



SHORT GUIDELINE – ANNUAL PLANS AND ENFORCEMENT STRATEGIES

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1. Introduction

The revised Article 50 paragraph 2a. of the Waste Shipment Regulation¹ requires Member States to establish inspection plans based on risk assessment in order to strengthen and harmonise the enforcement of the WSR. Notwithstanding, as highlighted in Deliverable 2.2 “Compendium of current practices in planning enforcement strategies”, there is currently no harmonization in the preparation of annual plans and enforcement strategies to counter waste crime at national level in the European Union and there is a knowledge gap on the existence and content of the national plans.

The Short Guideline on annual plans and enforcement strategies (called STRIKE guideline in the rest of this report) are built upon the main findings of Deliverable 2.2. The Compendium is based on data collected via a stakeholders’ questionnaire, follow-up interviews with key experts, and an in-depth desk research (see D2.2 for further information and methodology). D2.3 aims at translating the good practices and the main results of the analysis conducted in D2.2, into a set of practical guideline, to guide the relevant authorities in the development of annual plans in the field of countering environmental crimes, and more specifically waste crime.

The STRIKE guideline provide an overview of the main steps required to organise the development of an annual plan/enforcement strategy (see Figure 1). For more specific information (e.g. on methods to develop a risk assessment) the guideline is referring to other existing manuals and templates that can be used.

The STRIKE guideline are focused on the organizational aspects and the steps needed to develop the plan. The objectives are as follows:

- To ensure there is structural cooperation between the relevant authorities in the development and implementation of the plan (2.1 General Framework);
- To plan and structure the development of the annual plan/strategy (2.1 General Framework);
- To base the activities and identify the priorities on a risk assessment (2.2 Risk Assessment and Priority Setting);
- To develop an operational action plan involving all the relevant authorities (2.3 Operational Action Plan);
- To promote cooperation with non-enforcement organisations and enforcement authorities in other countries. (2.4 Supplementary Cooperation);
- To ensure there is effective reporting of the results and evaluation of the plan. (2.5 Evaluation and Reporting of Results).

There are five main activities for the development of the annual plan/strategy. Each activity consists of two tasks and each task consist of a number of specific steps. Figure 1 presents the main activities and tasks and Figure 2 provides an overview of all steps per task.

¹ Consolidated version of the Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1013-20210111>.



Figure 1: Overview of the activities and tasks in this guideline

The target audiences of the STRIKE guideline are inspection authorities, customs and police. Specifically for inspection authorities, IMPEL has developed a detailed guidance² on the development of an annual inspection plan to support authorities in the development of the inspection plan under the Waste Shipment Regulation as required by the European Commission since 2017. The STRIKE guideline are focused on how to develop a plan or strategy involving the enforcement chain from inspection to investigation.

It is worth mentioning that law enforcement organisational structure differ a lot among countries of the European Union. Thus, these guideline aim at providing a general framework and step-by-step approach applicable to all countries, independently from their structural organisation. The steps in this guideline can be adjusted to the needs of the country and enforcement authority.

² IMPEL, 2016. Guidance on Effective Waste Shipment Inspection Planning.
<https://www.impel.eu/tools/guidance-on-effective-waste-shipment-inspection-planning/>.

Activity	1. General Framework		2. Risk Assessment and Priority Setting	3. Operational Action Plan		4. Supplementary Cooperation		5. Evaluation and Reporting of Results	
Task	Setting up the working group	Planning and division of tasks	Development of the risk assessment	Identify objectives and resources	Planning of the operational actions	National Cooperation	International Cooperation	Carrying out the evaluation	Publication and sharing results
Steps	Step 1: Identify all involved authorities and departments that need to be involved.	Step 1: Evaluate of annual plans/enforcement strategies of previous years.	Step 1: Identify the objectives of the risk assessment and the geographical area covered	Step 1: Define the objectives of the operational actions.	Step 1: Define the type of operational actions based on the risk assessment:	Step 1: Identify other relevant agencies (from government, NGOs and the private sector)	Step 1: Identify international contacts and relevant EU/international networks	Step 1: Appoint participant to collect and evaluate results	Step 1: Public reporting of the results
	Step 2: Set up the working group for the development	Step 2: Define the structure and elements of the plan/strategy.	Step 2: Use a uniform template for the risk-assessment.	Step 2: Identify and detail KPI's to measures the results	Step 2: Planning of the operational actions	Step 2: Setting up the cooperation	Step 2: Setting up the cooperation	Step 2: The evaluation	Step 2: Share results with the European Commission
			Step 3: Define information sources and databases	Step 3: Identify human and financial resources	Step 3: Development of an information collection plan			Step 3: Recommendations & revising of the guideline	
			Step 4: Analysis of the risks	Step 4: Training needs assessment				Step 4: Evaluation and revision of the STRIKE guideline	
			Step 5: To identify priorities for the operational actions						

