




UNICRI's activities on environmental crime

THEMIS regional training: Cross-sectoral Issues in the EU Environmental Acquis

Elise Vermeersch

Agenda


- General overview
- Countering WEEE Illegal Trade (CWIT) project
- Illicit Pesticides, Organized Crime and Supply Chain Integrity – policy paper


United Nations Interregional Crime and Justice Research Institute

2

■ PART I

General overview



United Nations Interregional Crime and Justice Research Institute

3

Our Mandate:



UNICRI is a United Nations entity created by the ECOSOC in 1967 to assist Intergovernmental, Governmental and Non-Governmental Organizations in **formulating and implementing improved policies** in the field of **crime prevention and criminal justice**.



United Nations Interregional Crime and Justice Research Institute

4

UNICRI Eco-Crime Programme

Since 1991 UNICRI has been analysing crimes against the environment.

CURRENT FOCUS

- ✓ Illicit trafficking of hazardous waste
- ✓ Illegal, counterfeit and substandard pesticides
- ✓ Linkages between environmental crimes & corruption
- ✓ Illicit trafficking in precious metals



United Nations Interregional Crime and Justice Research Institute

5

■ PART II Countering WEEE illegal trade (CWIT) project



United Nations Interregional Crime and Justice Research Institute

6

The project

- **The project:** 2 years security research project funded under the EU Framework Program 7 (FP7) and carry out by a consortium of 7 partners.
- **Main objective:** provide a **set of recommendations** to the EC and LEAs that will assist them in countering the illegal trade of WEEE.
 - ✓ CWIT summary report available at: <http://cwitproject.eu/>
- **Activities:**
 - ✓ Identify the (legal and illegal) Actors;
 - ✓ Market assessment;
 - ✓ Legal framework analysis; and
 - ✓ Crime analysis.



United Nations Interregional Crime and Justice Research Institute

7

Legal framework: results & recommendations

- **Objective:** **comparative overview** of relevant **legal policies and requirements** relating to WEEE, and how these are implemented and enforced globally.
- **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; and
 - ✓ Severity of the penalties applied.



United Nations Interregional Crime and Justice Research Institute

8

Legal framework: results & recommendations

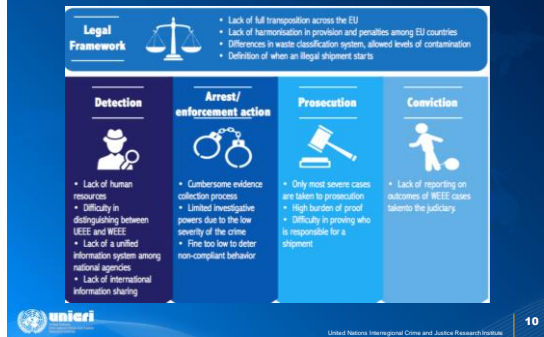
- **Waste codifications**
 - Improve waste codifications
 - Different definitions & incompatible classification systems of EEE, UEEE and WEEE among countries.
- **Consistent guidelines**
 - Produce and maintain consistent guidelines
 - Difficulties in distinguishing between UEEE and WEEE;
 - Art 3.1 of *Waste Framework Directive 2008/98/EC* 'waste' means any substance or object, which the holder discards or intends or is required to discard BUT no consistent guidelines and interpretations for LEAs.
- **Harmonize penalties**
 - Harmonize and enhance penalties
 - Probability of being prosecuted and sentenced is low;
 - Penalties foreseen in legislation and/or penalties applied in court decisions are typically low. In many MS, the level of potential penalties corresponds to the investigative measures that can be used;
 - Lack of harmonisation of the type and severity of the offences and penalties related to WEEE.
- **All actors report**
 - All actors report
 - Non-reporting, incorrect reporting and underreporting of amount, origin and destination of WEEE collected and treated. No unified database;
 - Problem of mixed WEEE with metal scrap and other material.



