



TAIEX-EIR PEER 2 PEER Workshop on Combating trans-boundary waste crime in the Polish-German border region

24 - 25 October 2019 in Potsdam

REPORT OF OUTCOMES

EIR 68723

Organised in co-operation with

Brandenburgian Ministry of Rural Development, Environment and Agriculture
Berlin Senate Department for the Environment, Transport and Climate Protection
Brandenburg State Office of Criminal Investigations
Sonderabfallgesellschaft Brandenburg/Berlin mbH

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1. Background

Waste crime not only causes environmental damage but also ties up financial and human resources of competent authorities and hinders fair competition of legal operators.

The State of Brandenburg has experienced numerous violations of waste legislation, such as the illegal disposal of waste in opencast mines, excavations and illegal storage in waste facilities. These illegal activities bind enormous administrative and law enforcement capacities for the administration, prosecution as well as for the management of the illegally disposed wastes. Therefore combating waste crime is high on the political agenda in Brandenburg.

On the other hand, Poland has reached a new record level for waste imports in 2018. According to Poland's Chief Inspectorate of Environmental Protection (GIOS) 434,000 tons of waste subject to the notification scheme (according to the EU Waste Shipment Regulation) were imported in 2018. Of these, 250,000 tons – more than half – from Germany. In addition, waste destined for recovery and subject to the general information requirement scheme (Art. 18 and Annex VII document according to the EU Waste Shipment Regulation) was shipped across the border. For these waste codes no administrative consent is needed, and thus the exact amounts of the shipped waste are not and cannot be recorded. In Poland, more than 130 fires by criminal waste disposal occurred in 2018, more than 80 fires were detected up to September 2019. Waste from Germany was also burning.

Both in Germany and Poland, several authorities, such as environmental (waste) agencies, transport agencies, customs agencies, police and public prosecutors, and ultimately the courts, are involved in combating illegal waste management, in particular violations of transboundary waste shipment regulations. Effective action against cross-border waste crime requires effective and close cooperation between the authorities involved at national and intergovernmental level.

2. Aim of the Workshop

The aim of the workshop on combating trans-boundary waste crime in the Polish-German border region was to improve the cooperation of law enforcement and administrative authorities at national and international level.

In particular, the workshop aimed at exchanging

- information on the legal framework (European and national level) for waste shipment;
- knowledge on the relevant administrative structures and competences of the involved entities combating illegal waste shipment in Poland and in Germany;
- experiences and good practice examples in dealing with the current situation of illegal waste shipments.

The workshop also intended to:

- bring together the relevant actors of the involved entities with a focus on the border regions: e.g. waste agencies of all German Border States and of the Polish border Woiwodships, transport agencies, criminal police and prosecuting entities, customs, etc.;
- establish networks and enhance working relationships;
- discuss effective solutions to combat cross-border waste crime, including contributions from national and EU level e.g. the Network on the implementation and enforcement of environmental law (IMPEL) or Interpol; and
- intensify cooperation of waste shipment inspection authorities and cross-border criminal investigations.

These objectives have been fully achieved by the workshop. This success was enabled by an intense and detailed preparation both on the German and the Polish side, a rich workshop programme with very informative presentations, and sufficient time for discussions and networking - particularly within the working groups, coffee breaks and the evening program. Above all, the workshop was successful thanks to numerous very interested, open-minded and communicative participants.

3. Organisation of the workshop

The workshop was organized and carried out under the direction of the Brandenburgian Ministry of the Environment in close cooperation with Berlin Senate Department for the Environment, Transport and Climate Protection, Brandenburg State Office of Criminal Investigation, Sonderabfallgesellschaft Brandenburg/Berlin mbH. The workshop was supported and funded by the program TAIEX-EIR PEER 2 PEER of the European Commission. SBB Sonderabfallgesellschaft Brandenburg/Berlin mbH, State Criminal Police Brandenburg, Berlin Senate Department for the Environment, Transport and Climate Protection, Brandenburgian Ministry of Justice, for European Affairs and Brandenburgian Ministry of Rural Development, Environment and Agriculture also contributed to the financing of the event. The Brandenburgian Ministry of the Environment issued a press release at the start of the conference.

