OPERATION DEMETER

Executive Summary

Customs Joint Operation
to Combat Illegal Transboundary Movement of Waste
between Europe, Asia/Pacific and Africa
23 March - 11 May 2009
Hazardous waste causes long-term poisoning of soil and water, affecting people’s health and living conditions, sometimes irreversibly. Unscrupulous trading in waste has become an increasingly serious concern. Under the Basel Convention\(^1\), Parties have the right to prohibit the import of hazardous waste, and Parties are prohibited from exporting hazardous waste without pre-consent from the importing countries\(^2\). The Convention establishes a regulatory system that requires prior informed consent of a State of import and a State of transit before waste can be exported. An obligation of re-importation arises when an export has not complied with the Convention.

Due to the circumvential nature of this trade, accurate reporting of the volume of waste flowing across borders has never been achieved.

As the principal border agency, Customs administrations worldwide have been tasked with controlling transboundary movements of waste and combating illegal trafficking in waste. The World Customs Organization (WCO) has long been involved in efforts to combat the illegal trade in environmentally sensitive goods, including hazardous and other waste controlled by the Basel Convention. The WCO Action Plan for Combating Cross-Border Environmental Offences adopted in February 2008 encourages Customs to organize or participate in joint operations against environmental crime, and advise each other of potential trafficking.

After the WCO decided to dedicate 2009 to environmental issues under the theme: “Customs and the environment: Protecting our natural heritage”, the WCO Secretariat began to make preparations for the first joint global operation focusing on the trade in waste – Operation Demeter.

Between 23 March and 11 May 2009, the Customs administrations of 65 countries were engaged in Operation Demeter, targeting the illicit cross-border shipments of hazardous and other waste en route from Europe to countries in the Asia/Pacific and Africa. Within the framework of Operation Demeter, the Customs administrations of the the Council of Baltic Sea States (CBSS)\(^3\) also took part under the leadership of Denmark which held the presidency of the CBSS at the time the Operation was in progress.

Operation Demeter involved a series of operational mechanisms: intensified control; monitoring; notification; feedback; and seizure. The primary targets of the Operation were 16 types of waste which are most frequently traded and smuggled. A comprehensive set of risk indicators prepared by the WCO Secretariat was installed in national risk assessment systems, alongside national and local indicators.

In collaboration with their national counterparts, Customs officers at more than 300 seaports and other selected locations intensified their risk assessment and profiling. More than 2000 physical controls were carried out to identify high risk shipments. Participating Customs administrations notified each other of any suspicious shipments across continents. They were supported by their national environmental agencies, police forces, the Secretariat of the Basel Convention, the EU Network for Implementation and Enforcement of Environmental Law (IMPEL), and the seven WCO Regional Intelligence

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\(^1\) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

\(^2\) In this Report, the word “country” may include a group of countries, a region or a part of a country, which holds the membership of the WCO

\(^3\) CBSS Members: Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia, Sweden, the European Commission
Liaison Offices (RILO) located in the participating regions. The RILO for Western Europe (WE) was designated as the virtual Operational Coordination Unit (V-OCU), responsible for facilitating information exchange and preparing the final report. Officers in European exporting countries also followed up their investigations of illegal exporters on the basis of feedback received from countries in Africa and the Asia/Pacific.

During the 50-day operation, 516 messages were exchanged via CENcomm, the WCO’s secure communication tool. These messages comprised 410 pre-arrival notifications, 49 feedback messages and 56 seizure messages. The Operation led to 56 reported seizures of more than 36,714,275 kg plus 1830 pieces of waste. The seized waste ranged from metal scrap, household waste and end-of-life vehicles, to non-functioning or “used” electrical and electronic equipment, so called WEEE or e-waste, granite and silicon barrels. In terms of number of cases, e-waste took the lead by 32 seizures, followed by end-of-life vehicles and mixed paper/plastics. While metal scrap, household waste, mixed paper/plastics and e-waste were the most seized if the seizures were measured by quantity.

Most of the seizures took place in European countries. Of the 11 countries which lodged seizure reports, the Netherlands reported 17, Belgium 11, Italy 10, Hong Kong, China 8, France 3, and Denmark 2. Cyprus, Poland, Portugal Spain, and Sweden each reported one interception. Apart from the seizures made in Hong Kong, China there were no seizures in any of the participating countries in Asia/Pacific or Africa.