United Nations Interregional Crime and Justice Research Institute

9

Legal framework: results & recommendations



■ PART III Illicit Pesticides, Organized Crime and Supply Chain Integrity

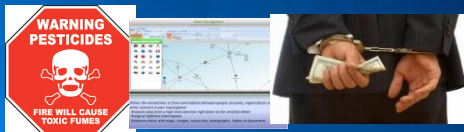


UNICRI's study on illicit pesticides

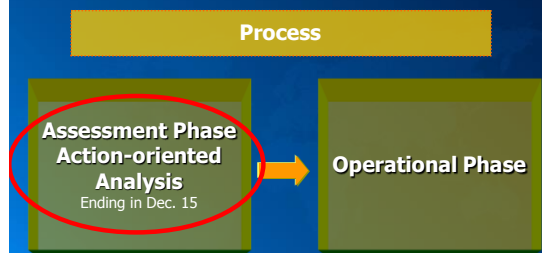
- New programme aiming at **enhancing an international strategy to counter serious and organized crime involved in crimes having an adverse impact on the environment, including in the trafficking of illicit pesticides.**
- The program seeks to:
 - deepen the general understanding of current trends in the illegal, counterfeit and substandard pesticides market;
 - identify and share good practices for detecting, investigating and prosecuting illegal and counterfeit pesticides related activities; and
 - improve LEAs and prosecutors' capacities in countering illegal and counterfeit pesticides.

Why illicit pesticides?

- Illicit pesticides represent an **emerging threat** to security, development, health and the environment and a **lucrative activity for organized crime groups and networks**.



Roadmap to an international strategy to combat illicit trafficking in pesticides



Illicit pesticides: definition

Illicit pesticides are composed of imports and sales of 5 types of products:

- Obsolete or banned non-authorized products and substances;
- Counterfeit or fake products;
- Re- or up-labeled products;
- Refilled containers;
- Parallel imports (authorized in EU).

(Illicit) Pesticides Legislation

INTERNATIONAL LEGISLATION

- *International Plant Protection Convention* aims to secure coordinated, effective action to prevent and to control the introduction and spread of pests of plants and plant products;
- *Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade* creates legally binding obligations for the implementation of the Prior Informed Consent (PIC) procedure;
- *International Code of Conduct on the Distribution and Use of Pesticides* establishes voluntary standards of conduct for all public and private entities engaged in or associated with the distribution and use of pesticides, particularly where there is inadequate or no national legislation to regulate pesticides.



United Nations International Crime and Justice Research Institute

16

(Illicit) Pesticides Legislation

EUROPEAN LEGISLATION

- **General legislation**
 - *Regulation (EC) 1107/2009 concerning the placing of plant protection products on the market* provides rules for marketing, authorisation, use and control of Plant Protection Products (PPPs);
 - *Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides*, by reducing risks and impacts associated with use of such products on human health and the environment and by fostering the use of Integrated Pest Management and alternatives to PPPs;
 - *Regulation (EC) 1185/2009 concerning statistics on pesticides* aims at establishing a harmonised framework for the production of statistics concerning PPPs.
- **Chemical safety**
 - *Regulation (EC) 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)* and establishing a European Chemicals Agency provides key principles in the area of chemical safety which aim at balancing the objective to minimise the impact of chemical substances on human health and the environment with the need to ensure their free circulation in the EU internal market and fostering research and innovation;
 - *Regulation (EC) 1272/2008 on classification, labelling and packaging (CLP) of chemical substances and mixtures* transposes UN Globally Harmonised System (GHS) of classification and labelling of chemicals;
 - *Regulation (EU) 689/2012 concerning the export and import of hazardous chemicals* transposes UN Rotterdam Convention.
- **Counterfeit PPPs**
 - *Regulation (EU) 608/2013 concerning customs enforcement of intellectual property rights (IPR)*, provides procedural rules for customs authorities to control goods (including pesticides) suspected to infringe IPRs;
 - *Directive 2004/48/EC concerning the enforcement of IPR* harmonises national laws on measures, procedures and remedies to enforce IPRs.