Figure 2: Overview of the activities, tasks and steps in this guideline

2. Guideline on how to prepare annual plans and enforcement strategies

2.1 General Framework

This guideline begins with setting up a general framework. The general framework consists of two tasks. The first is setting up a working group to ensure cooperation among relevant actors. One enforcement authority can take the lead in the development of the plan, but to ensure cooperation in the enforcement chain it is important to involve all the relevant authorities from the beginning. The second task is to make a planning and timeline for the development of the plan.



Figure 3: General Framework: tasks and steps

Task 1) Setting up the working group

Step 1: Identify all involved authorities and departments that need to be involved.

Identify all involved authorities and departments that should participate in the elaboration of the enforcement plan and appoint representatives (national, regional or local level). One authority can be appointed as leader in the development of the plan.

Define members

- Police (investigation and intelligence services), including for example traffic police service, water police service, environmental enforcement department
- Customs
- Inspection authorities (environmental authorities, port authorities, district counties/regional authorities)

Step 2: Set up the working group for the development of the plan/strategy

- Ensure that all relevant parties have been identified and contacted
- Identify organisational structure, roles and responsibilities of each party in the development of the plan/strategy through a multilateral agreement for cooperation
- Allocate clear tasks to the specific agencies/departments/offices
- Decide the location and time of the meetings and how often the working group will meet.
- Set up the first meeting.

Task 2) Planning and division of tasks in the working group

Step 1: Evaluate the annual plans/enforcement strategies of previous years, if available.

Review previous annual plans and discuss best practices as well as improvements that can be made.

Step 2: Define the structure and elements of the annual plan/enforcement strategy.

Develop or use a template for the annual plan/enforcement strategy and include the elements from this guideline and/or other existing guidelines.

According to the revised Article 50 paragraph 2a. of the WSR, an inspection plans should include the following elements:

- a) the **objectives and priorities of the inspections**, including a description of how those priorities have been identified;
- b) the **geographical area covered** by that inspection plan;
- c) **information on planned inspections**, including on physical checks;
- d) the **tasks assigned to each authority** involved in inspections;
- e) **arrangements for cooperation** between authorities involved in inspections;
- f) information on the **training of inspectors** on matters relating to inspections; and
- g) information on the **human, financial and other resources** for the implementation of that inspection plan.

2.2 Risk assessment and priority setting

To ensure adequate planning of inspections of shipments of waste, the European Commission requests that the Member States inspection plans are based on risk assessments.

According to the revised Article 50 paragraph 2a. of the WSR, the risk assessment shall aim, inter alia, to identify the minimum number of inspections required, including physical checks on establishments, undertakings, brokers, dealers and shipments of waste or on the related recovery or disposal.

The IMPEL "[Waste Shipment Inspection Planning](#)" (WSIP) guides inspection authorities in the development of the risk assessment and provides more details on the required elements by the European Commission.

The target audiences of the STRIKE guideline also includes police and customs authorities. For police authorities risks assessments are routine practices. Risk assessments are important to identify priorities and for the allocation of resources. Many countries develop a national threat assessment on a regular basis, including assessments on environmental crime and illicit trafficking of waste (for example the Dutch Organised Crime National Threat Assessment³). On the regional level, for example EUROPOL develops the Serious and Organised Crime Threat Assessment (SOCTA) to identify a number of high priority crime areas for operational responses.⁴ The outcomes of these assessment can be included in the annual plan/enforcement strategy. If a risk assessment on waste crime is not available yet, there are different manuals and guidance's that can be used, for example: the national risk

³ <https://www.politie.nl/en/themes/national-threat-assessment-2017.html>

⁴ <https://www.europol.europa.eu/socta-report>

assessment tool guidance manual by the Worldbank⁵ with a module specifically on environmental crime, the guidance on the preparation of a SOCTA by UNODC⁶ and the UNODC manual on criminal intelligence analysis⁷.