The following documents were handed out to the participants:

- Summary of two case studies on typical illegal waste shipments of mixed construction wastes and paper/cardboard waste with impurities (plastics) as the basis for workshop discussions.
- Compilation of links to relevant waste shipment regulations; an additional English translation of the actual German waste shipment legislation was made available by the Federal Ministry for the Environment; a German translation of the actual Polish waste shipment legislation in German was made available by the Brandenburgian Ministry of Justice, for European Affairs and for Consumer Protection.
- Information document on waste shipments from Germany to Poland, published by the Brandenburg waste shipment authority (in German and Polish language – the translation was funded by the Brandenburgian Ministry of Justice, for European Affairs and for Consumer Protection).

4. Participants

In total, 79 representatives from various environmental and transport control authorities as well as law enforcement authorities such as police, criminal police and prosecutors, customs and border protection both from Germany and Poland attended the workshop. Representatives from regional, national and EU level were present. For the list of involved institutions please refer to the Annex.

5. Conclusions and recommendations

Participants exchanged their knowledge on the situation of cross-border waste shipment especially in the Polish-German border region and their experience with effective control measures as well as on the legal basis, the findings from the cross-border police work and best practice strategies to combat illegal waste management. Case studies of illegal waste disposals played a central role.

The excellent simultaneous interpretation proved to be very helpful for the understanding of the various contributions to the discussion during the workshop.

The following key insights were gained from the presentations:

- The detected illegal cross-border shipments between Germany and Poland mainly concerned exports from Germany to Poland.
- Particularly common are illegal shipments of plastic mixtures and other mixtures, especially from the construction sector. In addition, electronic waste and end-of-life vehicles and components require special attention.
- Illegal waste transactions typically end with disposal or incorporation in opencast mines, excavation or reclamation layers, without any approval or disregarding the approved types of waste.
- Due to major incidents linked to waste crimes in 2018, the Polish government took effective action. They reinforced the staff in waste authorities and amended its waste legislation. The new regulations concerned inter alia:
 - obligation for waste collection and waste processing industries to provide financial guarantees,
 - introduction of new fire protection regulations,
 - extension of opportunities to refuse permissions for waste treatment facilities in case of violation of waste legislation,
 - reinforcement of penalties for persistent offenders of waste legislation,
 - ban on all imports of waste for disposal, and
 - extension of competences for environmental inspectors.

As a result, according to the intensified controls, Polish authorities registered more offenses in the field of waste management, but less waste burns.

- Criminal statistics in Germany show a high number of waste crimes compared to other environmental crimes. It has to be stated, however, that the number of crimes detected always depends on the number of qualified personnel in charge of implementation or enforcement of waste legislation, and also on prosecution and conviction.

- Many illegal waste shipments remain undiscovered. Detected illegal waste shipments were regularly preceded by shipments by the same operators under similar circumstances. It must be assumed that these earlier shipments were illegal as well.
- Waste crimes often coincide with many others, particularly economic and tax crimes.

Reports also covered the following topics:

- Experiences with illegal import of end-of-life vehicles;
- Information options on assets and asset forfeiture in investigative procedures;
- Experience of a Polish investigation team that has successfully prosecuted an act of large-scale criminal waste disposal;
- IMPEL- Guidance on effective waste shipment inspection planning and practical experience with its implementation;
- Organisation and functioning of Europol and options for consultancy and support;
- Experience of the Brandenburg State Criminal Police Office with the EU instrument Joint Investigation Teams (JIT) and the bilateral instrument of operational investigation teams;
- Tasks and experience of Polish and German transport control authorities;
- Approach of Brandenburg authorities in combating illegal waste management.

In addition, four working groups discussed options for further cooperation, common control measures as well as suggestions for improving the legal framework in view of the actual revision of the EU waste shipment regulation. The preparation and management of the working groups was carried out in close cooperation with SBB Sonderabfallgesellschaft Brandenburg/Berlin mbH, Federal Office for Freight Transport, State Criminal Police Brandenburg, Brandenburgian Ministry of Rural Development, Environment and Agriculture, Polish Chief Environmental Protection Inspectorate and General Police Headquarters of Poland.