Shipments of waste departed from the Netherlands in 17 of the 56 seizures, followed by Belgium (11 seizures), Italy (10), Portugal (3) and the United States (3). Regarding the destinations of the waste shipments seized through Operation Demeter, China, Pakistan and India were the main destinations for shipments of iron scrap in particular, whereas Nigeria, Senegal and Guinea were the main destinations for e-waste and end-of-life vehicles.

Although China Customs did take part in Operation Demeter, due to the fact that it did not provide detailed information on its seizures, they have been excluded from the data analysis of this report. They netted over 8927 tons of hazardous and other waste illegally imported from North America and Europe in 30 seizures, ranging from waste batteries and copy machines to waste engine oil and waste tyres. In addition, they detained more than 20 suspects and fined 31 operators for illegal shipments.

Taking China’s seizures into account, the total seizures for Operation Demeter amount to 86 cases with 45,641,275 kg of seized waste. These figures have been included in the final tally but have, as stated above, not been taken into account during the analysis phase.

It should be noted that, apart from violations of the Basel Convention, violations of national legislation as well as applicable EU legislation on the export of non-hazardous waste to non-OECD (Organization for Economic Co-operation and Development) countries (i.e. EC 1418/2007) were also considered reasons for seizure of some shipments.
However, Operation Demeter should not be measured solely in terms of the seizures of illegal waste. The success of this first global venture was also characterized by the participation of 65 countries, the scale of deployments and the unprecedented volume of information exchanged. This was also the first time that European countries had undertaken to provide export information to Customs administrations in other regions in a joint operation.

As pointed out by Ms. Katharina Kummer Peiry, Executive Secretary of the Basel Convention, “Operation Demeter has confirmed the critical role of Customs authorities, the crucial importance of effective information sharing systems and the necessity for international cooperation to combat the illegal traffic of hazardous wastes.”

Once again, the CENcomm application proved to be a reliable communication tool, which was user-friendly and effective for this type of worldwide operation. The virtual OCU set up by RILO Western Europe achieved its goal of facilitating communication between participants, and the technical and promotional support from the WCO Secretariat was also very helpful to the success of the Operation.

The results of Operation Demeter also provided a stark overview of the threat posed to the environment by the illegal trade in hazardous and other waste, even during such a short time period. They also appear to bear out the consensus view that there have been very few reported instances of the dumping of waste containing toxic chemicals that occurred frequently until early 1990s in the developing world, notably Africa. Another wave of intercontinental trade is associated with the trafficking of household waste and e-waste, as evidenced by the Demeter seizures. Therefore, it is strongly recommended that concerted global actions continue to take place on a regular basis, in order to keep the fight against environmental crimes as relevant as possible.

Operation Demeter also revealed major discrepancies among national legislation governing transboundary movements of waste, as some of the participating countries have not yet put legislation in place for the Basel Convention, making it impossible for Customs to control waste shipments crossing their borders, except for the purpose of revenue collection.

There is room for improvement in the practical actions which follow on the commitments made by participating countries, as evidenced by the lack of feedback (only 49 feedback messages against 410 pre-arrival notifications), the low rate of access to received messages, etc. The inclusion of detailed information in the seizure message will undoubtedly facilitate data collection and analysis, and the development of risk indicators.

In order to achieve all the goals of the OCU efficiently, for all future operations or projects the RILO tasked as the virtual OCU should have full access to nominal data.

Operation Demeter serves as an excellent template for any global cooperation and analysis activity
conducted in the framework of the WCO. It confirmed the advantages of using the WCO RILO network to facilitate operations involving countries in different regions, as well as providing an excellent opportunity for RILO WE to improve its already in-depth expertise in environmental issues.

The WCO will continue to cooperate closely with its Member Customs administrations and its partners, as the Organization remains firmly of the belief that the only way to combat environmental crime effectively is through concerted action on all fronts. Such action should include even more capacity building for Customs officers working on the front line, the development of enhanced tools to support these officers, and global Customs operations aimed at squeezing the life-blood out of this illegal trade.

WCO Secretary General, Kunio Mikuriya said, “The success of Operation Demeter can be attributed to our desire to protect the environment for future generations, the strong political will and commitment of WCO Member Customs administrations, and excellent cooperation with our partners at the national, regional and international level. In fact the WCO is now even more determined to bolster the partnership further as coordination, cooperation and communication are the enemies of those who profit from this trade.”