After setting the general framework, the next activity of the working group will be to develop the risk assessment and use it to set priorities. The different steps of the risk assessment are included in one task: to identify the objectives, to use a template, the identification of the information sources, the analysis of the risks and based on the outcomes, to identify the priorities for the operational actions.



Figure 4: Risk assessment and priority setting: task and steps

Task 1) Development of the risk assessment

The first task is the development of the risk assessment and how this should be organised. For more details on the content of the risk assessment, see also the templates and manuals that are referred to in the introduction.

Step 1: Identify the objectives of the risk assessment and the geographical area covered

- Describe the objectives of the risk assessment, for example the type of risks that need to be identified (see also step 4).

⁵ <http://documents1.worldbank.org/curated/en/473661593369726351/pdf/National-Risk-Assessment-Tool-Guidance-Manual-Module-10-Environmental-Crime-Risk-Assessment.pdf>

⁶ https://www.unodc.org/documents/afghanistan/Organized_Crime/SOCTA_Manual_2010.pdf

⁷ https://www.unodc.org/documents/organized-crime/Law-Enforcement/Criminal_Intelligence_for_Analysts.pdf

- Describe which geographical area will be covered, for example will the focus be on flows between certain regions and/or flows from and to certain import/export location, and/or illicit waste activities on a local level.

Step 2: Use a uniformed template for the risk assessment.

- Review risk assessment of the previous year and identify changes.
- Police authorities: if available use a national threat assessment of the police.
- Use risk or threat assessments of international organisations (EUROPOL, etc.)

Step 3: Identify the information sources and databases that will be used to do the risk analysis

- This step is the information collection plan. Which information sources are available, which database and other documentation are the authorities using. All types of sources can be used, including from national authorities, international agencies, projects and networks⁸, and other non-enforcement agencies (see section 2.4 Supplementary cooperation).
- Databases can be reviewed from the different organisations (inspection, police and customs databases) and data can be requested from international organisations.
- Optionally if additional data is needed, the working group can also develop a questionnaire and/or carry out interviews to collect information from other stakeholders.
- What type of information is available in these sources. For example are there analytical reports that can be used, data collected inspections and investigations etc.

Step 4: Analysis of the risks

This step is the actual assessment of the risk. In this step the available information will be analysed. Below some risks are suggested, see also other available manuals and guidance's referred to in the introduction for additional details on methods to do the analysis of the risks.

- Determining the most relevant waste streams and prioritisation of waste streams based on risk criteria;
- Determine locations and routes (logistic axes), more specifically this can include⁹:
 - Identification of the biggest waste transporters, the expectable time and route (with border crossing points) of their shipments – port profiling.
 - Assessment of the frequency of waste shipments, and the amount and characteristics of waste shipped on various roads.
 - Information on the shipping agents and shipping lines involved in waste transport internationally.
- Determine important *modus operandi*
- Determine waste sites of interest;
- Determine companies / actors (criminal groups) of interest;
- Determine cases of interest.

Step 5: Use the outcomes of the risk assessment to identify priorities for the operational actions.

Based on the outcomes of the risk analysed, authorities can select risks that have priority to be managed in the annual plan/enforcement strategy.

⁸ See for example the Waste Crime Alerts developed by the WasteForce project: <https://www.wasteorceproject.eu/last-waste-crime-alert/>.

⁹ https://ec.europa.eu/environment/pdf/waste/shipments/report_august09.pdf.

2.3 Operational Action Plan

The operational action plan activity involves to identify the objectives of the plan and the resources available, as well the actual planning of the operational actions. As with the risk assessment, the objective is to develop this plan within the working group (see general framework) to ensure all relevant authorities are involved.