Regarding the main conclusions for further cooperation, the participants agreed on the following priorities:

- Intensified cross-border cooperation is necessary to combat waste crime.
- Police cooperation must put stronger emphasis on illegal waste shipments.
- The use of EU-wide police information exchange systems must be expanded.
- Targeted controls of waste shipments are seen as an appropriate tool to reduce waste crime. Sufficient personnel or financial equipment for this task is crucial.
- There is a great interest in joint transboundary waste controls on both sides.
- Information materials for businesses on waste classification and waste shipments to Poland including regulations on impurity contents in Poland is considered particularly useful and needs to be prepared jointly by German and Polish authorities.
- Training of law enforcement personnel, in particular prosecutors and judges, on waste legislation issues are of particular importance and needs to be expanded.
- Contact details of participants form the basis for a transboundary network on combating illegal waste shipments.

Participants discussed the revision of the European waste shipment regulation and agreed on the following findings and suggestions:

- Combating illegal waste shipment requires clear and appropriate rules. The notification procedure proves to be an effective instrument to ensure compliance.
- As the presumably largest part of waste shipments are carried out without notification (but only with an Annex VII-document), a mandatory electronic register for these Annex-VII-documents should be established to improve monitoring (and detecting illegal) waste streams.
- Concrete specifications of the definition of waste and waste mixtures as well as determination of concrete impurity levels should be introduced to reduce the scope for (mis-)inter-pretation.
- Financial guarantees (e.g. compulsory insurance or a bail based on business volume) for all transboundary waste transports should be required (not only for notified, but also for Annex-VII-document-shipments) in order to prevent costs to the public in consequence of illegal waste shipping.
- Effective corporate liability for legal entities is of great importance to increase the deterrent effect.
- An EU-wide standardized obligatory badge for waste transports should be introduced to recognize relevant vehicles during transport control.

Annex List of Involved Institutions

Institution English Name	Institution Polish Name	Institution German Name
Administration Office of Saxony-Anhalt State	Krajowy Urząd Administracji Saksonii-Anhalt	Landesverwaltungsamt Sachsen-Anhalt
Berlin Senate Department for Environment, Transport and Climate Protection	Administracja Senatu Berlina ds.. Środowiska, Transportu i Ochrony Klimatu	Berliner Senatsverwaltung für Umwelt, Verkehr und Klimaschutz
Brandenburg State Office of Criminal Investigations	Krajowy Urząd Kryminalny Brandenburgii	Landeskriminalamt Brandenburg
Brandenburg State Office for the Environment	Krajowy Urząd Środowiska Brandenburgii	Landesamt für Umwelt Brandenburg
Brandenburg State Police, Police Directorate East	Policja kraju związkowego Brandenburgia, Dyrekcja Policji Wschód	Polizei Land Brandenburg, Polizeidirektion Ost
Brandenburg State Police, Police Directorate North	Policja kraju związkowego Brandenburgia, Dyrekcja Policji Północ	Polizei Land Brandenburg, Polizeidirektion Nord
Brandenburg State Police, Police Directorate South	Policja kraju związkowego Brandenburgia, Dyrekcja Policji Południe	Polizei Land Brandenburg, Polizeidirektion Süd
Brandenburgian Ministry of Rural Development, Environment and Agriculture	Ministerstwo Rozwoju Wsi, Środowiska i Rolnictwa Brandenburgii	Ministerium für Ländliche Entwicklung, Umwelt und Landwirtschaft des Landes Brandenburg
Brandenburgian Ministry of the Interior	Ministerstwo Spraw Wewnętrznych Brandenburgii	Ministerium des Innern und für Kommunales des Landes Brandenburg
Customs and Tax Office of Zachodniopomorskie Voivodeship in Szczecin	Zachodniopomorski Urząd Celno-Skarbowy	Zoll- und Finanzamt Westpommern in Stettin
Europol	Europol	Europol
Federal Criminal Police Office	Federalny Urząd Kryminalny	Bundeskriminalamt
Federal Environment Agency (GER)	Federalny Urząd Środowiska	Umweltbundesamt
Federal Office for Freight Transport	Federalny Urząd Transportu Towarów	Bundesamt für Güterverkehr
General Police Headquarters of Poland	Komenda Główna Policji	Hauptkommandantur der Polizei in Polen
Government of Lower Bavaria	Rząd regionalny Dolnej Bawarii	Regierung von Niederbayern
Interregional Prosecutor's Office in Szczecin	Prokuratura Regionalna w Szczecinie	Regionale Staatsanwaltschaft Stettin
Lower Waste Management Authority in Frankfurt/Oder	Niższy organ gospodarki odpadami	Untere Abfallwirtschaftsbehörde Frankfurt /Oder
Lubuski Customs and Tax Office	Lubuski Urząd Celno-Skarbowy	Lebuser Zoll-Finanzamt
Police (Poland)	Policja (Polska)	Polizei Polen
Police Headquarters Berlin State Criminal Police Office	Prezydium Policji w Berlinie Krajowu Urząd Kryminalny	Polizeipräsidium Berlin Landeskriminalamt
Police Headquarters of the State of Brandenburg	Prezydium Policji kraju związkowego Brandenburgia	Polizeipräsidium des Landes Brandenburg
Polish Border Protection	Straż Graniczna	Polnischer Grenzschutz
Polish Border Protection	Straż Graniczna	Polnischer Grenzschutz

