



Illegal waste shipment from a customs investigation perspective





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**Federal Ministry of Finance
(BMF)**

General Customs Directorate

Main Customs Offices



Custom Investigation Offices





Directorate VI

International goods traffic legislation, special customs legislation

Prohibitions and restrictions, inter alia

- Central Office for the Protection of Industrial Property (ZGR)
→ fight against product and trademark piracy
- Protection of endangered species → preservation of endangered animals and plants
- Protection of human health (e.g. medicinal products, product safety)

Monitor the cash movement → prevent money laundering and terrorist financing

Market organisation legislation → stabilise the agricultural markets

- Monitor the trade flow of agricultural goods with licenses



Directorate VI

- Foreign trade and payments law
 - Safeguarding the peaceful coexistence of nations
 - Sanctions, embargoes (e.g. arms embargo)
 - Monitoring provisions against torture and on the dual-use
 - Monitoring the trade in rough diamonds → preventing the trade in conflict diamonds
- Origin of goods and preferences
 - economic policy interests of the EU
- Main location in Nuremberg



In cases of waste shipments the Customs administration is a supporting administration!

Responsible are the local waste administrations!!!



Zollkriminalamt/Directorate VIII

Zollkriminalamt (ZKA)

Constitutes the customs investigation service together with the customs investigation offices.

Prevention of and fight against medium, serious and organised customs crime

Participation in the monitoring of foreign trade

Information and intelligence service of customs

Central office of the customs administration for international mutual and legal assistance



ZKA

Operational support for the customs investigation service- including tracing mail and wire tapping (for preventive purposes)

Central risk management for customs

Financial Intelligence Unit (FIU)

○ National branch office for the acceptance, collection and evaluation of reports on suspicious financial transactions in connection with money laundering and terrorist financing

- Situation centre customs
- Coordinating unit for international matters of the GZD

Main location in Cologne



Customs Investigation





Structure and responsibility of the German Customs Investigation



Role of the Customs Investigation Service



- **The Customs Investigation Service is responsible for investigating criminal offences, which are allocated to customs authorities for prosecution**
- **Its main task is to prosecute and prevent medium, major and organised customs crimes**
 - **research on tax crimes and tax offenses**



Customs investigation



Customs investigation officers

same rights and tasks like the police

Customs investigation officers

support the public prosecutor

Customs investigation administration

is a federal administration



Customs Investigation



Legende

- Zollfahndungsämter
- Außenstellen

Die Umrandungen kennzeichnen die Bezirke der ZFÄ



Tasks of the German customs investigation



Customs duties

Drugs

Excise taxes

Agriculture market regulations

Money laundering

Offences in foreign trade
Counter-Proliferation

Prohibitions and restrictions
in cross-border trade

Organized crime

Weapons



Tasks of the unit B 331:

- weapons
- explosives
- pharmaceutical crime/Doping substances
- endangered species
- **illegal waste shipments**
- counterfeit goods
- cultural goods
- nuclear material
- ... and many more



Customs investigation



- The responsibility of the customs investigation service for prosecution on Environmental Crime arises from:
- § 208 AO (German Tax Code)
- § 369 AO connected to § 372 AO (“Bannbruch”)
- § 26 ZFdG (Customs Investigation Service Act)



§ 372 AO Bannbruch



- Paragraph 1:

Whoever imports, exports or transports goods in violation of a prohibition shall be deemed to have illegally imported, exported or transported goods.

- Paragraph 2:

The perpetrator shall be punished pursuant to section 370(1) and (2) if the act is not subject to a punishment or a monetary fine as a violation of import, export, or transit prohibitions pursuant to other provisions.



Investigation cases:

Public prosecutor is responsible

He can hand over the case to the police or the customs investigation service (Bannbruch) for investigation



ENVIRONMENTAL CRIME

=

Illegal waste trafficking

Illegal trafficking of endangered species

+ other (import and export of dangerous goods (like nuclear material, chlorofluorocarbon, asbestos))



Illegal waste trafficking



Situation

Investigation cases:	12 (2020)	25 (2019)
Seized goods (waste):	57 t (2020)	215 t (2019)
additional investigated:	21 t (2020)	74 t (2020)



Investigation cases

Electronicwaste:	2 cases	(5)
Cars/Parts:	1 case	(5)
Clothes:	2 cases	(1)
Mixed waste:	3 cases	(10)
other waste:	4 cases	(4)

