

## Tilburg University

### Crime proofing analysis of the Waste Regulation

Favarin, Serena; Morganti, Margaux; Savona, Ernesto Ugo; Sahramäki, Iina; Kankaanranta, Terhi; Suvantola, Leila; Mehlbaum, Shanna; Spapens, Antonius

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## SUMMARY

# Crime Proofing analysis of the waste regulation

*A special focus on the European Union, Finland, Italy and the Netherlands*

### Key findings

**Serena Favarin**  
UCSC-Transcrime, Italy

**Margaux Morganti**  
UCSC-Transcrime, Italy

**Ernesto Ugo Savona**  
UCSC-Transcrime, Italy

**Iina Sahramäki**  
Police University College, Finland

**Terhi Kankaanranta**  
Police University College, Finland

**Leila Suvantola**  
Police University College, Finland

**Shanna Mehlbaum**  
Tilburg University, the Netherlands

**Toine Spapens**  
Tilburg University, the Netherlands

BlockWaste HOME/2014/ISFP/AG/EFCE/7199  
D 2.2 Summary of the key findings of the Work Package 2 to authorities

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<b>Authors:</b>	Favarin S.; Morganti M.; Savona, E. U.; Sahramäki I.; Kankaanranta T.; Suvantola L.; Mehlbaum S.; Spapens T..
<b>Lead contractor for this deliverable:</b>	UCSC-Transcrime

***BLOCKWASTE** is a research project (2016-2017) co-funded by the Internal Security Fund of the European Union. **BLOCKWASTE** aims at providing a strategic analysis of the threats and the risks of illicit trafficking of waste across Europe in order to improve the prevention capabilities of EU public and private agencies.*



**Co-funded by the Internal Security Fund of the European Union**

*This publication reflects the authors' views. Commission of the European Union is not responsible for any use which may be made based on the information it contains.*

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## **BLOCKWASTE-PROJECT**

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*Blocking the loopholes for illicit waste trafficking* (BlockWaste) is a research project co-funded by the Internal Security Fund of the European Union. BlockWaste aims at providing strategic analyses of the threats and the risks of illicit waste trafficking (IWT) across Europe in order to improve the prevention capabilities of EU public and private agencies. The project enhances the combat against IWT by identifying opportunity structures and problems presented to law enforcement because of national differences in regulation and operating environments.

The consortium includes three partners: the Police University College from Finland (project coordinator), Transcrime from Italy and the Tilburg University from Netherlands. The project runs from 1.1.2016 until 31.12.2017.

*BlockWaste has the following key objectives:*

**Providing advanced knowledge on the modus operandi, routes and types of IWT (crime script analysis)**

The crime script analysis of IWT cases is conducted in order to identify the *modus operandi*, actors and types of IWT, in accordance with Europol's Threat Assessment 2013, Environmental Crime in the EU. The project boosts intelligence-led policing by providing advanced knowledge on possible opportunities for criminal activities in IWT and thus, shows concrete stages in which authorities may detect criminal activities.

**Identifying loopholes in the regulation that may unintentionally generate criminal**

**opportunities and a displacement effect of licit waste trafficking towards the illicit one (Crime Proofing analysis)**

A Crime Proofing analysis of the EU regulation and of the legislation of the consortium partner countries on waste trafficking is conducted. The analysis identifies loopholes in the regulation that may generate criminal opportunities and a displacement effect of licit waste trafficking towards the illicit one.

**Estimating IWT revenues in the 28 EU Member States in order to highlight the areas at higher risk and impact of IWT**

A methodology for revenue estimates from IWT is developed. The estimation is carried out in 28 EU Member States. It provides significant strategic knowledge on the phenomenon, such as recognizing the areas, which are in higher risk and impact of IWT. The method may also be adjusted and extended to other illicit markets in EU and in non-EU countries.

**Emerging threats in the waste trafficking industry**

It is essential to pinpoint the other fields of criminal action which are attached to IWT now and will be in the future based on the EP Committee final report (2013/2107(INI)). The Delphi Study anticipates the future threats and development of illicit activities in the waste trafficking industry. It also promotes a discussion among authorities and further learning about the phenomenon. The impact of the project will be dictated by e.g.,

evidence of increased knowledge on IWT, as well as increased academic and operational cooperation. The feedback collected from experts will provide an indicator of project activities.

