other sources	31.226	21.635	17.337	19.037
-	Total	448.691	470.162	490.719	556.860

Source: Ministry for the Ecological Transition and the Demographic Challenge (MITERD) and National Statistics Institute

Considering these three plastic waste streams together, the National Statistics Institute quantifies plastic waste generation in Spain amounting to 815.282 t in 2018, of which 645.349 t was delivered to material recovery facilities (i.e. not for direct disposal). However, it is important to note that this estimate is lower than the estimates stemming from the accounts for these three individual waste streams when reported on separately.

Considering that the reported recovery of plastic waste from municipal waste in 2018 was 839.228 kt, that industrial plastic waste generation in 2018 was 248.821 t and that the consumption of non-packaging agricultural plastic waste is over 220.000 kt per year, we estimate that the current material sorting and recovery of plastic waste for recycling in Spain should actually be over 1.000.000 Mt. With a part of this amount being subject to waste exports.

2.1. Plastic waste trade

According to the international trade statistics of Spain⁷, overall exports of plastic waste from Spain have decreased since China banned plastic waste imports in 2018, dropping from 330 kt in 2015 to 86 kt in 2020 (Table 2). Because of the diminished amount of plastic waste imported by China, the structure of countries receiving Spain's plastic waste exports has also changed. China and Hong-Kong were the main importers of Spain's plastic waste shipments in 2018. In 2020, Turkey more than tripled their imports from Spain, whereas Malaysia has become a key importer in relative terms.

The absolute reduction of more than 200 kt of Spanish plastic waste exports since 2017 along with a 50 kt increase in plastic waste imports into the country⁸ occurring in tandem with no significant increase in domestic recycling capacity⁹ is striking. This implies that either:

- There are large amounts of plastic waste currently stored and pending to be processed

⁶ This figure is higher than the figure provided by MITECO because Ecoembes includes plastic streams not only coming from treatment plants but from private waste manager which MITECO does not include in their accounts.

⁷ <https://datacomex.comercio.es/>

⁸ <https://datacomex.comercio.es/>

⁹ As reported in the interviews.

- Spain's recycling industry has been able to absorb an additional 250.000 t of plastic waste in the span three years¹⁰, or
- Plastic waste shipments from Spain are not being correctly monitored and registered, and they might be being traded under categories of the Combined Nomenclature¹¹ that differ from the corresponding Basel categories for plastic waste (Category 3915), which in turn might imply high levels of misdeclaration and thus the occurrence of illegal waste shipments¹². According to our literature review (see section 2 (Greenpeace, 2020; INTERPOL, 2020)), shifting customs codes might be the most common *modus operandi* for illicit plastic waste shipments, thereby resulting in the avoidance of the Basel Convention-related procedures.

Table 2. Spain's exports and imports of plastic waste (category 3915 of the Combined Nomenclature), 2015-2020.

	2015	2016	2017	2018	2019	2020
Exports	330.159	318.857	302.769	157.413	93.003	86.947
Imports	82.886	84.200	103.169	138.460	159.698	152.188

Source: Datacomex.

If the third hypothesis is correct, subsequently national trade statistics would not be reflecting the actual trade flows of plastic waste being exported from Spain, with additional (and illegally traded) plastic waste hiding in other trade categories both pre and post China's plastic ban.

¹⁰Which is not the case according to the interviews carried out.

¹¹https://ec.europa.eu/taxation_customs/business/calculation-customs-duties/what-is-common-customs-tariff/combined-nomenclature_en

¹²For example, in the case of Malaysia, the exports of plastics others than category 3915 doubled between 2018 and 2020. Turkey also registered significant increases of these exports. Also, exports of fuels to Malaysia increased from amounts ranging 10-20 kt before 2018 to 330 kt in 2019 and 120 kt in 2020.

3. LITERATURE REVIEW: DOCUMENTED INSTANCES OF ILLEGAL PLASTIC WASTE

Illicit waste trade has been addressed internationally for several waste streams, including plastics (Clapp, 1997; European Environment Agency, 2012; INTERPOL, 2009; Klenovšek and Meško, 2017; Melvin and Mcgarrell, 2009), and it has been widely acknowledged that high income, high consuming countries have been reported to be net exporters of plastic waste since reporting began in the late eighties (Brooks et al., 2018; Environmental Investigation Agency, 2021). Interest in illicit waste shipments has grown rapidly in recent times, particularly for plastics. The increased focus on the environmental issues stemming from plastic pollution over the last decade has subsequently positioned this high on the political agenda both in the EU and worldwide.

The recent legal changes in China leading to them banning the imports of plastic waste in 2018, in addition to the latest plastic amendments to the Basel Convention enforced in 2021, have entailed a turning point in the amount of both scientific and grey literature dedicated to the plastic waste trade. In this context, the publication by Interpol on criminal trends in the plastic waste market (INTERPOL, 2020) has been the most relevant milestone.

Interpol's report (INTERPOL, 2020) shows how the ban of plastic imports in China impacted the global economy by rerouting legal plastic waste exports towards southern-Asian and eastern EU countries. However, as is the case for Spain, these new routes of legal plastic exports do not equal the amounts previously sent to China. As is also stated for the case of Spain, as long as there is no data on plastic waste maintained in origin countries, the hypothesis of a recent increase of illegal plastic waste shipments (i.e. not detected by official trade statistics) cannot be discounted. Furthermore, the report points to an increase of illegal dumping and waste fires in export countries, in addition to an increase of illegal recycling facilities and dumpsites in import countries.

Frequent *modus operandi* regarding illegal waste shipments includes:

- | bypassing the Basel Convention requirements by declaring waste as raw materials in customs-related procedures;
- | shifting the corresponding categories (e.g. waste falsely declared for recovery, contaminated waste declared as non-contaminated, etc.) within the Basel Convention codes to bypass the most detailed procedures (i.e. the prior informed consent procedure); and
- | misdeclaration of destination countries.

These practices are often facilitated by organised criminal groups within and/or in close coordination with legally registered companies looking for lower waste disposal and recovery costs. It is pointed out that plastic waste is essentially untraceable, particularly when it is not declared as waste at customs. Furthermore, it is hard to ascertain the actual treatment such plastic waste receives upon arrival to its destination.

Additionally, forgery involved in illicit waste trade is reported to include licenses (e.g., recycling licenses, import licenses, etc), waste processing invoices, transport/export/import-related documentation and Basel Convention-related documentation, among others.

The case studies included within this report illustrate the *modus operandi* on illegal waste exports. Case study 2, (INTERPOL, 2020, p. 30) regarding exports from France to Malaysia, shows the misdeclaration of mixed waste in

order to avoid the prior informed consent procedure required by the Basel Convention. Case study 3 (INTERPOL, 2020, p. 31), regarding the exports from the UK to Poland, concerns baled unsorted household and supermarket waste mislabelled as green list waste in order to also bypass notification procedures.

In the context of the EU, the publication of the report from the European Court of Auditors on plastic waste (European Court of Auditors, 2020) along with the support of several dedicated European projects such as Block Waste¹³ and WasteForce¹⁴ has improved the understanding of illicit plastic waste trade.

