

Shipments of waste: legality of shipments

2013/0239(COD) - 11/07/2013 - Legislative proposal

PURPOSE: to combat illegal waste shipments which threaten human health and the environment.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: [Regulation \(EC\) No 1013/2006](#) of the European Parliament and of the Council on shipments of waste (WSR) lays down requirements for shipments of waste both within the Union and between the Member States and third countries, in order to protect the environment. However, **gaps have been identified in the enforcement** and inspections carried out by the competent authorities in Member States due to, *inter alia*, a lack of clear provisions in the Regulation on these matters.

Illegal waste shipments are **a serious and frequent problem**. In 2011 a study estimated the tonnage of illegal shipments within and out of the EU to be 2.8 million tonnes per year. The most problematic illegal waste shipments are those concerning hazardous waste and waste which is illegally sent for dumping or sub-standard treatment.

The export bans for hazardous waste and waste for disposal under the WSR are **often circumvented**. The joint inspections carried out by the "network for the implementation and enforcement of environmental law, trans-frontier shipments of waste-cluster" (IMPEL-tfs) revealed very high rates of non-compliance with the WSR due to illegal waste shipments. During the period October 2008-November 2010, the **overall non-compliance rate can be estimated to be 25%**.

Council conclusions of 3 June 2010 invited the Commission, *inter alia*, to consider strengthening EU requirements on inspections and spot checks carried out under the WSR.

IMPACT ASSESSMENT: the Commission's impact assessment examined several options to strengthen inspections and enforcement of the WSR. The assessment concluded that a combination of EU legislative requirements and guidance would be the most effective option to address the problems related to illegal waste shipments. This option would also have the lowest net costs and the most positive economic, social and environmental impacts.

LEGAL BASIS: Article 192(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal to amend Regulation (EC) No 1013/2006 aims to help ensure more uniform implementation of the WSR through establishing minimum inspection requirements throughout the EU with a focus on problematic waste streams.

More specifically, the proposal seeks to:

- **strengthen the provisions regarding the enforcement of rules and inspections covered by Regulation (EC) No 1013/2006 with a view to ensuring regular and consistent planning of inspections.** Planning should include a number of key elements, including risk assessments, strategies, objectives, priorities, numbers and types of planned inspections, assignment of tasks, means of cooperation between authorities and provisions on training of inspectors;

- **introduce the possibility for competent authorities in Member States to require evidence from waste exporters in order to check the legality of shipments.** Such evidence may concern whether the substance or object is "waste" or not, whether the shipment is destined for recovery or disposal, or the nature of the specific waste treatment methods and standards applied by the facility in the country of destination.

The Commission may adopt **guidelines** for the enforcement of the Regulation.

BUDGETARY IMPLICATION: the proposal has no incidence on the EU's budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.