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Enforcement of the European Waste Shipment Regulation
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Not all waste shipments are legal and there is a risk that waste shipped to countries outside Europe, in particular, will be processed in a way that is harmful to human health and the environment. The European Union (EU) introduced the European Waste Shipment Regulation (EWSR) in order to combat illegal waste flows. The Netherlands Court of Audit has investigated how the Dutch government enforces the EWSR. It found that the government pays specific and systematic attention to enforcement of the EWSR, but there are still areas for improvement.

Limited insight into impact of enforcement

The Minister of Infrastructure and the Environment (I&M) has only limited insight into the impact of enforcement activities. For most waste flows, the enforcement partners (Netherlands Shipping Inspectorate, Customs and the police service) do not know precisely what impact enforcement has on compliance with the EWSR. It is therefore not entirely clear whether enforcement of the EWSR deters illegal waste flows. This is partly because illegal flows are difficult to spot and partly because of weaknesses in the partners' ICT systems. Customs' ICT system, for example, cannot calculate compliance rates.

Limited insight into the functioning of the waste system as a whole

Insight into the functioning of the waste system as a whole is limited. There are indications that the system of receipt and processing notifications issued by importing countries does not function adequately. The minister therefore does not know for certain whether the company issuing the notification is also the company that actually processes the waste. Since there is no insight into this final link in the chain, the minister does not have a full understanding of the achievement of the EWSR's objectives.



Inexplicable high percentage of decisions not to prosecute EWSR cases

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The Public Prosecution Service decides not to prosecute three out of ten EWSR cases. This is far higher than the service's own target for environmental cases of 10%. We found no explanation for this high rate and are concerned that it means either that EWSR offences go unpunished or that time is wasted preparing official reports for cases that have no chance of success.