Polish Chief Environmental Protection Inspectorate	Główny Inspektorat Ochrony Środowiska	Polnisches Hauptinspektorat für Umweltschutz
Prosecutor's Office in Berlin	Prokuratura w Berlinie	Staatsanwaltschaft Berlin
Prosecutor's Office in Cottbus	Prokuratura w Cottbus	Staatsanwaltschaft Cottbus
Prosecutor's Office in Frankfurt/Oder	Prokuratura we Frankfurcie nad Odrą	Staatsanwaltschaft Frankfurt/Oder
Regional Prosecutor's Office in Zielona Góra	Prokuratura Okręgowa w Zielonej Górze	Bezirksstaatsanwaltschaft in Zielona Góra
Road Traffic Control	Wojewódzki Inspektorat Transportu Drogowego	Straßenverkehrsaufsichtsbehörde der Woiwodschaft Stettin
SBB Sonderabfallgesellschaft Brandenburg/Berlin mbH	SBB Sonderabfallgesellschaft Brandenburg/Berlin mbH	SBB Sonderabfallgesellschaft Brandenburg/Berlin mbH
Spree-Neisse District	Powiat Sprewa-Nysa	Landkreis Spree-Neiße
State Directorate of Saxony	Dyrekcja Krajowa Saksonii	Landesdirektion Sachsen
State Office for Mining, Geology and Raw Materials in Brandenburg	Krajowy Urząd Górnictwa, Geologii i Surowców Brandenburgii	Landesamt für Bergbau, Geologie und Rohstoffe Brandenburg
State Office for the Environment, Nature Conservation and Geology of Mecklenburg-Western Pomerania	Krajowy Urząd Środowiska, Ochrony Przyrody i Geologii Meklemburgii-Pomorza Przednim	Landesamt für Umwelt, Naturschutz und Geologie Mecklenburg-Vorpommern
Thuringian State Office for the Environment, Mining and Nature Conservation	Krajowy Urząd Środowiska, Górnictwa i Ochrony Przyrody Turynгии	Thüringer Landesamt für Umwelt, Bergbau und Naturschutz
Voivodeship Inspectorate for Environmental Protection in Szczecin	Wojewódzki Inspektorat Ochrony Środowiska w Szczecinie	Wojewodtschaftsaufsichtsbehörde für Umweltschutz in Stettin
Voivodeship Inspectorate for Road Traffic in Gorzów Wlkp.	Wojewódzki Inspektorat Transportu Drogowego w Gorzowie Wlkp.	Wojewodtschaftsaufsichtsbehörde für Straßenverkehr Gorzów Wlkp.
Voivodeship Police Headquarters in Krakow	Policja - Komenda Wojewódzka Policji w Krakowie	Wojewodtschaftskommandantur der Polizei in Krakau
Voivodeship Police Headquarters in Szczecin	Komenda Wojewódzka Policji w Szczecinie	Wojewodtschaftskommandantur der Polizei in Stettin
Voivodeship Police Headquarters in Wrocław	Komenda Wojewódzka Policji we Wrocławiu	Wojewodtschaftskommandantur der Polizei in Wroslaw

More information about the Environmental Implementation Review and peer learning between environmental authorities with TAIEX-EIR PEER 2 PEER:

http://ec.europa.eu/environment/eir/index_en.htm

More information on TAIEX:

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<http://ec.europa.eu/taix>

<http://ec.europa.eu/taix/experts>



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