**Identifying major challenges in practical cross-border cooperation to tackle IWT**

Cross-border cooperation may be hampered by legal and organizational problems. Therefore, effective enforcement depends on

the cooperation between competent authorities, which requires a cooperation among law enforcement agencies of the Member States of the EU but also with third countries. BlockWaste identifies the challenges in practical cross-border cooperation at different levels, from a legal as well as an operational perspective, searching for best-practices and developing practical solutions for the issues experienced in the field.

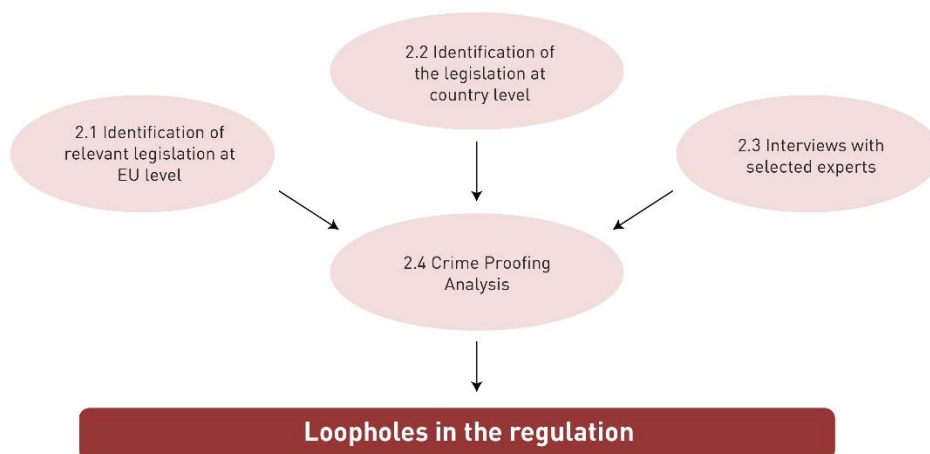
## INTRODUCTION

**BlockWaste** project's Work Package 2 carries out a **Crime Proofing** analysis of the EU regulation and of the legislation of the three partner countries (Finland, Italy, and the Netherlands) on waste management and its shipment. The Crime Proofing exercise aims at identifying loopholes in the regulation that may unintentionally create opportunities for crime and exert a displacement effect of licit waste management towards the illicit one.

The Work Package 2 was divided into the following activities (Figure 1):

- **Activity 2.1:** *“Identification of relevant legislation at EU level”*  
It identifies the main sources of the EU regulatory framework regarding the licit waste industry e.g., EC Directive 2008/98 (the Waste Framework Directive) and its amending proposal, and EC Regulation No 1013/2006, as amended by EU Regulation 660/2014 (the European Waste Shipment Regulation).
- **Activity 2.2:** *“Identification of the legislation at country level”*  
It identifies the main national sources of legislation in the three partner countries: Finland (**Waste Act**), Italy (**Environmental Code**) and the Netherlands (**Law on Environmental Management**), regarding licit waste management and shipment.
- **Activity 2.3:** *“Interviews with selected national and EU experts”*  
It concerns the conduction of interviews with experts (at EU and national level) in the field of the waste market and legislation. The aim is to collect relevant information on EU and national legislations and to highlight criticalities in these legislations and in their application.
- **Activity 2.4:** *“Crime proofing analysis”*  
By applying the Crime Proofing analysis, it identifies loopholes in the EU regulatory framework and in the national legislations of the three partner countries that may unintentionally create opportunities for crime and/or exert a displacement effect from legal waste management towards IWT.

**Figure 1. The activities of Work Package 2**



Source: Project BlockWaste elaboration (2016)



## **BLOCKWASTE**

This deliverable D 2.2, available in Dutch, English, Finnish and Italian, summarizes the key findings of Work Package 2. Further details and information on the analysis and activities conducted during the Work Package 2 are available in other deliverables of the BlockWaste project.