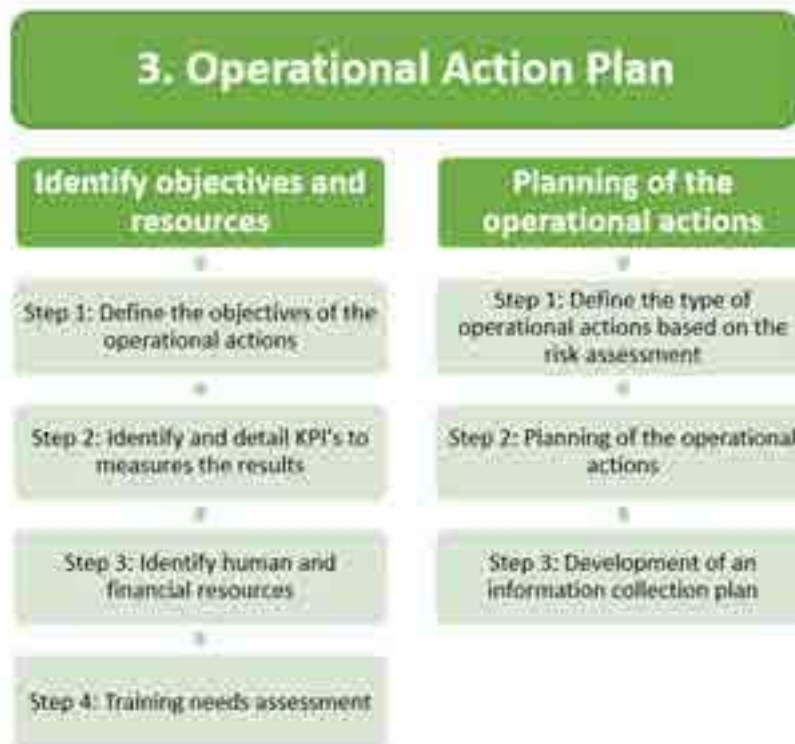


Figure 5: Operational action plan: tasks and steps

Task 1) Identify objectives and resources

Step 1: Define the objectives of the operational actions.

Set an overall objective on the outcomes of the operational actions.

Step 2: Identify and detail key performance indicators to measures the results and achievement

Develop a set of key performance indicators (KPIs) to evaluate the results

KPIs may include:

- Number of cases treated
- Quantity of illegal waste stopped/ceased/repatriated
- Case resolution rate
- Number and amount of penalties and alternatives remedies
- Type and amount of resources used
- Number of trainings delivered and number of trainees

Step 3: Identify human and financial resources

Identify financial and human resources available for inspections/investigations in each organisation.

Step 4: Training needs assessment

Evaluate the level of knowledge and skills of the participants in the operational actions and identify training needs.

Task 2) Planning of the operational actions (inspections and investigations)

Step 1: Define the type of operational actions based on the risk assessment:

- Transport inspections (road or port);
- Inspections at waste facilities;
- Investigation procedures, collecting evidence:
 - Visiting waste companies (collection points, recycling)
 - Visiting dumping/disposal locations
 - Visiting waste warehouses
- Investigations based on suspicion of illegal activities: if there are suspicions of illegal activities investigations (under the national legislation) must be done to clarify the case and identify the offenders.
- Use of investigation tools.

Step 2: Planning of the operational actions

Set the responsibilities, locations and times of operational actions

- Identify relevant authorities involved in the operational actions and human resources available;
- Appoint person in charge;
- Set the number of actions (e.g. bi-annually) and set time periods for the operational actions;
- Set meetings for planning the operational actions;
- Set locations of the operational actions.
- Determine the systems for risk profiling and tracking of shipments that can be used during the operational actions (by comparing the systems used by the police, customs, inspection authorities).

Step 3: Development of an information collection plan

- Determine the information exchange mechanisms that can be used during the operational exchange. This can be national tools as well as the use of international information exchange mechanisms (e.g. from WCO, EUROPOL or INTERPOL).
- Determine the tools or documentation for the collection of the information. It is recommended to use a similar template for all authorities (can be either paper or a digital tool).

2.4 Supplementary Cooperation

The activity on supplementary cooperation involves cooperation with authorities that are not a member of the established working group and other actors. The first task is about national cooperation with non-enforcement authorities. This could be government agencies, NGOs and the private sector. The second task is about cooperation with enforcement authorities in other countries. This can be direct cooperation or cooperation through international networks.