The report from the European Court of Auditors (European Court of Auditors, 2020) addresses plastic waste from a broad perspective, motivated by the accomplishment of EU targets on plastic waste management. Within this context, plastic waste shipments have a relevant role, since it is reported that a third of plastic packaging waste accounted as recycled is shipped to third countries, whereby there may be instances when these exports are not shipped to recycling operations or are even subject to criminal activities. Contrary to this, however, the report also points out that the EU strives for self-sufficiency in the treatment and recovery of municipal waste and refers to the amendments to the Basel Convention¹⁵ by which only well sorted, non-contaminated plastic waste is included in the green list for waste trade. The report also mentions that legal extra-EU exports of plastic waste has decreased since 2018. Although intra-EU waste trade grew throughout this period, the report does not address the possibility that this net reduction might be accompanied by an increase of undetected illicit exports.

The report includes a case study on “Operation Green Tuscany” carried out in 2019, where 96 individuals were arrested in relation to illegal exports of plastic waste from Italy to China which transited via Slovenia. The *modus operandi* in this case consisted in shipping waste from Italy to Slovenia, where a local company attested that plastic waste was destined for recycling in the country. However, the plastic waste was instead illegally shipped from Slovenia to China. The shipments were facilitated by intermediary brokers, apparently related to the exporting company, which in addition, counted on the complicity of Chinese agents at destination.

There are few scientific/grey literature references for the case of Spain with regards to illicit plastic waste shipments. The most recent publication addressing this issue, among others, is the Greenpeace report entitled “Ecoembes miente” (Ecoembes lies¹⁶) (Greenpeace, 2020) in which the figures on recycling reported by this organisation are assessed. Part of this report specifically deals with plastic waste exports from Spain (pages 37-46) and focuses on specific shipments to Indonesia, Malaysia and Ghana.

The report states that, according to Greenpeace’s research, the main motivation for illicit plastic waste shipments is to save on costs incurred as a result of proper management in Spain (Greenpeace, 2020, p. 38)¹⁷. The report points to several flaws in the current legal framework, such as intricate EU Regulations, who whilst including the Basel Convention commitments also add significant complexity to the classification of wastes. Additionally, that it is the exporter that is in charge of characterising and assigning the corresponding codes to the commodities to be exported regarding both the Basel Convention/EU regulation and customs regulation (TARIC codes).

13 <https://www.transcrime.it/en/projects/blockwaste-blocking-the-loopholes-for-illicit-waste-trafficking/>

14 <https://www.wasteorceproject.eu/>

15 <http://www.basel.int/Implementation/Plasticwaste/PlasticWasteAmendments/Overview/tabid/8426/Default.aspx>

¹⁶Ecoembes is the producer responsibility organisation in charge of packaging waste in Spain.

¹⁷This implies that most illicit waste shipments are either low or negative value plastics.

Therefore, in the absence of systematic inspection procedures at customs¹⁸, it remains at the exporter's discretion to determine which categories are applied to plastic waste exports, including the possibility of bypassing the Basel Convention procedures by declaring plastic waste within TARIC categories other than 3915, such as plastic raw materials¹⁹, fuels²⁰, etc.

The Greenpeace report highlights that the volume of illicit exports could be significant according to the number of total transactions of plastic waste registered by customs authorities in Spain (4,600 plastic waste export operations in 2018 and 2019 alone), when compared to the number of authorisation procedures received by the Ministry for the Ecological Transition and the Demographic Challenge (MITERD) (5 authorisations procedures in the same period). Three case studies are presented, tracking the details of the operations and identifying specific companies delivering illicit plastic waste exports from Spain. The first case study looking at Indonesia, where several containers that had been fraudulently exported from Spain in 2019 once identified were sent back with destination of Barcelona, despite the original exporter having its fiscal address registered in Valencia.

The case study of Malaysia involves the return of 24 containers from Spain. The original exporter was a company registered in Valencia²¹ (99 P Recycling (Ca) Ltd.), which also had the same address of another Spanish company called Iber Resinas S.L., the latter being a recycler authorised by Ecoembes to buy plastic packaging waste from packaging waste treatment plants in Ecoembes' bids (see section 4). In the documents attached to this case study, it can be ascertained that plastic waste had been classified as "ABS flakes CAED", which in terms of the TARIC classification for commodities, means that the operation was declared as an export of raw materials, therefore bypassing the Basel Convention procedures by mis-declaring these untreated waste shipments. In turn, the importing company was Jia Hua Plastics, which is owned by the organisation Megatrax²². Megatrax operates the producer responsibility organisation (as a monopoly) for packaging waste in Malaysia.

Finally in the case of Ghana, Spain declared the exports of plastic waste to this country in 2018 and 2019. However, this trade operation (plastic waste exports with destination Ghana) has technically been prohibited in the EU since 2014, according to Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply. These shipments came from Barcelona, Valencia and Cadiz.

According to the scarce but growing literature on illegal plastic waste exports, this is a well-known and widely- practiced issue worldwide, with high relevance in the EU. In fact, earlier reports found worrying figures on waste shipments in violation of EU regulation (Baird et al., 2014; INTERPOL, 2009), which are procedurally very similar to more recent cases found in published literature, demonstrating how under addressed this illegal practice has been. Additionally, the causes for illegal exports identified in the literature do not seem to have pronouncedly changed over time, i.e. weak enforcement, higher costs of proper domestic waste treatment incentivising waste crime, international regulatory asymmetries, complexity in the value chain and related procedures, nature and physical appearance of waste (i.e. difficulties to ascertain whether waste complies with regulatory standards) and the fact that waste crime is white-collar crime and can occur with and operate within legitimate companies

¹⁸The report points to 4% inspection rate at ports.

¹⁹Categories other than 3915 within category 39 of the Combined Nomenclature.

²⁰Categories under code 27 of the Combined nomenclature.

²¹According to foreign trade data, Valencia is the most relevant port regarding the exports of plastic waste from Spain.

²²<https://megatraxplastic.com/>

(Baird et al., 2014; Cranfield University, 2016; Dermatas and Georganti-Ntaliap, 2020; OECD, 2021; Parajuly and Fitzpatrick, 2020).

Considering the evidence contained in current literature on illegal waste exports, the recent amendments to the Basel Convention can be seen as a positive step in reducing illegal waste shipments, in the sense that it solidifies legal procedures and makes them more stringent with regards to plastic waste exports. However, if bypassing the Basel Convention procedures remains an easy task, the dissuasive effect related to expanding Basel's amber list (i.e. plastic waste shipments requiring PIC, more stringent exporting procedures) will be limited. In fact, what is clear is that the actual volume of illegal plastic waste exports remains unknown and that a large amount of this waste could be moving around the world without notice.

Subsequently, these findings as well as the present state of play should be considered throughout the current revision of the EU Waste Shipment Regulation: more stringent procedures and the banning of plastic waste exports (a measure to address the inequalities within the current global treatment of waste more generally) may only partly prevent illegal exports, unless complementary measures support these policy developments.