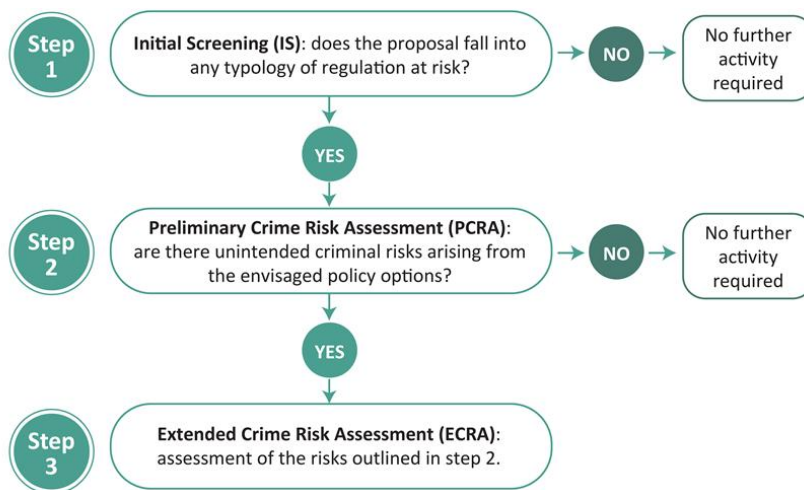
## 1 CRIME PROOFING ANALYSIS: THE SCIENTIFIC APPROACH

The Crime Proofing analysis of the legislation is a **scientific approach** developed by **Transcrime in 2006**, aimed at identifying the possibilities for the unintentional creation of opportunities for crime by the regulation and at **closing the loopholes** (Calderoni et al. 2006; Savona 2006; Calderoni, Savona, and Solmi 2012).

The Crime Proofing consists of a first phase, a Crime Risk Assessment, and of a second phase, a crime risk management. For the purpose of the BlockWaste project, only the first phase has been applied.

The crime risk assessment is based on a **three-step procedure**: the Initial Screening (**IS**), the Preliminary Crime Risk Assessment (**PCRA**) and the Extended Crime Risk Assessment (**ECRA**) (Figure 2).

Figure 2. The Crime Risk Assessment scheme



Source: Transcrime (2006)

The Initial Screening is a selection of potentially risky regulation based on seven risk indicators (Table 1).

If the legislation is considered to be at risk of unintentionally creating opportunities for crime, the assessment moves to the second step, the Preliminary Crime Risk Assessment, which has the purpose of identifying the vulnerabilities of the (waste) market and the potential crime risks arising from the legislation. It consists of a descriptive/qualitative assessment of the policy options selected in the Initial Screening. It aims at identifying the unintended criminal implications/consequences of forthcoming and existing legislation. In the assessment, three activities are undertaken:

- Assessment of the formal aspect of the legislation, aiming at identifying possible textual deficiencies likely to be exploited for illicit purposes;
- Estimation of the vulnerability of the relevant market at EU level, by considering its attractiveness and accessibility to criminals, taking into account production factors, product and market structure;
- Evaluation of the crime risks/types arising from legislation, by determining whether any provision creates unintended opportunities for crime and, if so, which crimes and what magnitude of crime risks (low, medium, high).

**Table 1. The seven risk indicators of the Initial Screening**

STEP 1. INITIAL SCREENING		
N	Risk Indicator	Effects / Envisaged Crime Risks
1	<b>Fee or obligation</b> Legislation that introduces product disposal regulation or any other new or more burdensome fee or obligation.	It may produce behaviours intended to avoid or reduce the obligations (e.g., dumping products that require the payment of a fee, bribery of officials). Third parties, such as organized criminal groups, may assist in the avoidance or minimisation of the obligations for a fee.
2	<b>Concession</b> Legislation that introduces a concession on a tax or a concession on any other fee or obligation.	It may produce deceptive behaviours for the purposes of meeting the criteria for the concession (e.g., providing false information, bribery of officials empowered to release the concession). The concession might be exploited in an organized manner.
3	<b>Grant, subsidy or compensation scheme</b> Legislation that introduces or modifies a grant, subsidy or compensation scheme or any other scheme that provides a benefit.	It may produce deceptive behaviours for the purposes of meeting the criteria for the benefit (e.g., forgery of documents, provision of false information, and bribery of officials).
4	<b>Tax or cost</b> Legislation that introduces or increase the taxes on legal goods or in any other way increases the costs of legal goods.	It may produce smuggling of goods from lower-tax or lower-cost jurisdictions. Organized criminal groups have historically been involved in smuggling contraband products both within and between countries.
5	<b>Availability restriction</b> Legislation that prohibits or restricts a product or service in demand or in any other way decreases the availability of demanded goods or services in demand.	It may produce illegitimate trade of the relevant product or service. Organized criminal groups have historically been involved in the supply of both black market products and services.
6	<b>Law enforcement</b> Legislation that introduces, modifies or removes a law enforcement capacity, increases or decreases funding for enforcement activity or in any other way affects the intensity of law enforcement activity.	When laws increase the intensity of law enforcement, this may produce displacement of the behaviour subject to enforcement to other times, places or through other means; when they reduce the intensity of law enforcement, this may result in an increase of the behaviour subject to enforcement. Moreover, law enforcement tools may be inadequate or ineffective to achieve the objectives set forth by the law.
7	<b>Regulatory power</b> Legislation that grants regulatory powers to officials.	It may be associated with bribery of officials (e.g., regulatory powers might concern the allocation of benefits, such as contracts or licences, or the imposition of burdens, such as taxes or rules).

