



**The WEEE chain of events**  
**Key findings and recommendations**  
**Legal Framework**

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EU Forum of Judges for the Environment  
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## The CWIT consortium **Countering WEEE Illegal Trade**

- Two year project, September 2013 – September 2015
- European Commission, 7<sup>th</sup> Framework Programme
- Coordination & Support Action, EU focus



## Unique comprehensive analysis

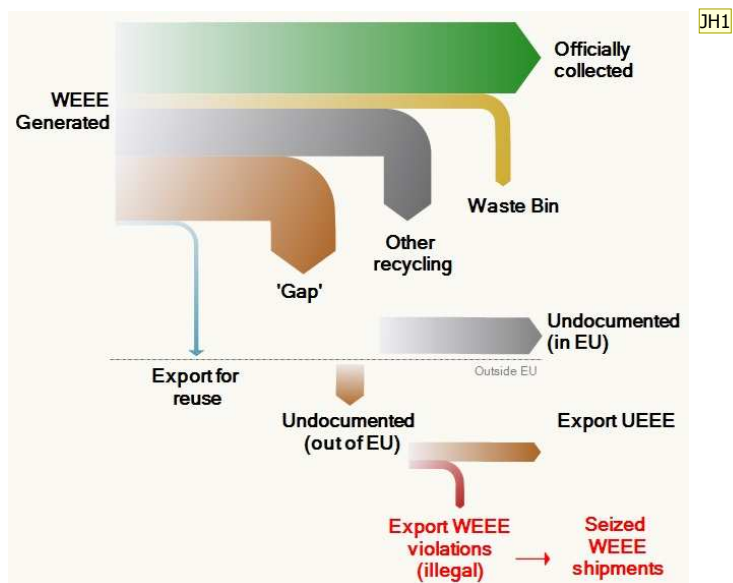
on:



- How much WEEE arises in Europe every year?
- Who is trading, how much, with whom? Where does WEEE end up to? What drives illegal trade?
- Is the legal framework sufficiently clear and unambiguous?
- Are Organised Crime Groups involved?
- **What do we recommend to address the situation?**



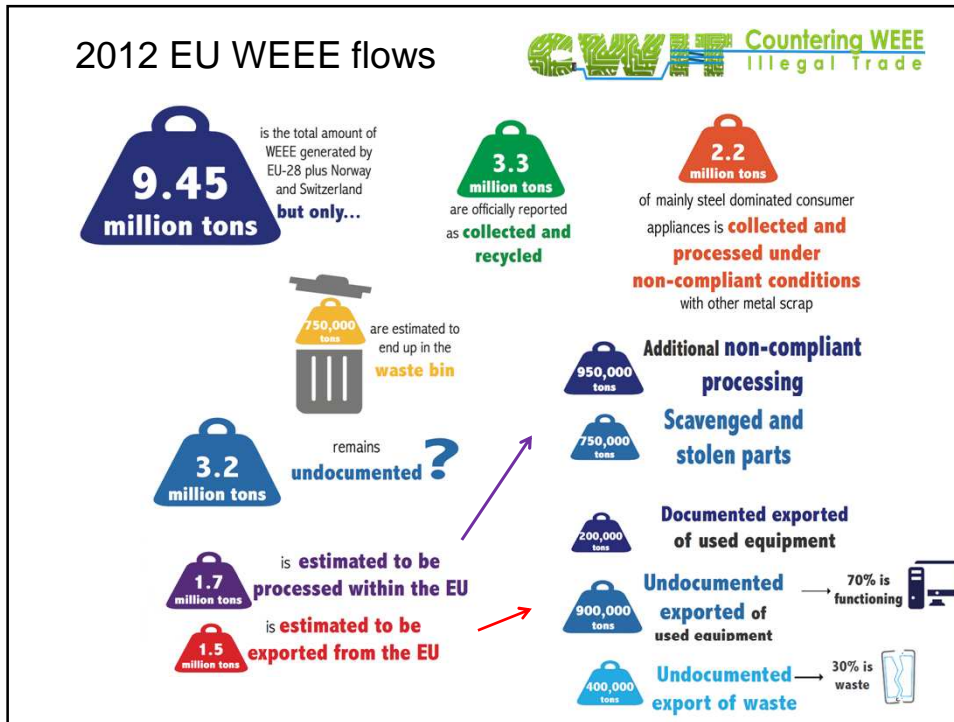
## The WEEE chain of events



## Dia 4

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**JH1** Will be built up step by step...  
Jaco0742; 16-06-15