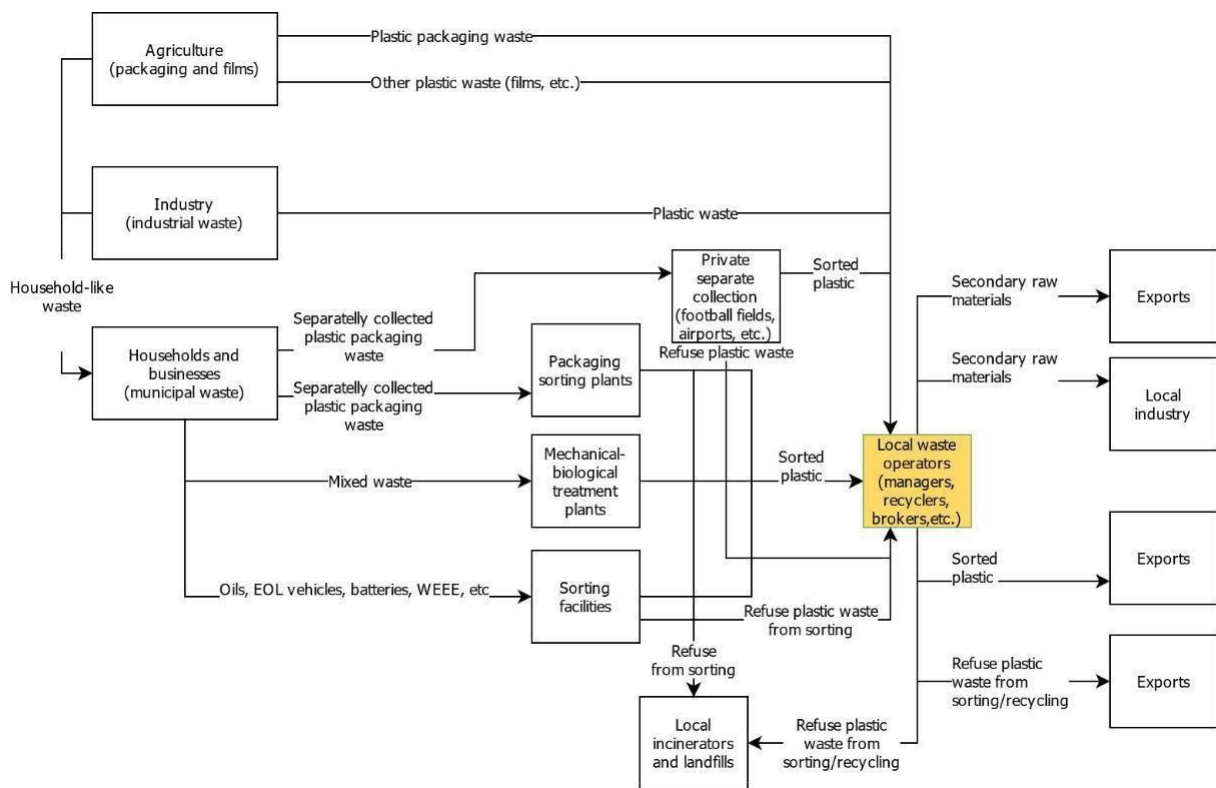
4. “WHO FILLSWHAT” IN PLASTIC WASTE SHIPMENTS

This section is devoted to identifying the point in the supply chain where the decision to make either a legal or illegal export of plastic waste is made, the documents and legal procedure required to carry out the export and the agents involved in the process of plastic waste exports.

4.1. Identifying the point of the value chain where plastic waste exports become a management option

According to the literature review and the interviews undertaken, a diagram of the plastic waste flows in the value chain in Spain is presented in [Figure 1](#). The box in yellow shows the specific point of the value chain where the decision whether to export plastic waste is made.

Figure 1. Plastic waste value chain in Spain.



Source: Own elaboration based on interviews.

The agricultural sector provides both separately collected packaging plastics (e.g. bottles and containers) and other types of plastics (e.g. films from greenhouses), whereas the industrial sector provides industrial plastic used in production processes.²³

Municipal waste management systems provide plastic waste from four sources:

1. The separate collection of packaging waste that is sorted at packaging waste treatment plants. In these facilities, plastics are sorted and baled into four types of plastics: PET, HDPE, films and mixed plastic. All refuse/ rejected materials from these facilities are sent to local landfills/incinerators, according to the mass balances provided by MITERD,²⁴ and therefore refuse from these plants would not be subject to exports. Sorted and baled materials from this source are sold to waste operators through periodical bids organised by the Spanish PRO for packaging (Ecoembes). Information on the results of bids for HDPE and PET²⁵ is displayed on their website, however this is not the case for film and mixed plastics²⁶ where this information is not publicly available.
2. The separate collection of packaging waste through private contracts between Ecoembes and other agents/businesses (e.g. football fields, airports, etc). Ecoembes does not publish information on how these flows are managed other than the amounts collected. Sorted materials are, in principle, delivered to private waste operators.
3. The recovery of plastic waste from mixed waste through mechanical sorting processes at mechanical biological treatment plants. Some of the sorted materials from these facilities are acquired by Ecoembes (to be accounted for as recycled), and are subsequently sold through bids to waste operators, similarly to the procedure for materials from packaging waste treatment plants outlined above. Again, the information for bids of HDPE and PET from mixed waste treatment plants are available online (see note 25) however bid information on other types of plastics is missing. No information on the remaining sorted plastic that was not acquired by Ecoembes has been found. In principle, sorted materials not claimed by Ecoembes should also be delivered to waste operators.
4. The recovery of materials from products containing plastics subject to extended producer responsibility, such as end-of-life vehicles or waste electric and electronic equipment (WEEE). These materials are managed so waste operators receive the products and proceed with the dismantling and sorting of these waste materials. Sorted materials are typically delivered to waste operators specialised in the material recovery of each of the material types (plastics, metals, etc.)

All these waste streams, when correctly managed, result with them being managed by waste operators that should ensure their correct sorting and their subsequent recycling into secondary raw materials. Exporting these sorted plastic wastes is currently a legitimate management option if they comply with current EU regulation (e.g. they are non-hazardous plastic waste). From January 2021, these exports are either exempt of controls if they

²³A small share of household-like waste is produced in the industrial and agricultural sectors, which is managed through municipal waste management systems.

²⁴<https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/publicaciones/Memoria-anual-generacion-gestion-residuos.aspx>

²⁵ https://www.ecoembes.com/es/recicladores/adjudicaciones/resultados?field_tipo_convocatoria_value_i18n=Envases+Ligeros&field_fecha_convocatoria_value%5Bmin%5D%5Bmonth%5D=&field_fecha_convocatoria_value%5Bmin%5D%5Byear%5D=&field_fecha_convocatoria_value%5Bmax%5D%5Bmonth%5D=&field_fecha_convocatoria_value%5Bmax%5D%5Byear%5D=

²⁶Which are among the materials typically subject to illicit trade of plastic waste given its low/negative value.

fall under Annex IX entry B3011²⁷ of the Basel convention (i.e. green-listed plastic waste destined for recycling, low contamination and to be treated in an environmentally sound manner), subject to prior informed consent procedures/general information procedures/banned (see section 4.2) according to the type of waste and destination in addition to national level restrictions put in place by importing countries²⁸. Export is also a legitimate option for non-contaminated, secondary raw materials (i.e. plastic waste post-recycling).

Throughout the recycling process, some of the processed plastic waste material collected cannot be converted into secondary raw materials, due to being contaminated amongst other things, in turn becoming refuse from the plastic recycling process (also known as residuals). These refuse/residual materials are seldom useful for any other recycling processes, and the remaining management options are typically incineration or landfilling. Under certain conditions (see section 4.2 below), exporting these materials might be a legitimate option.