Start of investigation cases

- Based on information (passive)
- Information gathering (active)
- Cooperation (national and international; bi- and multilateral)
- Information out of seizures

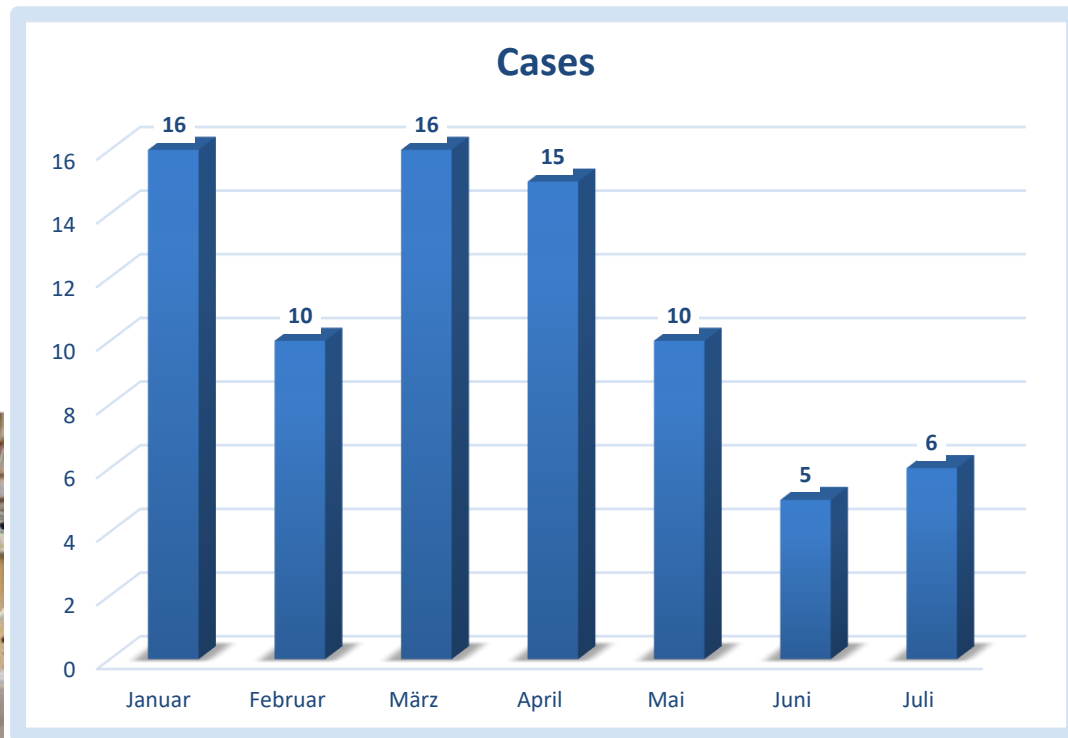
Customs as supporting agency for the waste agency

1. In case of observations/seizure customs informs the responsible agency
2. This agency decides to hand it over to the public prosecutor for criminal proceedings
3. The public prosecutor decides who will investigate