### Economic impact on EU economy

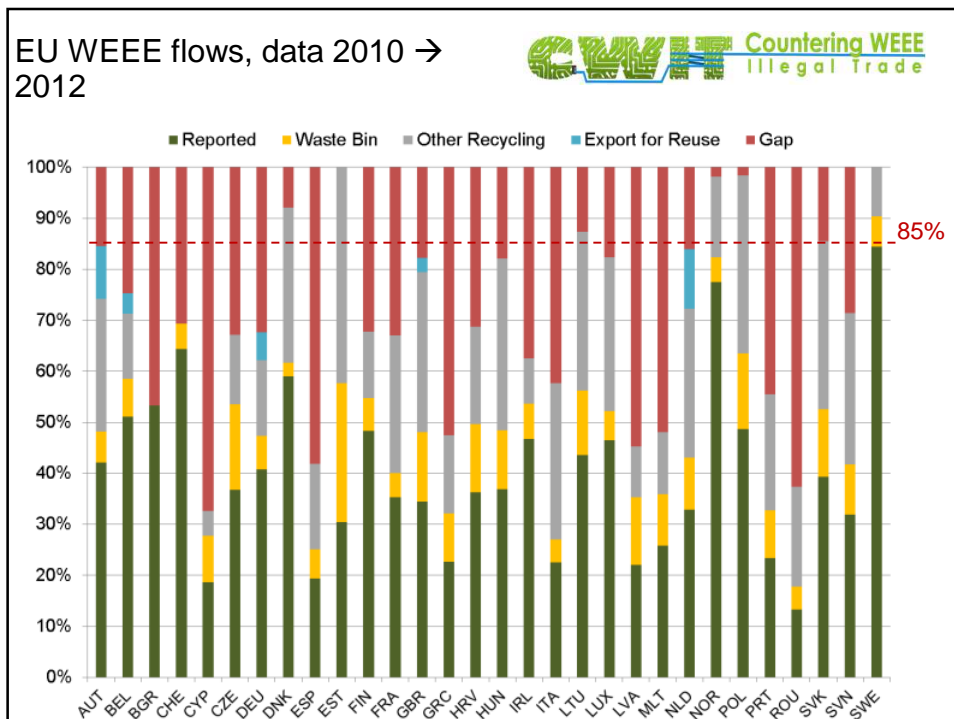
**€300-600 million** due to **bad disposal behaviour consumers**