A first relevant point is that the decision to export plastic waste, either legitimately or illegally, occurs in a very specific point in the plastic waste value chain: being local waste operators managing and sorting plastic waste: yellow box, [Figure 1](#). Within this box, there exists up to four categories of agents as indicated in the EU Waste Framework Directive, Article 3:

“‘Waste producer’ means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

‘Waste holder’ means the waste producer or the natural or legal person who is in possession of the waste;

‘Dealer’ means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

‘Broker’ means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste”.

There is a significant difference between waste operators owning and not owning waste management and/or recycling facilities²⁹. This difference is grounded in the fact that these agents owning management and/or recycling facilities are subject to stricter monitoring and reporting requirements in the form of detailed mass balances and records of waste deliveries. However, agents not owning these types of facilities, typically brokers and dealers, are subject to less intensive reporting and monitoring processes. This implies that for those agents owning recycling/management facilities, shipping an illegal export could be more difficult given the amount of material reported as “for export” could be well identified, and could be cross-referenced against the rest of their material inputs/outputs. Therefore, their decision to export would lead to the obligation to provide more detailed export-related documentation required by the authorities.

A second relevant point is the lack of information about the flows of packaging films and plastic mixes subject to the extended producer responsibility scheme managed by Ecoembes and subsequent lack of data on these flows from packaging waste treatment plants and mixed waste treatment plants. These two types of plastics are sorted

²⁷Plastic waste (note the related entries Y48 in Annex II and on list A A3210).

²⁸See Table 3 in the report from the Environmental Investigation Agency (Environmental Investigation Agency, 2021)

²⁹Sourced from interviews conducted for this report.

in large amounts at packaging waste treatment plants and are typically of low or negative commercial value domestically (they are more difficult to recycle, one can make a financial loss paying for their treatment post-disposal), therefore making them a prime candidate for illicit waste shipments to other countries.

4.2. Documents and procedures for exporting waste from Spain

Following the guidelines provided by MITERD for the export of waste,³⁰ guidelines 3 and 4 refer to exports for final treatment and valorisation, respectively. Within these guidelines, all the required documents and the criteria according to which a waste export operation is allowed are clearly stated and shown below.

4.2.1. Exporting waste for disposal

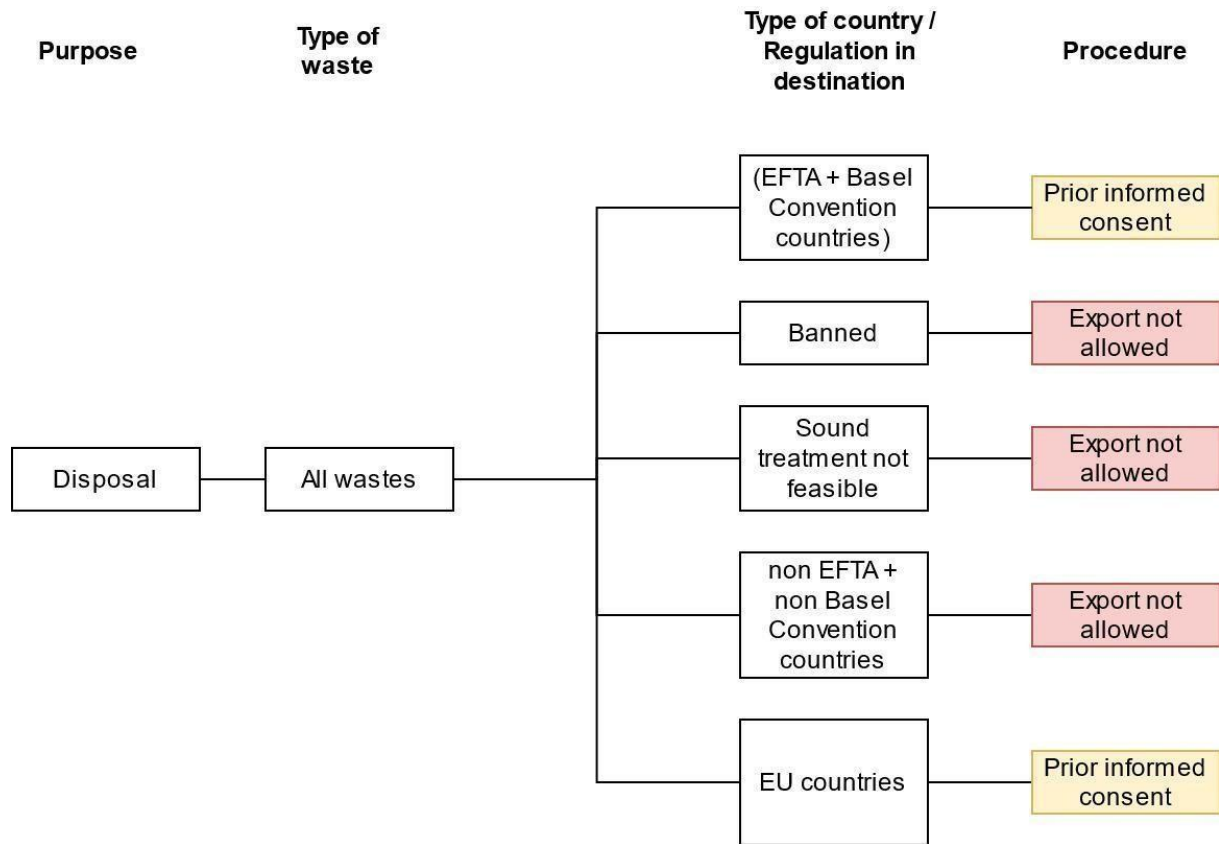
[Figure 2](#) consists of a decision tree which includes the procedures related to the export of waste for disposal. In Spain, the export of waste for disposal is only allowed to other EU countries and countries from the European Free Trade Association (EFTA)³¹ that are Party to the Basel Convention and within these, those allowing the imports of waste for disposal. These exports can be banned if the national authorities of the exporting country (Spain) do not consider sound management can be provided in the receiving country. In any case, for these allowed exports, the prior written notification and consent (PNC, also known as prior informed consent, PIC) procedure is mandatory for all export operations.

The PNC procedure consists of up to 7 different documents in addition to the regular export documents required by custom authorities, particularly the “single administrative document” (SAD), where commodities are classified within the TARIC categories (e.g., raw materials, plastic waste, etc. as mentioned above). Within the SAD, plastic waste should be declared as category 3915: “Waste, parings and scrap, of plastics”.

³⁰https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/prevencion-y-gestion-residuos/traslados/Procedimiento_traslados_internacionales_residuos.aspx

³¹ <https://www.efta.int/about-efat/the-efat-states>. EFTA Member States are Iceland, Liechtenstein, Norway and Switzerland.

Figure 2. Decision tree on the exports of waste for disposal from Spain.