Source: *Transcrime (2006)*

If a policy option is judged to have a medium/high level of crime risk, the analysis proceeds to its final phase, the Extended Crime Risk Assessment, which carries out an in-depth assessment of the likely impact of the relevant legislation. It aims at measuring the level of crime risk created by the legislation, by evaluating the threat (the likelihood that a crime will occur because of the legislation) and the seriousness (the harm to society caused by a certain crime). The assessment rests on four crime components:

1. **Crime:** the impact on the **risk of being detected** and the **expected profit for the authors of crimes**;
2. **Authors/perpetrators:** the **estimated overall number** of authors, the **complexity of the organizational structure**, the **individual skills/knowledge** required to commit a crime and how these are affected by the policy option under screening;
3. **Victims:** the expected effects of the considered legislation on the **estimated overall number** of victimized people;
4. **Costs/harms:** the impact of the relevant legislation on the costs/harms, referring to the **direct costs** suffered by victims.

## **2 LOOPHOLES IN THE EU WASTE LEGISLATION**

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The EC Directive 2008/98 (the Waste Framework Directive) and its amending proposal, and the EC Regulation No 1013/2006, as amended by EU Regulation 660/2014 (the European Waste Shipment Regulation), have been selected as the main EU waste legislation for the Crime Proofing analysis. The Waste Framework Directive provides the legal framework for waste management and establishes basic principles. The European Waste Shipment Regulation, amended in 2014, sets out the EU legal framework for the transboundary shipment of waste, transposing the obligations arisen from the Basel Convention. Both legislative acts are essential in understanding the dynamics underlying IWT at transnational level.

### **2.1 Key findings on the proposal amending the Waste Framework Directive**

- *Unclear concepts*

The overall lack of clarity and consistency in the definition of essential terms has led to differences and gaps among EU member states' legal frameworks on waste, especially when transposing the EU regulation into national legislations. The complexity of the waste regulation (at EU/national/regional/local level) contributes to creating opportunities for criminals who take advantage of unclear interpretations and legislative overlaps (Hayman and Brack 2002; EnviCrimeNet 2015; Interview no. 1, 2016; Interview no. 2, 2016; Interview no. 3, 2016).

- *Incentives for the application of the waste hierarchy*

The waste hierarchy is the cornerstone of European waste policies and legislation (European Commission, Directorate-General Environment, and Director-General 2012). To boost its correct application, the amending proposal of the Waste Framework Directive introduces the obligation for member states to provide incentives for this purpose. Criminals may forge the required documents to obtain economic advantages and/or may enact collusive/corruptive behaviours with regards to competent authorities.

- *Extended producer responsibility schemes*

The extended producer responsibility principle represents an essential part of efficient waste management. Member states often transpose EU waste legislation in a decentralized manner; consequently, its performance differs significantly. The amending proposal of the Waste Framework Directive introduces minimum operating requirements that should reduce costs and boost successful application, by providing incentives for producers to better take into account recyclability and reusability when designing their products (European Commission, Directorate-General Environment, and Director-General 2012; European Commission and Council 2015). The introduction of new obligations is likely to stimulate non-compliant behaviours in order to avoid costs. Besides, criminals may also forge documents to obtain incentives and/or may try to corrupt authorities.