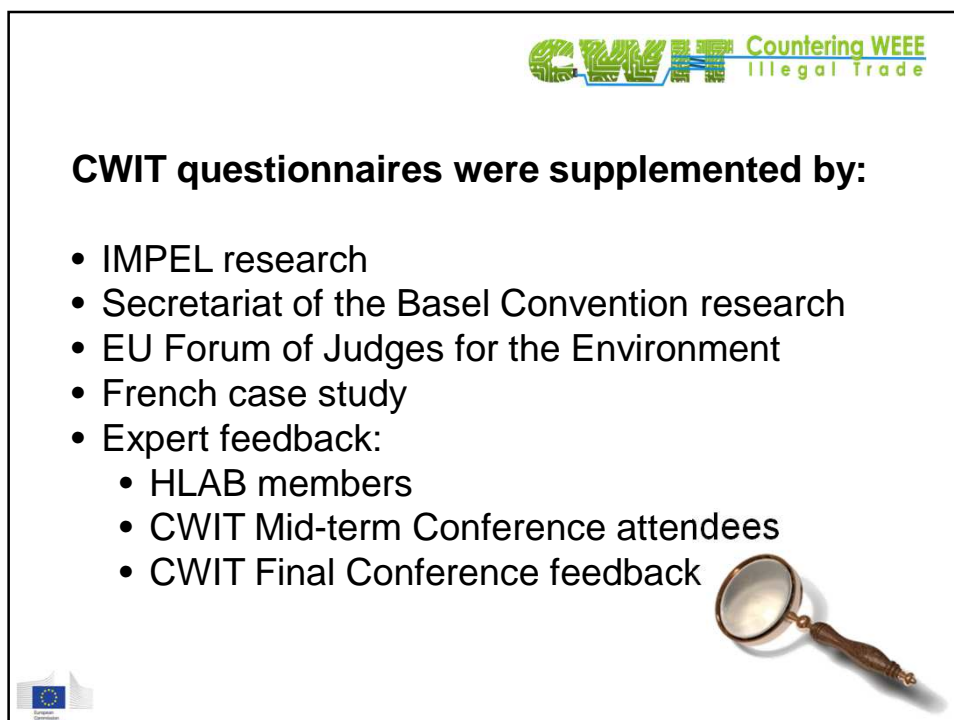
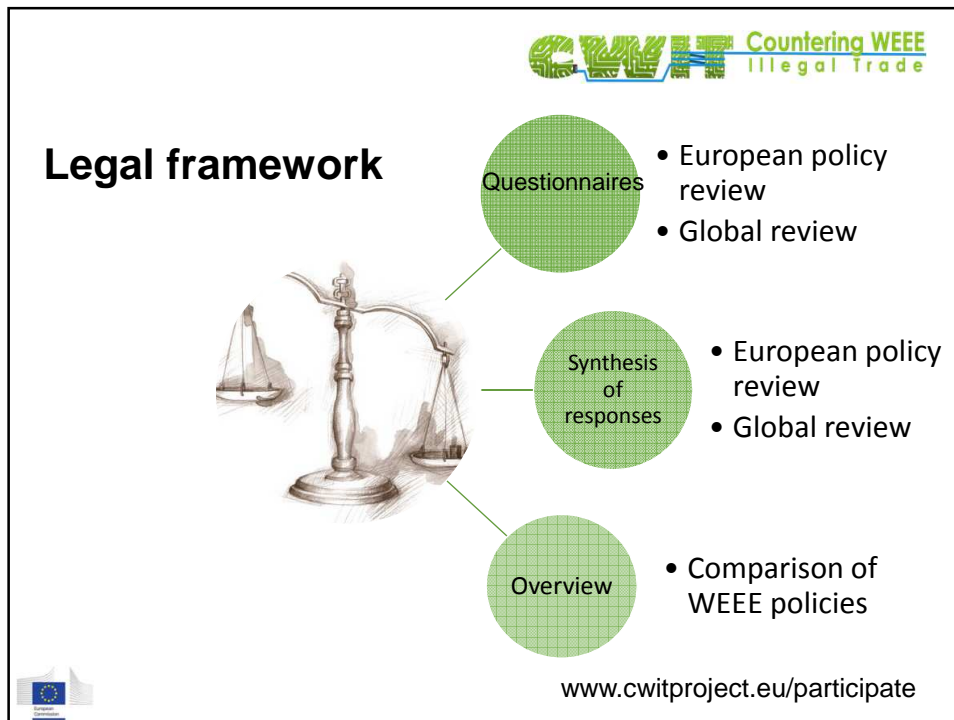
**+ 150 to 600 M € in avoided compliance costs**

### Export

**Products** and 1.5 million tons is estimated to be **exported out of the EU**

- 200,000 tons** Documented exported of used equipment
- 900,000 tons** Undocumented exported of used equipment → 70% is functioning
- 400,000 tons** Undocumented export of waste → 30% is waste







### Analysis of:

- Requirements for functionality testing
- Targets and reporting
- WEEE treatment conditions
- Packaging of used EEE
- Permits required (collection, transportation, storage, treatment).
- Type of liability (civil, criminal, administrative),
- Actors involved
- Severity of the penalties applied.