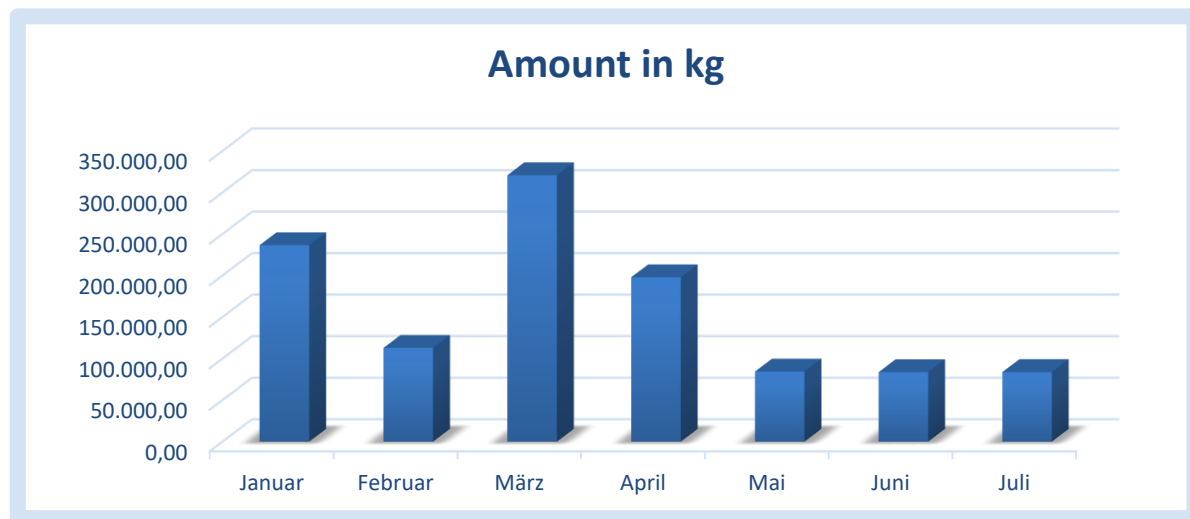
Seizures of Mobile control groups

Month	No. of cases
Januar	16
Februar	10
März	16
April	15
Mai	10
Juni	5
Juli	6



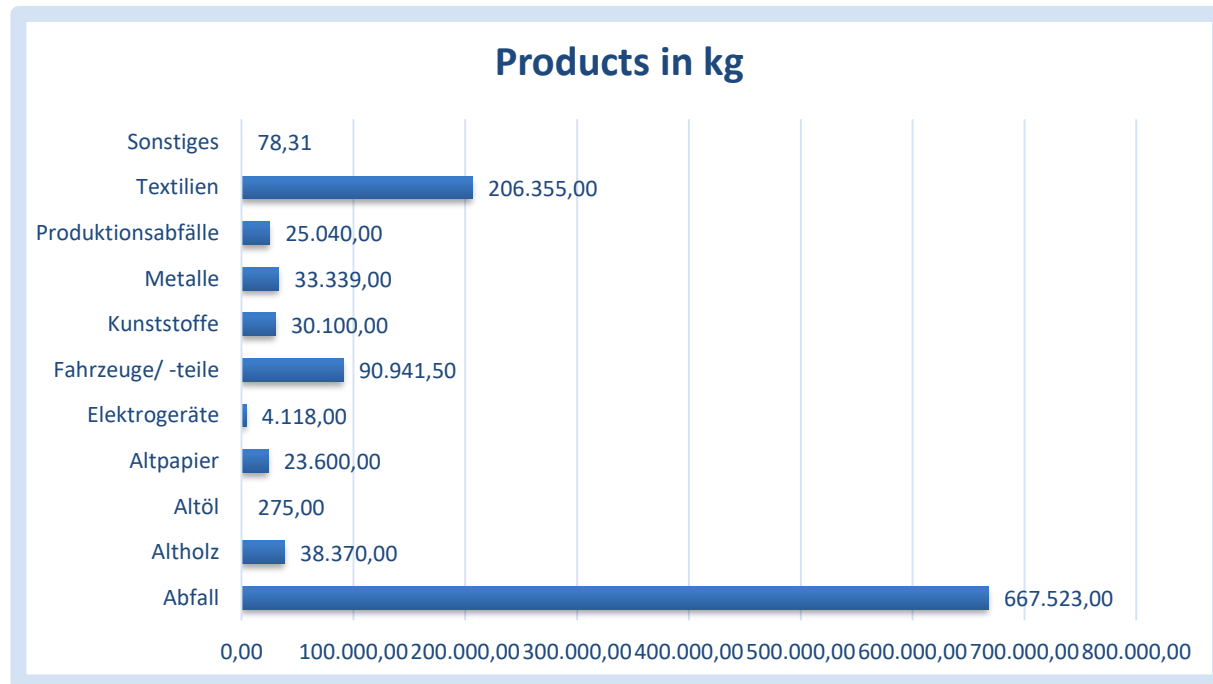
Seizures of Mobile control groups

Month	Amount in kg
<u>Januar</u>	236.519,31
<u>Februar</u>	112.854,00
<u>März</u>	320.754,00
<u>April</u>	197.920,50
<u>Mai</u>	84.312,00
<u>Juni</u>	83.650,00
<u>Juli</u>	83.730,00