- *Additional exemptions from the registration requirements*

The amending proposal of the Waste Framework Directive introduces an exemption from the general rule requiring member states to list all enterprises involved in the collection or transportation of waste, giving competent authorities the choice not to include those entities that handle less than 20 tonnes of non-hazardous waste per year. The relevant policy option may stimulate deceptive

behaviours in order to obtain the exemption, among which the collusion and/or corruption of the competent authorities entitled to approving the procedure.

- *Introduction of an electronic registry as record-keeping device*

Hazardous waste and its proper management still represent a challenge for the EU legal framework. In addition, reliable and systematic related data are not fully recorded (European Commission and Council 2015). The amending proposal of the Waste Framework Directive aims at enhancing record keeping and tracing systems by setting up electronic registries for hazardous waste in member states, and leaves open the choice whether to extend this new device of data gathering to other waste streams. The introduction of new obligations and fees is likely to stimulate non-compliant behaviours. The law enforcement authorities also may need specific training and knowledge to detect frauds and misconducts.

## **2.2 Key findings on the European Waste Shipment Regulation**

- *Prior written notification and consent procedures*

Certain types of waste are subject to the procedures of prior written notification and consent to be submitted to and through the competent authority of dispatch, which is empowered to release the relevant documents (notification document and movement document). If requested by the competent authority of dispatch, the notifier shall submit additional documents. Waste operators may seek opportunities to avoid administrative costs and forge required documents; moreover, criminals may try to corrupt competent authorities to obtain their consent.

- *Approval of the financial guarantee by competent authority*

All shipments of waste, for which a notification is prescribed, are subject to the requirement of a financial guarantee (or equivalent insurance) to cover different types of costs (such as transport, recovery, disposal, and storage). The form, wording and amount of coverage of the financial guarantee are subject to the approval of the competent authority of dispatch, and in the case of import into the EU territory, the competent authority of destination is empowered to review the mentioned features. Criminals may forge the relevant documents and/or try to corrupt the competent authorities to obtain the approval of the guarantee.

- *General information procedure*

If there is a similarity in the physical and chemical characteristics, the waste is shipped to the same consignee and the same facility, and if the route of the shipment is the same, the notifier may submit a general notification to cover several shipments. The implementation of this simplified procedure is subject to discretionary approval by the competent authority. Criminals may attempt to elude the mentioned procedure by forging documents and corrupting competent authorities.

- *Enforcement in member states*

Illegal shipments of waste often arise from uncontrolled collection, sorting and storage. Adequate planning of shipment inspections is an effective tool to counter IWT. Systematic inspections, if not evenly enforced across EU, are likely to stimulate elusive behaviours and diversion towards laxer national systems, along with corruption of and collusion with competent authorities (Interview no. 1, 2016; Interview no. 3, 2016).

### **3 LOOPHOLES IN THE FINNISH WASTE REGULATION**

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The main Finnish legislation regulating waste management is the **Waste Act** (646/2011), which applies to the entire supply chain, from the moment of entry into the market to the enforcement/sanctioning system. Its Chapter 12 contains the provisions for the shipment of waste as set out by the European Waste Shipment Regulation.

For the purpose of the BlockWaste project, the Crime Proofing analysis only selected the provisions of the **Waste Act** that may potentially and unintentionally generate IWT.

#### **3.1 Key findings on the Waste Act**

- *Ambiguous and unclear definitions and legal framework*

The unclear definitions used in the waste Finnish legislation, mostly derived from the EU regulation, are likely to unintentionally create opportunities for criminals, who may exploit the ambiguity of the language to perpetrate illicit activities (Interview no. 4, 2016; Interview no. 5, 2016; Interview no. 6, 2016; Interview no. 7, 2016).
- *Municipal waste charges*

This regulation establishes the general rules for municipalities in charge of waste management to collect charges from the producers of waste. The obligations set out in the provision do not seem to be well-defined and are likely to stimulate non-compliant behaviours. In addition, such legislation may encourage to “provide incentives to reduce the quantity and harmfulness of waste” and this may unintentionally lead to forgery of the required documents to obtain an economic benefit (Interview no. 4, 2016; Interview no. 5, 2016; Interview no. 6, 2016; Interview no. 7, 2016).
- *Approval and entry into a waste management and producer registry*