Source: based on the information displayed on the website of MITERD and in Regulation (EC) No 1013/2006 of The European Parliament and of The Council of 14 June 2006 on shipments of waste³²

The documents required for a PNC procedure are:

1. Notification document for transboundary movement/shipments of waste: Annex IB of Regulation (EC) No 1013/2006 of The European Parliament and of The Council of 14 June 2006 on shipments of waste³³.
2. Movement document for transboundary movements/shipments of waste: Annex IB of Regulation (EC) No 1013/2006 of The European Parliament and of The Council of 14 June 2006 on shipments of waste³⁴.
3. Information to be supplied on, or annexed to, the notification document: Annex II Part 1 of Regulation (EC) No 1013/2006 of The European Parliament and of The Council of 14 June 2006 on shipments of waste³⁵.

³² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>

³⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>

³⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>

4. Information to be supplied on, or annexed to, the movement document: Annex II Part 2 of Regulation (EC) No 1013/2006 of The European Parliament and of The Council of 14 June 2006 on shipments of waste³⁶.
5. Additional information and documentation that may be requested by the competent authorities: Annex II part 3 of Regulation (EC) No 1013/2006 of The European Parliament and of The Council of 14 June 2006 on shipments of waste³⁷.
6. Contract between the notifier and the consignee.
7. Financial guarantee or equivalent insurance.

4.2.2. Exporting waste for recovery

[Figure 3](#) consists of a decision tree which includes procedures related to the export of waste for recovery (i.e. recycling and reprocessing, like energy from waste operations). In Spain, the export waste for recovery is enforced by several criteria within Regulation (EC) No 1013/2006 of The European Parliament and of The Council of 14 June 2006 on shipments of waste³⁸ and the Basel Convention. These criteria include the type of recipient country (i.e. whether it belongs to the EU or falls within the OECD Decision related to waste shipments, the type of waste in the context of the Basel Convention categories) and the relevant regulation in place within the destination country.

Depending on the combination of these criteria, the export might be banned, subject to the PNC/PIC procedure, or subject to the general notification procedure. The general notification procedure requires submitting the form within Annex VII of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.³⁹ In addition to these procedures, regular export documents are required by custom authorities, particularly the “single administrative document” (SAD), where the commodities are classified within the TARIC categories (e.g., raw materials, plastic waste, etc.).

For non-OECD countries, the Commission Delegated Regulation (EU) 2020/2174 of 19 October 2020 amending Annexes IC, III, IIIA, IV, V, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste banned the exports of hazardous plastic waste and plastic waste that is hard to recycle whereas for the rest of plastics national rules of the importing countries should be applied and in the absence of these, PIC applies.

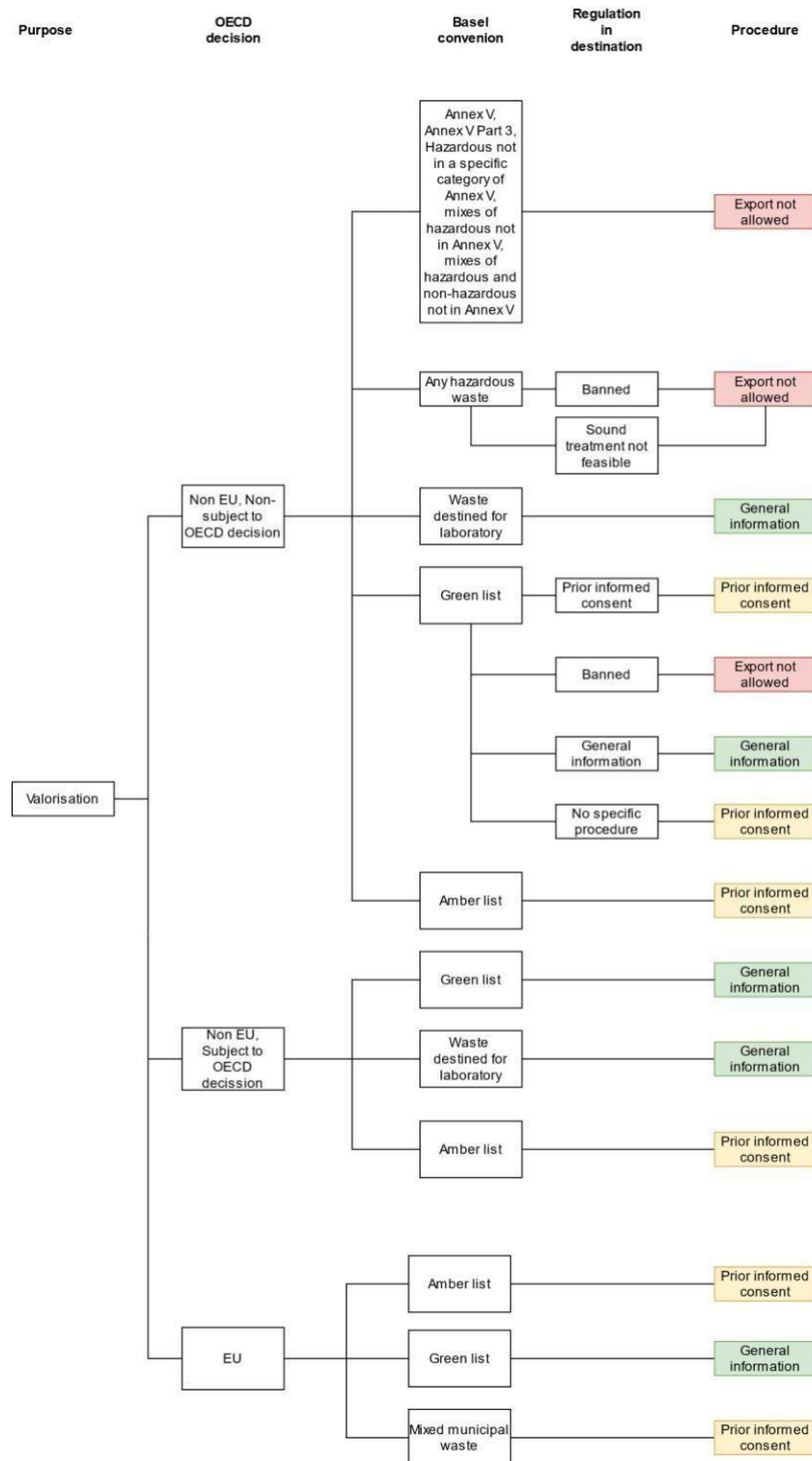
³⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>

³⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>

³⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>

³⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>

Figure 3. Decision tree on the exports of waste for recovery from Spain.