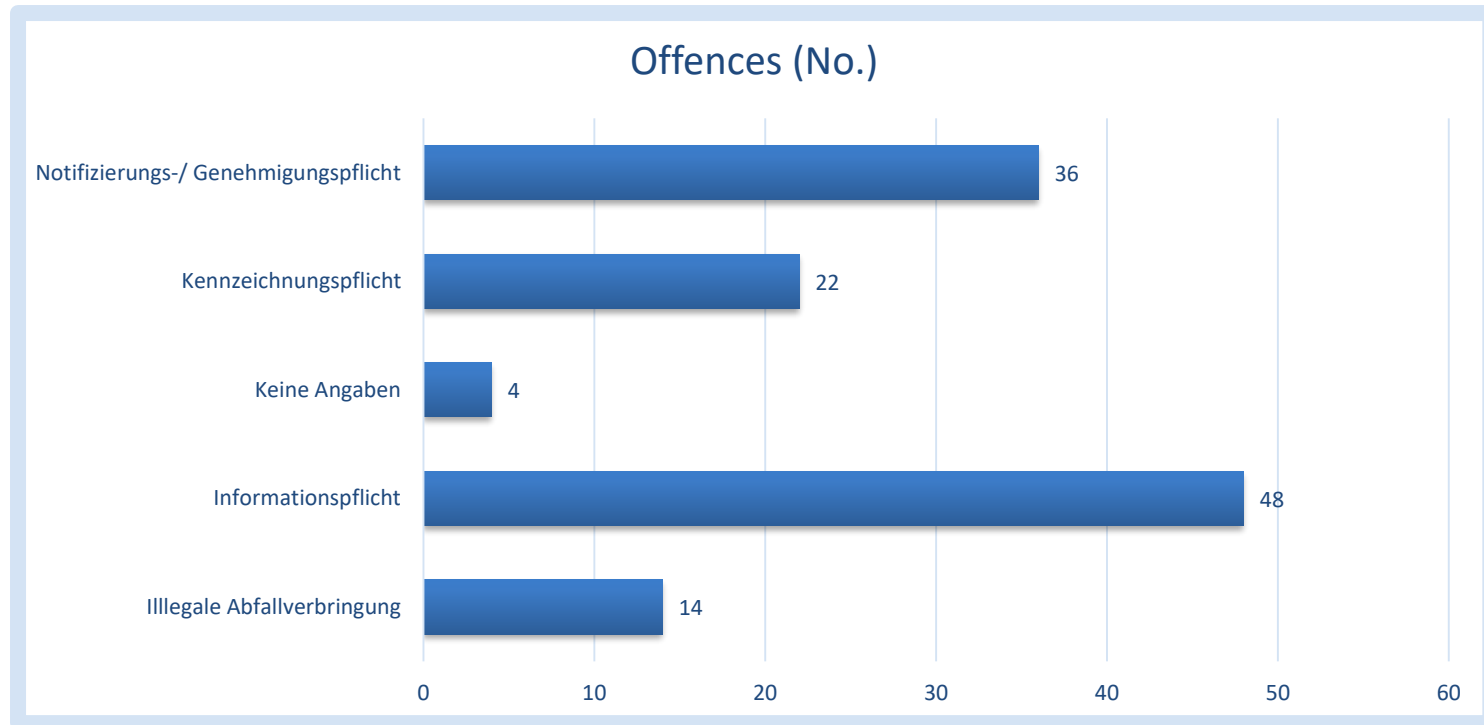


Seizures of Mobile control groups

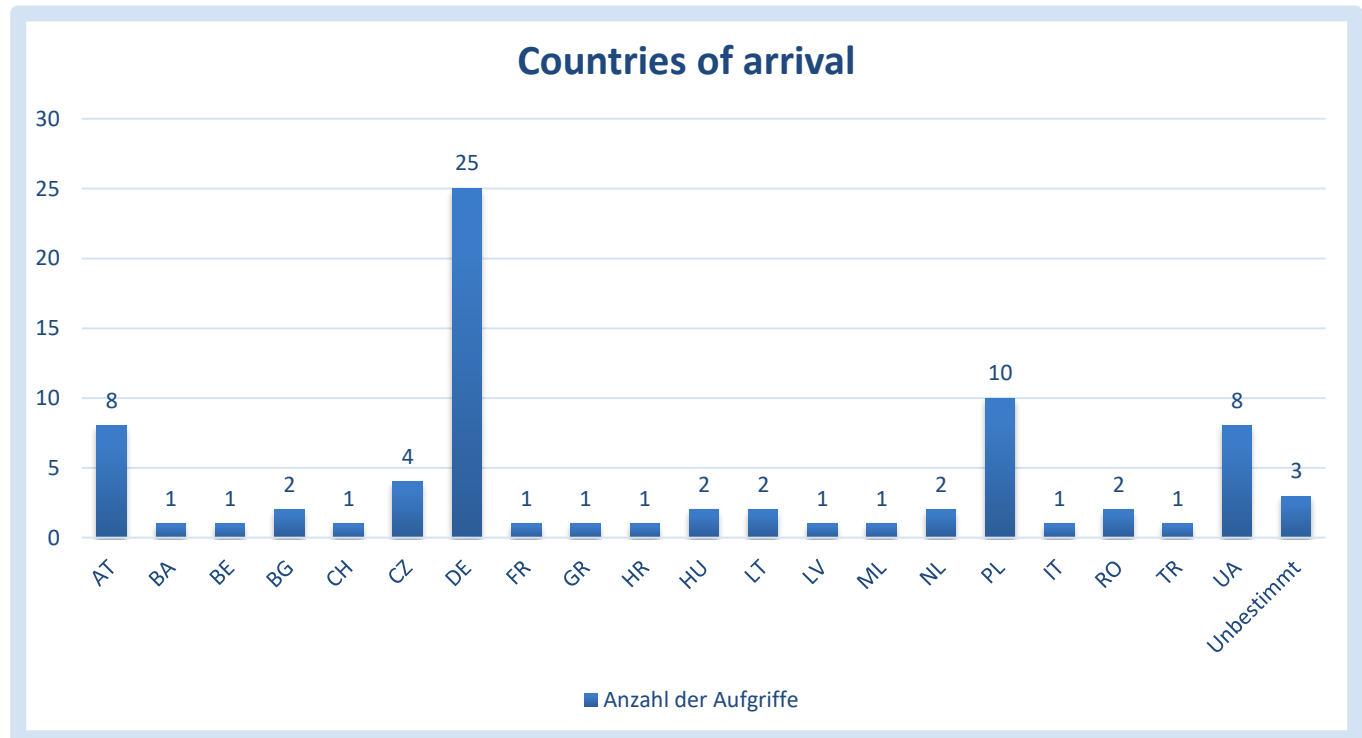




Seizures of Mobile control groups

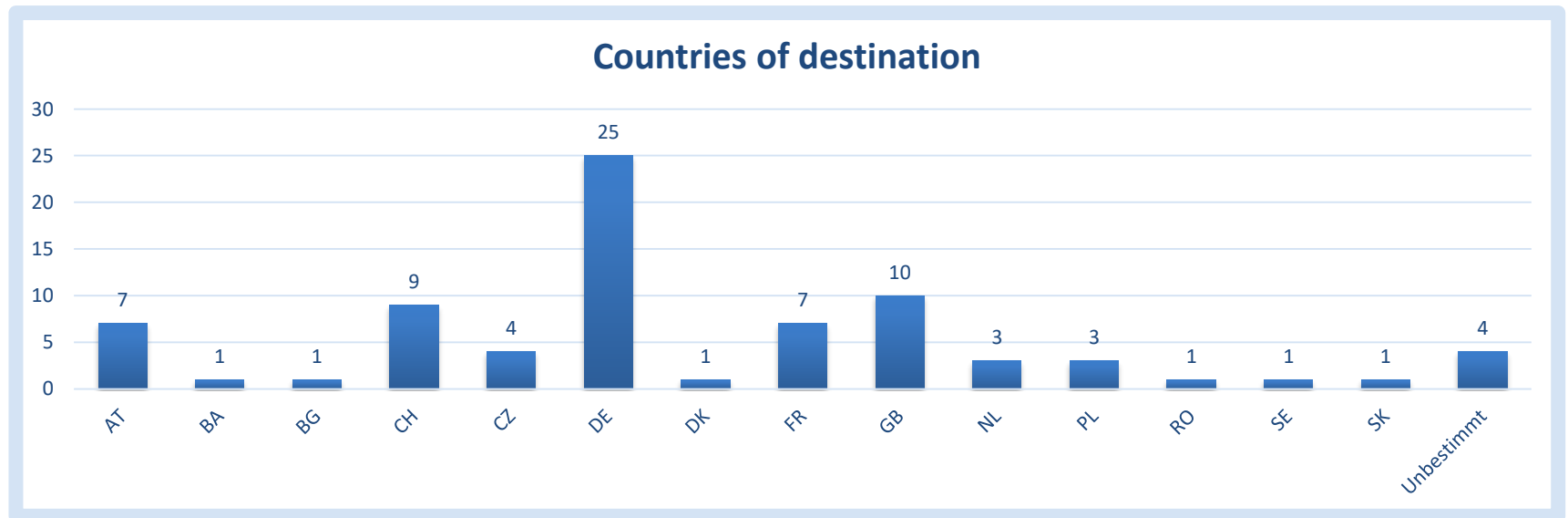


Seizures of Mobile control groups





Seizures of Mobile control groups





National cooperation

- police
- administrative agencies
- annual meeting with all responsible law enforcement agencies
- cooperation on ministerial level

- joint actions (also on international level)



International agencies and working groups



- Cooperation in the EU:
- Working groups of the Council (CCWP, LEWP)
- COSI (coordination mechanism)
- EMPACT
- ENVICRIMENET
- TAXUD
- EUROPOL
- HENU
- Working groups
- Liaison bureau



International agencies and working groups



- ... outside of Europe:
- World Customs Organisation
- ASEM-cooperation
- INTERPOL
- Baltic Sea Task Force
- RILO Network
- and many more



project of the CCWP/LEWP



CCWP/LEWP-project

Goal:

Overview of projects and institutions who are involved in the illegal trafficking of waste

Overview of projects and institutions

There are already projects/ institutions who are involved in the fight against illegal waste trafficking

- Identify and establish an overview of these projects/programs
- Find out the benefit of their products