This legislation dictates the duties to be fulfilled by anyone willing to enter the waste market. Waste operators must submit an application for approval and after a screening of the relevant documents by the competent authority, if specific pre-conditions are met, the permit is granted for a fixed period. Non-compliant behaviours that criminals may potentially adopt are the forgery of documents required to enter the market (Interview no. 4, 2016; Interview no. 5, 2016; Interview no. 6, 2016; Interview no. 7, 2016) and, on a lower risk level, the corruption of competent authorities.
- *Duty of record keeping and right to obtain information and to perform inspections*

These provisions set out the rules for supervision and administrative enforcement. They require to keep a record with specific information about the waste in question to start the traceability procedure. The mentioned provisions place significant burdens upon individuals and companies involved in waste-related activities and grant a significant power of performing inspection to the public authorities. Criminals are likely to adopt non-compliant behaviours, such as providing incomplete or insufficient information (Interview no. 4, 2016; Interview no. 5, 2016; Interview no. 6, 2016; Interview no. 7, 2016) and attempting, on a lower risk level, to corrupt competent authorities.

## **4 LOOPHOLES IN THE ITALIAN WASTE REGULATION**

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The main Italian waste legislation is contained into the legislative decree No 152/2006 (**Environmental Code**), composed of two parts: a general part, which covers administrative provisions governing the waste cycle management, and a special part, addressing specific waste streams. The enforcement and judicial response system to counter IWT applied to both administrative and criminal legislation.

For the purpose of this project, only the provisions of the Environmental Code that may potentially and unintentionally generate IWT have been selected to undergo the Crime Proofing analysis.

### **4.1 Key findings on the Environmental Code**

- *Waste traceability*  
The Environmental Code sets out different systems of waste traceability: the so-called “SISTRI” (a computerized system that is compulsory for operators that handle hazardous waste and discretionary for the other ones), and the registry of waste loading/unloading activities (compulsory for the enterprises managing hazardous waste and not using the SISTRI). There is also a self-certification form, aiming at identifying the main characteristics of the waste. Forgery of the required documents is among the most common *modus operandi* for criminals, along with corruption and collusion of the competent authorities (Interview no. 8, 2016; Interview no. 9, 2016; Interview no. 10, 2016; Interview no. 11, 2016; Interview no. 12, 2016).
- *Local waste management plans and distribution of competences among authorities*  
The Italian waste regulation is lacking in terms of coordinated policies (Interview no. 11, 2016). Local municipalities have the power to establish the rules regarding urban waste management, while hazardous waste follows the dynamics of a free market. Documents to identify the products are often counterfeited, classifying hazardous waste as non-hazardous (Interview no. 8, 2016; Interview no. 9, 2016; Interview no. 10, 2016; Interview no. 11, 2016; Interview no. 12, 2016). Moreover, criminals may enact other non-compliant behaviours, such as corrupting competent authorities.
- *Actions, grants and subsidies to boost separate waste collection and the use of recycled products*  
The Environmental Code requires companies to meet certain conditions in order to receive grants and subsidies. This might represent an incentive to applying the proper waste management procedures, but it might stimulate illicit behaviours (Interview no. 11, 2016). Criminals might forge documents and corrupt competent authorities to obtain an economic advantage.
- *Simplified authorization procedure*  
The provision is aimed at facilitating some activities related to non-hazardous waste, establishing fewer duties and controls. This is an exception to the general rule and might unintentionally create opportunities for criminals, who are likely to counterfeit the required documents and/or try to corrupt competent authorities in order to obtain the simplified procedure authorization (Interview no. 9, 2016).

## **5 LOOPHOLES IN THE DUTCH WASTE REGULATION**

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The main Dutch waste regulation is the **Law on Environmental Management**, which provides the general legal framework for environmental management and empowers specific authorities to release permits to enterprises upon fulfilment of certain conditions. The rules for cross-border waste transports are also part of the Law on Environmental Management (Chapter 10) and are based on the EC Regulation No 1013/2006.

For the scope of the BlockWaste project, the Law on Environmental Management provisions related to the transboundary shipment of waste, which may unintentionally generate opportunities for crime, have been subject to the Crime Proofing analysis.

### **5.1 Key findings on the Law on Environmental Management**

- *Unclear definitions and ambiguous legal framework*

The Dutch waste legislation is characterized by unclear definitions and an abundant proliferation of laws. The meaning of waste itself is ambiguous and frequently leads to an unintended wrong application of the legislation (Interview no. 13, 2016; Interview no. 14, 2016; Interview no. 15, 2016). Criminals are likely to exploit the ambiguity of the language to carry out illicit activities.