Source: based on the information displayed on the website of MITERD and in Regulation (EC) No 1013/2006 of The European Parliament and of The Council of 14 June 2006 on shipments of waste

4.3. Who fills what when plastic waste is exported?

According to the Waste Shipment Regulation, the procedure for the export of waste in the EU should be carried out by a “notifier”. Article 2 defines a notifier as follows:

- (a) *“in the case of a shipment originating from a Member State, any natural or legal person under the jurisdiction of that Member State who intends to carry out a shipment of waste or intends to have a shipment of waste carried out and to whom the duty to notify is assigned. The notifier is one of the persons or bodies listed below, selected in accordance with the ranking established in this listing:*
- (i) *the original producer, or*
 - (ii) *the licensed new producer who carries out operations prior to shipment, or*
 - (iii) *a licensed collector who, from various small quantities of the same type of waste collected from a variety of sources, has assembled the shipment which is to start from a single notified location, or*
 - (iv) *a registered dealer who has been authorised in writing by the original producer, new producer or licensed collector specified in (i), (ii) and (iii) to act on his/her behalf as notifier,*
 - (v) *a registered broker who has been authorised in writing by the original producer, new producer or licensed collector specified in (i), (ii) and (iii) to act on his/her behalf as notifier,*
 - (vi) *where all of the persons specified in (i), (ii), (iii), (iv) and (v) if applicable, are unknown or insolvent, the holder.*

Should a notifier specified in (iv) or (v) fail to fulfil any of the take-back obligations set out in Articles 22 to 25, the original producer, new producer or licensed collector specified in (i), (ii) or (iii) respectively who authorised that dealer or broker to act on his/her behalf shall be deemed to be the notifier for the purposes of the said take-back obligations. In circumstances of illegal shipment notified by a dealer or broker specified in (iv) or (v), the person specified in (i), (ii) or (iii) who authorised that dealer or broker to act on his/her behalf shall be deemed to be the notifier for the purposes of this Regulation;

- (b) *in the case of import into, or transit through, the Community of waste that does not originate in a Member State, any of the following natural or legal persons under the jurisdiction of the country of destination who intends to carry out a shipment of waste or intends to have, or who has had, a shipment of waste carried out, being either:*
- (i) *the person designated by the law of the country of destination; or, in the absence of any such designation,*
 - (ii) *the holder at the time the export took place;”*

The notifier of any given export should complete and submit the documents required both by the general information procedure and PNC. According to the information provided in section [4.1](#), of the EU Waste Shipment Regulation, the notifier should be a waste operator managing plastic waste in a very specific point of the value chain (see [Figure 1](#)). Depending on the type of agent charged with the export, the operation will be subject to different degrees of monitoring by and reporting to the relevant administrative authorities. In any case, in the

event of an illegal shipment, producers and collectors (not the dealers and brokers paid to manage this waste), will be made responsible for bringing back the illegal export in question.

It is understood that exports are usually managed through intermediary companies specialised in international trade. The lack of connection and cross check procedures between custom-related and Basel Convention- related procedures and between agents facilitates the illegal export of plastic waste. In fact, unless an inspection procedure is initiated, it is relatively easy to declare waste as raw materials by simply mis-declaring the waste by giving it a raw materials commodities code in relevant documentation needed for the export⁴⁰.

⁴⁰The interviewees have also reported that, to some extent, these types of shipments require the implication of agent in destination for both receiving the shipment without inspection.

5. GAPS AND OPPORTUNITIES FOR MISDECLARATION IN CURRENT PROCEDURES AND RELATED AGENTS

According to current published literature and the interviews conducted, at least 4 main loopholes facilitating the illegal export of plastic waste have been identified:

5.1. Gap/opportunity 1: plastic waste classification remains at the discretion of the exporter

One of the main loopholes facilitating illegal waste exports is the fact that it is the exporters themselves that determine the codes to be applied to both Basel Convention and customs waste shipment documentation without any further checks or certification by environmental and customs authorities taking place, unless an inspection procedure is initiated. Moreover, plastic waste classifications, without the correct training, can be difficult to interpret, so even in the event of an inspection, illegal waste shipments may go unnoticed. Furthermore, if contamination or misdeclaration is hidden within the shipment, it is not easy for illegal activity to be recognised when inspection takes place. The misdeclaration of plastic waste can therefore be impeded with the creation of a third-party certification scheme responsible for managing the classification of waste destined for export.

5.2. Gap/opportunity 2: procedural complexity and lack of a digitised and universal electronic procedural platform

An additional issue that creates a favourable context for illegal plastic waste exports is the current paper-based regulatory and procedural framework for legal exports. This includes the PIC procedures put in place as a result of the recent amendments to the Basel Convention, with increasing transparency and control occurring as a result of an increased obligation to submit administrative and financial documents. Coupled with a lack of funding and capacity of authorities tasked with monitoring shipments, waste criminals exploit this vulnerability in the system by mis-declaring waste they know can be easily rendered untraceable or evade inspection. For several waste agents, the new requirements now limit the profitability of their business, which creates further incentives to shift towards illegal practices.

Current administrative requirements are created to ensure increased transparency, accountability, and control for importing countries and should impede the occurrence of illegal exports. This current vulnerability could be addressed by the creation of a digitised and universal electronic procedural platform with mandatory tracking and PIC required for all shipments.

5.3. Gap/opportunity 3: gaps in reporting requirements and lack of transparency

The point in the value chain where the decision to carry out an illegal export is made has been identified (see section [4.1](#)). However, the number of agents operating within this point of the value chain is high and varied, in addition to including asymmetries in the reporting requirements expected of different types of agents. For instance, brokers and dealers who do not own waste management facilities are not required to provide mass-

balance data on the waste they are exporting. This reduces transparency and facilitates the misdeclaration of waste.

Furthermore, in the case of Spain, the lack of transparency (i.e. publicly available data) on the destination of low-value plastics such as films and plastic mixes auctioned by Ecoembes impedes the traceability of these materials. This is compounded by the fact that their characteristics of being low-grade low-profit recycling material renders them to be among the main candidates for illegal exports.

5.4. Gap/opportunity 4: current sanctions are not a deterrent

Even in the event of prosecution and sanctions, the profit made through illegal waste shipments compensate for any possible penalty⁴¹. This cost benefit gap for illegal activities certainly does not prevent illegal shipments from taking place.

Moreover, with regards to the plastic waste auctioned by Ecoembes, the fact that companies involved in illegal activities and have been prosecuted as a result do then not have their right to buy further materials removed (Greenpeace, 2020) certainly does not give a strong dissuading signal to waste agents and criminals.

6. CONCLUSIONS AND RECOMMENDATIONS

Considering the information outlined in this report, and in addition to the solutions to close the loopholes identified, several conclusions and recommendations can be drawn. It must be noted that recommendations already account for those made in Interpol's report to tackle illegal plastic waste shipments (INTERPOL, 2020) and have a specific focus on the occurrence of illegal plastic waste shipments in Spain, although they may also be applied to most EU Member States.

6.1. Improved monitoring of key waste operators able to make plastic waste exports

The point in the value chain where the export of waste (either legitimate or illegal) becomes an option is clear and is an outcome of all three main generated plastic waste flows merging: agricultural, industrial and municipal waste. It is also clear that traceability in this identified point can be improved by ensuring the same level of requirement for documentation and information submitted by all agents in this point and the value chain more generally. The monitoring and reporting requirements for brokers and dealers are less strict compared to other waste agents, significantly hampering traceability. As it has been shown for municipal and industrial waste in Spain, monitoring systems able to reproduce the mass balance of companies and their facilities is key to tracking waste flows. Therefore, all agents should be subject to mass balance-based reporting to identify any possible leak or inconsistency, thus helping closed identified in section [5.3](#).

6.2. Improving mass balances and monitoring stocks of plastic waste

Related to the previous recommendation, improving information on plastic waste stocks and accumulations at plastic waste treatment/recycling facilities is required in addition to ensuring it is publicly available. Plastic stock

⁴¹As sourced from the interviews.

data differences could be related to variables such as the capacity available for plastic waste storage at domestic facilities or waste transfer stations. Identifying these instances could provide early warnings⁴² and flag large accumulations of untreated plastic waste materials which, in turn, could be vulnerable to illegal waste trading or mismanagement (like fires (Greenpeace, 2020)) and subsequently facilitate intelligence-led investigations and inspections whilst facilitating the collation of evidence of mismanagement and intentionality in the event of fires or illegal trade in and from these waste-related facilities.