Figure 6: Supplementary cooperation: tasks and steps

Task 1) National cooperation with non-enforcement authorities

Step 1: Identify other relevant agencies (from government, NGOs and the private sector)

Identify organisations which can support the elaboration and/or implementation of the enforcement plan. For example use of government agencies databases, exchanges with civil society and NGOs, and private sector on specific waste issues etc.

Possible extra non-enforcement authority:

- Competent authorities on waste (e.g. food and safety authorities, port authorities, tax authorities for financial investigations?)
- Relevant government bodies
- NGOs, journalists and research
- Private sector (e.g. industry, shipping lines company)

Step 2: Setting up the cooperation

The second step is to set up contact and engage with the relevant agencies. These can contribute to gathering knowledge and data, expanding communication and awareness raising and providing means (financial, human, communication) and analytical support.

Task 2) International cooperation

Step 1: Identify international contacts and relevant EU/international networks

- Identify international contacts and relevant EU/international networks which can support the elaboration and/or implementation of the enforcement plan.

EU and international networks

- | | |
|----------------|---|
| • IMPEL | • INTERPOL |
| • ENPE | • WCO |
| • EUJFE | • OLAF |
| • EUROPOL | • Project and initiatives (e.g. STRIKE , WasteForce , Ambitus , OpfaWaste , LifeSWEAP) |
| • EUROJUST | |
| • EnviCrimeNet | |

- *Identify relevant partner countries based on the risk assessment.* E.g. border countries, known source/transit/destination countries of waste shipment.

Step 2: Setting up the cooperation

- Contact and engage with the contacts and networks:
- Present the risk assessment and developed enforcement plan
Regional and international network can provide different types of support:
 - Support national activities
 - Enhance communication across countries
 - Coordinate joint activities in several countries or regions
 - Provide means (financial, human, communication) and analytical support.

2.5 Evaluation and reporting of results

The final activity is about the evaluation and reporting of the results. The first task is carrying out the evaluation, which involves the collection and analysis of information, and providing recommendations for next annual plans/strategies and on this STRIKE guideline. Task 2 involves the publication and sharing of the results in public and with the European Commission.

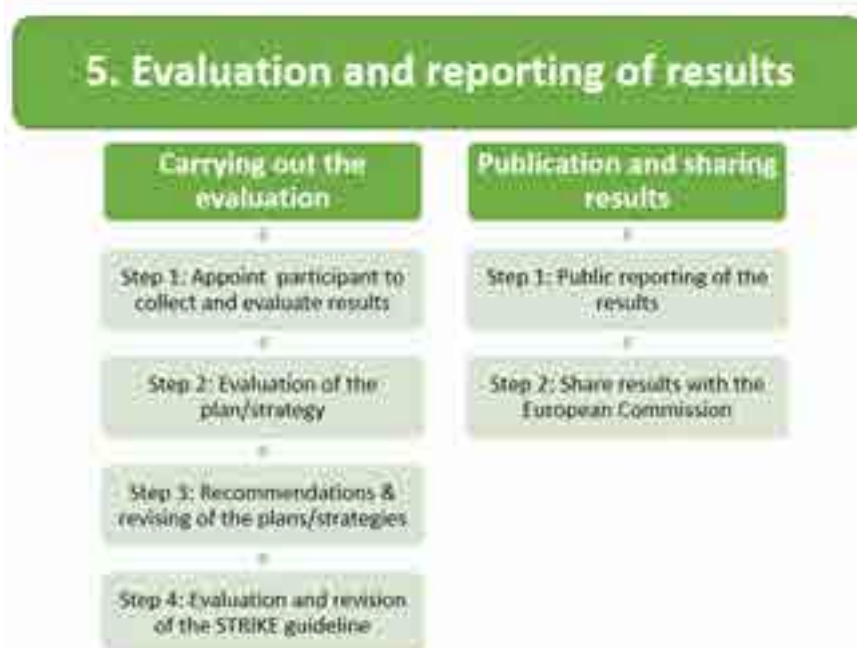


Figure 7: Evaluation and reporting of results: tasks and steps

Task 1) Carrying out the evaluation

Step 1: Appoint working group participant to collect and evaluate results (this role can rotate)

The appointments must be done at agency level and at national level. In federal states, an additional collection/aggregation of results at regional level must be necessary.