- *Prohibition to discard waste substances by landfilling*

This provision prohibits discarding wastes by landfilling them or by any other manner that would place them on or under the ground, or incinerate them outside authorized enterprises. Besides, it allows for a number of exemptions from the general prohibition. The legal reasons have to be specified by an order issued by the competent authorities and must not conflict with the interests of environmental protection (Interview no. 14, 2016). Criminals may enact elusive behaviours, forging the documents required to obtain the exemption, along with attempts to corrupt competent authorities.

- *The collection of industrial and hazardous waste*

This provision establishes the conditions to be exempted from the general rule that requires any player willing to enter the waste market to be previously registered in a list of collectors or, alternatively, to obtain a licence. The legal circumstances find their basis in a council order, but the relevant criteria are to be established. Criminals may enact non-compliant behaviours, forging the required documents and/or providing false information to avoid the mandatory registration in the list of waste operators. Besides, there is a risk of potential corruption of competent authorities.

- *Exceptions to the discarding, collection and transport of certain types of waste*

This regulation establishes the possibility that a municipal order may allow for a number of exceptions to the prohibition to discard, collect and transport certain products of waste if the relative object is not classified as hazardous and/or the action does not conflict with public interest. Criminals are likely to enact non-compliant behaviours, such as corruption of the competent authorities and forgery of required documents.

## **6 COMMON FINDINGS OF THE CRIME PROOFING ANALYSIS AND RECOMMENDATIONS**

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The waste market results to be vulnerable to IWT and the regulatory framework presents several loopholes that contribute to encouraging illicit behaviours in the management and shipment of waste (Interview no. 1, 2016).

The Crime Proofing analysis carried out on the waste legislation (the amending proposal of the Waste Framework Directive , along with the European Waste Shipment Regulation at EU level, the Waste Act for the Finnish legislation, the Environmental Code for the Italian regulation and the Law on Environmental Management for the Dutch framework) highlighted major common loopholes related to the waste market, confirmed by the interviews.

Based on the results of the Crime Proofing exercise, the BlockWaste project developed a set of **specific recommendations** for each area of criticality, as follows:

- **Legal framework**

The first source of loopholes was identified to be the unclear legal framework, the ambiguity of which may unintentionally encourage non-compliant behaviours and criminal activities.

*Recommendation:* to reword and simplify the language used in the waste legislation and to employ specialized legal experts tasked with supporting the legislative process.

- **Supply chain and regulatory framework: entering the waste market**

The first vulnerability of the waste market is encountered at the administrative level, where two factors are critical and may push actors to divert towards IWT: the high number of competent authorities and the complex system of licenses and permits.

*Recommendation:* to further coordinate, rationalize and harmonize competent authorities and their number, and the permit and authorization procedures. In particular, the creation of a centralized environmental authority at EU level, entrusted with monitoring and enforcement powers, may be considered an innovation worth introducing, just as the enhancement of information exchange between competent national authorities.

- **Supply chain and law enforcement capacity: monitoring and traceability**

The waste identification and traceability systems are essential tools to combat illicit trafficking, but the law enforcement authorities must be specifically trained to detect irregularities, forgery of required documents and other non-compliant behaviours.

*Recommendation:* to increase the number of dedicated law enforcement authorities and the quality of their training in order to improve inspections and controls. The coordination and information exchange among different law enforcement authorities within and among member states should be improved. The gap between technology and legislation should be close.

- **Justice response system: misdemeanours and crimes**

The EU legislation requires member states to implement proportionate repressive measures, but leaves them flexibility in determining the quantity and quality of sanctions. The existence of different



justice response systems (misdemeanours and/or crimes) encourages the diversion towards less stringent regulatory frameworks.

*Recommendation:* to further coordinate investigative and prosecutorial activities within EU member states. Sanctions against waste legislation violations should be aligned across the EU to avoid the existence of less stringent regulatory frameworks.

In conclusion, in order to combat IWT at EU level, the legislation should be proofed against the risk of unintentionally encouraging illicit activities, by implementing a clearer system aimed at avoiding ambiguity and coordinating countering activities at transnational level. Effective measures are required in order to improve the identification and traceability of waste, and to provide the law enforcement authorities with adequate training and resources to perform inspection activities.

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