6.3. Excellence and good practice should be incentivised

Procedural requirements related to legal exports of plastic waste have solidified, particularly since the latest Basel Convention amendments entered into force, especially with regards to financial guarantees. For waste operators with a long tradition in legitimate waste export operations without the previous obligation of these procedures aimed at facilitating transparency, these new requirements could constitute a financial and economic burden potentially heightening the subsequent pull to illegal practices. In this sense, the new procedures for legitimate plastic waste exports are costly and intricate hence they might not contribute to reducing instances of illegal trade and therefore also not provide assurance that sound treatment of exported waste occurs upon arrival to destination. Therefore, it is recommended that methods facilitating the operations of legitimate waste agents (like the creation of a digitised and universal electronic procedural platform) coupled with the development of a sanctioning framework that provides a legitimate deterrence should occur. In line with the other recommendations made, however, cultivating a culture of compliance is key and could stem from having a register or voluntary certification system for companies with a strong record of legitimate operations could be beneficial in incentivising these companies to continue operating legitimately. Measures such as “fast lanes” of simplified procedures for proficient companies willing to voluntarily demonstrate improved transparency of their plastic waste exports could be an example.

6.4. Crediting and registering agents allowed to make plastic waste exports in origin

Reducing and clearly identifying the number of agents able to make an export of plastic waste via specific accreditation procedures would narrow the scope of agents and operations to be monitored. For example, adding the legal title of “waste exporter” to a producer, holder, broker or dealer so that these agents interested in exporting plastic waste are registered in a database⁴³ with a detailed compilation of their operations, this would facilitate monitoring at borders. Some interviewees have reported that by narrowing the type of agents allowed to make exports to those owning recycling facilities could significantly improve the situation given the monitoring processes already in place at these facilities.

As a result, credited “exporters” could be more easily surveyed before exporting, and cross-checked with submitted custom-related documents, rendering the shipment of unidentified illegal activities harder for these agents. This recommendation addresses illegal waste exports stemming from the shift of Basel Convention’s codes and procedures. However, to include illegal exports deriving from misdeclaring waste as raw materials, a register of raw plastic material exporters should also be created in tandem, with the administrative costs of such a measure potentially coming from extended producer responsibility schemes ensured in internalising the treatment costs of plastics placed on the market throughout their entire lifecycle. In line with this proposal, this

⁴²This kind of indicator systems are encouraged by Interpol (INTERPOL, 2020).

⁴³ For example, in the vein of the National Packaging Waste Database in the UK, where all exporters should be registered: <https://npwd.environment-agency.gov.uk/>

system should be designed so that it can then be scaled to the global level, as Interpol recommends “the development of an electronic platform where all waste movements should be recorded by law, and that all designated authorities could access globally, would possibly allow fluid information exchange between import and export countries (INTERPOL, 2020), like the creation of a digitised and universal electronic procedural platform.

6.5. Using financial indicators to target inspections

Operations below certain prices per ton could be easily targeted for inspection, since the cheapest plastics (plastic mixes and films) are those more often subject to illegal exports. This information is available to custom authorities via the SAD and related documents.

6.6. Improving enforcement and the deterrent effect of sanctions

According to published literature, identified case studies and interviews, it is easy to avoid the Basel Convention procedures by declaring plastic waste as raw materials in required export customs’ documentation. In fact, this is among the main reported *modus operandi* for illegal waste exports. Until this issue is addressed in a systematic manner, the amendments to the Basel Convention may have a limited effect, and in the absence of truly dissuasive sanctions, committing this fraud will be easy and profitable. To face this issue, two recommendations can be adopted: first, to increase the sanctions related to illegal plastic waste exports. Second, to significantly increase capacity devoted to the inspection of the exports of so-declared plastic raw materials.

6.7. Creating a certification system for the classification of plastic waste for exports

As recognised by MITERD, it remains at an agent’s discretion to determine which plastic waste export category their waste should be declared as. A third-party mandatory/voluntary certification scheme could provide an official system for monitoring this classification issue, in turn reducing the possibility of misdeclaration within current procedures. In connection with recommendation 6.3, uptake of such a practice could be cultivated by the exporting process being made easier for those contracting such commodity certification services, ensuring the type of waste exported corresponds with the procedure and categories applied.

6.8. Improving traceability and transparency on plastic waste managed by producer responsibility schemes

Given the magnitude of plastic waste managed by Ecoembes, it is of the utmost urgency to improve the accessibility to information provided within bids for plastic films and plastic mixes, which are not currently available online. These two streams have been reported to be related to illegal exports, so equalling the transparency and traceability levels provided for more expensive materials such as PET or HDPE would be recommended. Also, the criteria for qualifying companies allowed to buy plastics from Ecoembes should be revised to at least ensure compliance with basic recycling and transparency criteria, excluding companies found to be involved in illegal waste exports or any other illicit activity (e.g. fires, illegal dumping).

6.9. Coordinating customs and environmental authorities and procedures

The coordination between custom authorities as well as national and regional authorities in charge of Basel Convention-related procedures could be significantly improved.

For example, basic data cross checks would be useful in preventing illegal plastic waste exports. For instance, in one of the cases included in Greenpeace's report (Greenpeace, 2020) it is pointed out that one exporting company involved in illegal exports to Malaysia had the same address as a legitimate plastic-related company.

A recommendation includes building a database of companies (including addresses, managers, etc.) involved in historic illegal waste export operations, creating a "yellow card"⁴⁴ system that might trigger an early warning signal to relevant authorities about illegal exports from said companies, managers, addresses, fiscal codes, email addresses, etc. To the extent this information is digitalised, the cross-checking of exporting operations regarding both Basel Convention and custom-related documents against this "yellow card" system could be automated. Coupled with a register of credited exporters, the space within which illegal operations could take place would be significantly narrowed (see [6.4](#))⁴⁵.

6.10. Research on illegal operations to understand key loopholes in waste exports

Making information on cases of illegal plastic waste exports publicly accessible could be helpful to understand the multiple ways in which economic agents have been avoiding Basel Convention procedures, amongst other illegal practices. This could include a publicly accessible repository of case studies on illegal waste exports. Learnings from having access to these illegal practices would contribute to optimised inspection and monitoring in the face of limited resources.

6.11. Crediting facilities to ensure EU sound plastic waste treatment

An additional management option to diminish illegal plastic waste exports to third countries (i.e. extra EU) and intra-EU would be certifying the recycling/management facilities in importing countries accepting these EU shipments, periodically reviewing and renewing the possibility of a given facility to process EU plastic waste for certain types of plastic and treatments. With the implementation of such a measure possibly being complex, it would narrow the number of and more clearly identify agents allowed to receive exported plastic waste, in turn making illegal exports more difficult to execute. This measure would also be helpful in consolidating what is understood by "sound management" or "environmentally sound management" within EU regulation and would in turn increase the robustness of EU recycling rates calculations⁴⁶.