United Nations International Crime and Justice Research Institute

17

Illicit pesticides: health & environmental risks

- **Human health:** mild skin irritation, blood and nerve disorders, endocrine disruption, genetic changes, respiratory and tissue failure, coma and death.
- **Biodiversity:** destruction of plants, animals and marine life; pesticide resistance in pests.
- **Food chain:** toxic ingredients, inadequate storage and disposal of illicit pesticides introduce potentially hazardous substances into the food chain, farm animals, and waterways.
- **Pollution:** air pollution, long-term contamination of soils, surface and ground waters.
 - Higher in toxicity: not tested, inappropriate packaging and transport.
 - Inability to quickly identify compounds, sources, appropriate medical treatments, distribution networks, and other at-risk users.

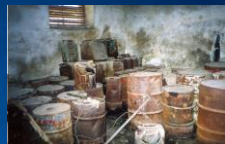


United Nations International Crime and Justice Research Institute

18

Illicit pesticides: health & environmental risks

- **Obsolete pesticides in Moldova**
 - 3245 tons in 424 sites
 - Free access to the sites
 - Repacking, labelling
 - Illegal selling on the open market
- May 2007, Lake Cogaz (Gagauz-Yeri, Moldova)



Illicit pesticides: economic risks

- **Revenue and taxes**
 - The pesticide world market is approximately USD 60 billion;
 - Revenues from counterfeit and illegal plant protection products in Europe is estimated at USD 450 to 640 million (ECPA, 2006);
 - Annual lost tax revenues estimated at USD 26-38 million (ECPA, 2006).
- **Production and Market**
 - Illicit and banned pesticides can destroy crops, contaminate waters and soils, devastate markets for particular products.
- **Reputation**
 - Erode public confidence in established producers, agricultural producing countries and regions, perceptions of food safety;
 - Reputation damage to established food producers, products, and brands.
- **Research and innovation**
 - Restrict commercial development and innovation.

Illicit pesticides: security risks

- Illicit pesticides transport and distribution involve **crew and cargo safety, public safety and national security**.
- Security in the supply chain is critical in common event such as theft, quality control, sabotage, information breaches, counterfeiting but also in extreme event, such as an attack or significant natural disaster.



Fires on the Maersk Charlotte and Hyundai Fortune

Main reasons of circulation of fake pesticides

- Economic reasons;
- Legal Gaps;
- Institutional Problems;
- Gaps in pesticides management system;
- Customs problems;
- Law Enforcement problems; and
- Low level of farmer knowledge about harm and threats of using fake pesticides.



United Nations Interregional Crime and Justice Research Institute

22

Illegal actors

- WHY?
 - High profit margins;
 - Low risk (detection, prosecution, sanction).
- HOW?
 - Intermediaries and front companies;
 - Inaccurate or falsified documentation;
 - Hiding or mixing (bulk) the content of the shipment;
 - Obscuring the origin and destination country: illicit products shipped through multiple ports and separately for assembly and packaging at destination; stickers/stamps from international postal service;
 - Using digital and online technologies to conceal product identification and ownership;
 - Small package volumes and unfinished goods.
 - Make use of the vulnerabilities in market management and control.
 - Adaptability: illegal actors are responsive to official surveillance and risk profiling by changing routes, labeling, and operations to avoid detection and interdiction.
- WHO?
 - Individual traders / companies intermediaries;
 - Criminal networks;
 - Organised crime groups;
 - Corruption of responsible authorities in LEAs, customs, company staff, etc. (OSCE, 2015).



United Nations Interregional Crime and Justice Research Institute

23

Example transshipment route for illicit pesticides



Example transshipment route for illicit pesticides
Source: Europol-OHIM, 2015



Illicit pesticides seized in Brazil



United Nations Interregional Crime and Justice Research Institute

24

Controlling illicit pesticide markets and actors in the trade - Recommendations

- End-user and consumer awareness;
- Awareness and engagement of authorities and stakeholders;
- International harmonization and regulatory oversight;
- Supply chain protection and defense activities;
- Enhanced investigation and interdiction capacities;
- Control of financial flows and incentives; and



United Nations International Crime and Justice Research Institute

25

THANK YOU

Elise Vermeersch
Project Associate - UNICRI
vermeersch@unicri.it



United Nations International Crime and Justice Research Institute

26