### WP 3 Legal Framework Analysis

#### Legal Framework



- Lack of full transposition across the EU
- Lack of harmonisation in provision and penalties among EU countries
- Differences in waste classification system, allowed levels of contamination
- Definition of when an illegal shipment starts

#### Detection



- Lack of human resources
- Difficulty in distinguishing between UEEE and WEEE
- Lack of a unified information system among national agencies
- Lack of international information sharing

#### Arrest/ enforcement action



- Cumbersome evidence collection process
- Limited investigative powers due to the low severity of the crime
- Fine too low to deter non-compliant behavior

#### Prosecution



- Only most severe cases are taken to prosecution
- High burden of proof
- Difficulty in proving who is responsible for a shipment

#### Conviction



- Lack of reporting on outcomes of WEEE cases taken to the judiciary.





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## The legal framework, implementation and enforcement

**Recommendations**

- Consistent interpretation and guidelines for waste vs non-waste
- Improve waste codification
- Train authorities
- Harmonise penalty systems

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## Waste Classification Codes

See also: <http://ias.unu.edu/en/research/e-waste-quantification.html#outputs>

## Waste or used EEE?

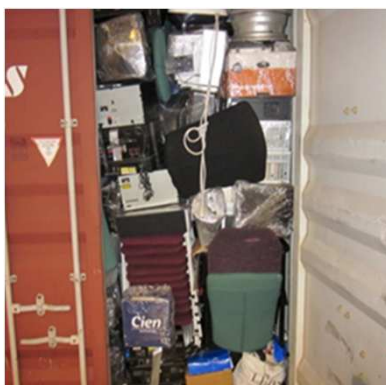


Distinguishing waste from non-waste is critical for all actors in the WEEE chain

There is no global definition/ scoping of 'WEEE'

Uncertainty leads to opportunities for WEEE concealed and falsely declared as UEEE

Lack of clarity is a major obstacle in the prosecution of cases (EUROJUST)



### Existing guidelines:

- EU legislation & Guidelines
- Basel Technical Guidelines
- IMPEL
- INTERPOL
- UNU Keys
- StEP Initiative
- OECD Guidelines
- Member States including Austria, Belgium, Germany, Ireland, UK, Nordic Waste Group

### Guidelines refer to:

- Definition of WEEE/e-waste
- Codification of waste
- Inspection procedures
- Training of inspection and enforcement personnel
- Functionality testing
- Appropriate protection/ packing for used goods
- Treatment & management
- Illegal behaviour – penalties and sanctions



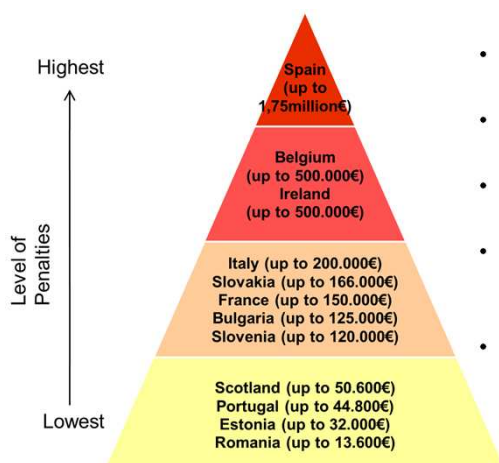
## Waste v non-waste?

Clarifying the distinction between waste vs used goods:

- Identification of WEEE
- Facilitates information sharing between agencies
- Enhancing use of resources for inspection, detection, prosecution & sentencing of WEEE related illegal activities.



## Financial penalties



- Low probability of prosecution & sentencing
- Current penalties are not a deterrent – usually only administrative in nature
- Fines imposed are often less than the profit of one illegal shipment
- More stringent penalties would reduce the attractiveness of illegal WEEE activities
- Harmonizing penalties would reduce the risk of displacement of crime





**Recommendation:  
Harmonise and enhance penalty systems**

- Assess national penalty systems to ascertain if penalties are proportionate & dissuasive.
- Increase penalty levels for natural persons who are company representatives
- Harmonise offences related to WEEE crimes at EU level (i.e. minimum standards for offences, definition of penalties and degree of severity of offences)
- Harmonise penalty types at EU level
- Introduce specific penalties to tackle organised crime involvement in illegal WEEE activities
- Introduce EU wide ban on cash transactions for trade in scrap metal



Thank you for your attention

Visit the CWIT website:  
[www.cwitproject.eu](http://www.cwitproject.eu)

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