6.12. Ensuring an accountable and response intra-EU plastic waste trademarket

Fully implementing the Base Convention would ensure that the PIC procedure apply to all the plastic waste requiring special consideration, thus covering more plastic such as PVC and limiting green-listed exports to recycling and not incineration with energy recovery. In that was, only clean, homogeneous and non-hazardous

⁴⁴Yellow cards being a onetime public warning that might temporarily limit the operations of a given company, leading to more stringent measures including a complete ban from waste management operations when two yellow cards are accumulated.

⁴⁵In the same vein, Interpol recommends applying "intelligence on companies that were flagged for illegal waste shipments in the past should be made available to all customs agencies."

⁴⁶As demonstrated in Greenpeace's report (Greenpeace, 2020), it is difficult to ascertain whether plastic waste exported to non-EU countries comply with the EU requirements to be accounted for as recycled although these amounts are effectively accounted for as recycled within national reports regarding, for example, the Waste Framework Directive and the Packaging and Packaging Waste Directive targets on recycling.

plastic would be allowed to be freely traded for recycling while all other shipments would require thorough controls thus increasing monitoring and transparency.

6.13. Banning the exports of plastic waste out of the EU

This measure would stop cases of illegal exports to third countries related to shifting Basel Convention's codes and procedures, though it would not necessarily address the illegal shifting of custom-based categories of declaring plastic waste as raw materials. Subsequently, it would result in a concentration of inspection efforts on the exports of plastic raw materials and fuels. This would also align with the EU's objectives with regards to the management of plastic waste, and the principle of self-sufficiency as outlined within the Basel Convention.

A potential side-effect of this measure could be the lack of treatment capacity within the EU for certain types of plastic waste in the short-term hence allow for the possibility for the adopted ban to be enforced progressively, coupled with ambitious plastic reduction targets as well as incineration and landfilling moratoriums are key. Additionally, this measure should occur in tandem with further measures (e.g. some of the above readapted to intra EU waste shipments) to manage these possible negative effects, such as mandatory recycled content to stimulate market demand for recycled plastics, public investments in recycling capacity, eco-design to make plastic packaging reusable and recyclable.

REFERENCES

- Asociación española de industriales del plástico, 2018. La plasticultura en España. Congr. CIPA.
- Baird, J., Curry, R., Cruz, P., 2014. An overview of waste crime, its characteristics, and the vulnerability of the EU waste sector. *Waste Manag. Res.* 32, 97–105. <https://doi.org/10.1177/0734242X13517161>
- Brooks, A.L., Wang, S., Jambeck, J.R., 2018. The Chinese import ban and its impact on global plastic waste trade. *Sci. Adv.* 4, 1–8. <https://doi.org/10.1126/sciadv.aat0131>
- Clapp, J., 1997. The Illicit Trade in Hazardous Wastes and CFCs: International Responses to Environmental “Bads.”. *Trends Organ. Crime* 3, 14–18.
- Cranfield University, 2016. Assessment of Financial Indicators to Detect Waste Crime. Action B6 – Recommendations Report. Smarter Regulation of Waste in Europe (LIFE13 ENV-UK-000549) LIFE SMART Waste Project.
- Dermatas, D., Georganti-Ntaliapi, A., 2020. Plastic waste trafficking: An ever-growing environmental crime that needs to be tackled. *Waste Manag. Res.* 38, 1187–1188. <https://doi.org/10.1177/0734242X20966250>
- Environmental Investigation Agency, 2021. The Truth Behind Trash. The scale and impact of the international trade in plastic waste. Environmental Investigation Agency.
- European Court of Auditors, 2020. EU action to tackle the issue of plastic waste. European Court of Auditors, Luxembourg.
- European Environment Agency, 2012. Movements of waste across the EU’s internal and external borders. Office for Official Publications of the European Union, Luxembourg.
- Greenpeace, 2020. Ecoembes miente: Desmontando los engaños de la gestión de residuos de envases domésticos. Greenpeace.
- INTERPOL, 2020. Emerging criminal trends in the global plastic waste market since January 2018 - Strategic Analysis Report. INTERPOL, Lyon, France.
- INTERPOL, 2009. Electronic waste and organized crime-assessing the links. INTERPOL.
- Klenovšek, A., Meško, G., 2017. International waste trafficking: Preliminary explorations, in: *Transnational Environmental Crime*. Routledge, pp. 275–296.
- Melvin, J., Mcgarrell, E.F., 2009. Electronic waste and organized crime-assessing the links. *Trends Organ. Crime* 12, 352–378. <https://doi.org/10.1007/s12117-009-9076-y>
- OECD, 2021. International trade and circular Economy - Policy alignment. OECD, OECD Trade and Environment Working Papers.
- Parajuly, K., Fitzpatrick, C., 2020. Understanding the impacts of transboundary waste shipment policies: The case of plastic and electronic waste. *Sustain.* 12, 1–15. <https://doi.org/10.3390/su12062412>

ANNEX 1: INTERVIEWS

Four interviews were carried out. The strategy for choosing the interviewees was agreed with Zero Waste Europe and it consisted in a sequential selection of relevant agents, so a first group of stakeholders were identified, and the following participants were chosen according to the results in the previous interviews and the recommendations received from these agents.

The names of the interviewees were informed to Zero Waste Europe but are not disclosed in this report, following their indications.

The interview is displayed below. The interviews were recorded under previous consent for three out of the four interviewees.

INTERVIEW

In the context of the project “Understanding illegal plastic waste shipments in Spain”, a series of interviews with key stakeholders are being carried out. The project main aim is proposal is understanding the factors enabling the misdeclaration of plastic waste exported from Spain, with particular interest for intra-EU flows.

The interviews are focused on understanding the context and motivations leading to illegal waste shipments in Spain, procedural and legal gaps, and possible solutions. To this aim, the interview addresses the following questions in the form of open questions to the interviewed.

CONTEXT

- 1) What is the specific point in the value chain where sorted waste can be decided to be shipped to other countries? What are the motivations for this decision?
- 2) What are the specific agents in the value chain making the decision of shipping sorted waste to other countries?
- 3) What are the motivations of agents performing illegal waste shipments?
- 4) Who are the winners/losers from illegal waste shipments from Spain?
- 5) Are there market gaps triggering illegal waste shipments in Spain (e.g. market not being able to absorb certain types of wastes)? What are these gaps? Why these occur?

LEGAL AND PROCEDURAL GAPS

- 1) What are the procedural steps for shipping waste (legally) from Spain? How are the main national (e.g. tariffs) and international regulations (Basel Convention, OCDE rules, EU regulation on waste shipments) accomplished?
- 2) At which specific points of the value chain do waste shipments become illegal? What agents are involved in those procedural steps? Which are the specific documents enabling illegal waste shipments to occur?
- 3) What are the specific agents in the value chain allowed to fill both WSR documents and regular tariff documents (DUA)?

RECOMMENDATIONS

- 1) Which are the market, legal and procedural measures that would help minimising the motivations and gaps enabling illegal waste shipments?

FURTHER CONTRIBUTIONS

Any other contribution missing in the original questions, references, contacts, etc.

RETH!NK 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.



Fundació ENT
Josep Llanza, 1-7, 2n 3a
08800 Vilanova i la Geltrú
+34 93 893 5104
info@ent.cat | www.ent.cat

@ENTmediambient 

ENTmediambient 

ENT Environment & Management 

ENT environment & management 