Step 2: Evaluation of the plan/strategy

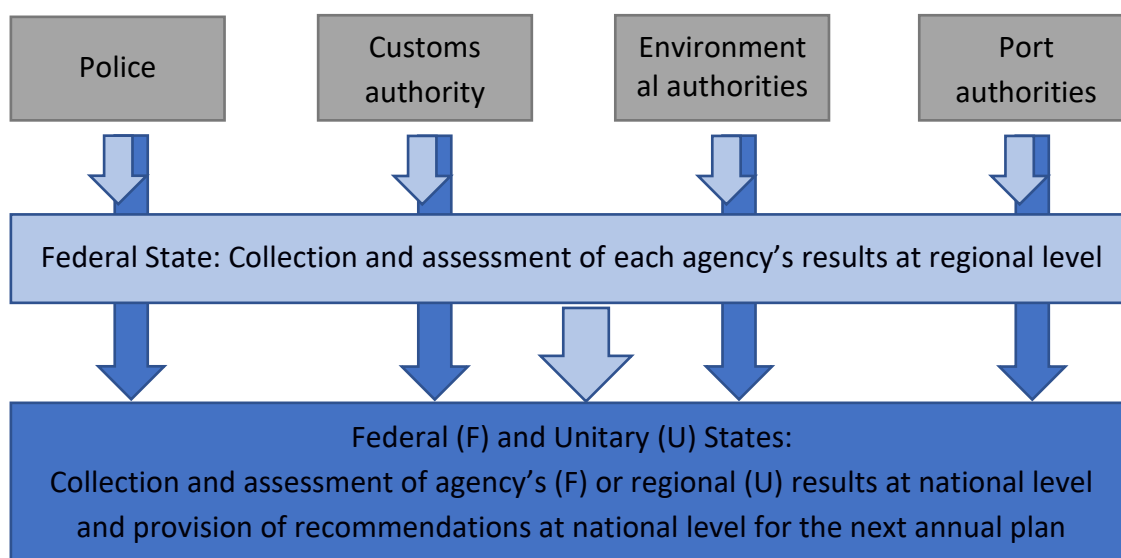
The appointed representative(s) collect the information and proceed with the evaluation, using the KPIs identified previously.

Step 3: Provision of recommendations for the next annual plans/strategies

Based on the evaluation, national recommendations are formulated on the possible improvements and the annual plans/strategies are revised annually using the same process described above.

Step 4: Evaluation and revision of the STRIKE guideline (optional)

As a final step of the evaluation can be reviewed if anything is missing in the guideline that should be added to develop the plans. The STRIKE guideline can also be adapted to meet the requirements within the national context.

**Task 2) Publication and sharing results***Step 1: Public reporting of the results*

The European Commission requires that the outcome of inspections and the measures taken, including any penalties imposed, should be made available to the public, including electronically via the internet (as per revised Article 51 of the WSR). Non-restricted information from the evaluation, with any explanation that the Member States consider to be appropriate, should thus be made available, including on the EC website.

Step 2: Share results with the European Commission

Once evaluation and recommendations have been elaborated, it would be very important to report back to the European Commission to allow for a region-wide understanding of the trends and measures adopted and relevant efficacy. Indeed, setting out criteria at EU level (as per revised Article 50 paragraph 2a. of the WSR) has a limited value if their implementation is not monitored and compared by the European Commission.

Consequently, the European Commission should conduct assessment and analysis of the received evaluation per country in order to provide an EU-wide overview of the measures implemented, determine most and least successful practices, and make recommendation for adjustment where necessary.

3. Conclusion

There is currently no harmonization in the preparation of annual plans and enforcement strategies to counter waste crime at national level in the European Union and there is a knowledge gap on the existence and content of the national plans.

The STRIKE guideline aims at filling those gaps by providing a step-by-step approach applicable in all EU countries to organise the development of annual plan/enforcement strategy in the field of waste crime. By using the STRIKE guideline, responsible authorities should be able to:

- Ensure there is structural cooperation between the relevant authorities in the development and implementation of the plan;
- Plan and structure the development of the annual plan/strategy;
- Base the activities and identify the priorities on a risk assessment;
- Develop an operational action plan involving all the relevant authorities;
- Promote cooperation with non-enforcement organisations and enforcement authorities in other countries; and
- Ensure there is effective reporting of the results and evaluation of the plan.