- Establish a working-relationship/cooperation between customs and the organisations/partners



EMPACT- Priority 2016 - 2020

Environmental Crime (Waste/pollution and wildlife crime)

- Driver: FR
- Co-driver: Spain, Italy, Slovakia
- around 25 Action-points per year



EMPACT- Priority 2021 - 2025

Environmental Crime (Waste/pollution and wildlife crime)

- Driver:
- Co-driver:
- 17 Actions in 2022 (3 actions illegal waste trafficking; 9 cross-over actions)



EMPACT- Priority 2021 - 2025

Environmental Crime (Waste/pollution and wildlife crime)

Key areas:

- The criminal use of legal business structures operating in the international waste management business, in particular in the recycling and renewable energy sectors, and with F-gas and ozone-depleting substances (ODS), plastics and waste electrical and electronic equipment (WEEE).
- The online commercialisation and distribution of trafficked wildlife specimens;
- The European eel trafficking business between Europe and Asia;
- Increase focus on unreported areas at EU level, such as illegal logging, shipbreaking, maritime pollution, forest fires, trafficking of non-CITES species and IUU.



EMPACT- Priority 2021 - 2025

Environmental Crime (Waste/pollution and wildlife crime)

- Information on cases conducted by the member states' LEA's on smuggling, and illicit trade with live wildlife flora, especially cacti
- Tackling and dismantling of the OCGs conducting financial-related activities ("FOLLOW THE MONEY")
- Prevention, detection and combat of illicit waste trafficking via the EU external borders
- CYBER ENVICRIME patrolling activities
- Wildlife trafficking
- Illegal trade in F-gases
- Illegal dog trade and any form of animal mistreatment
- Strengthen knowledge and capacity to tackle criminal finance, money laundering and asset recovery



EMPACT- Priority 2021 - 2025

Environmental Crime (Waste/pollution and wildlife crime)

- Tackling the illegal trade of birds due to the increase of cases of rings' counterfeiting
- Implementation of multidisciplinary training activities related to environmental crime
- Water Pollution
- Awareness
- Law Enforcement Cooperation with third countries in Asia
- Engaging the financial and private sectors
- Illegal exploitation and trade of timber with the aim to detect and disrupt organized crime
- Identification and tackling serious pollution crime (water, soil, air) in the Western Balkan Countries
- Consolidation and increase Jaguar Network capacities



Cooperation



COSI/EMPACT



1004/19/04/0021



Joint (customs/police) operations





Thanks for your attention

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