

Shipments of waste: legality of shipments

2013/0239(COD) - 30/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Bart STAES (Greens/EFA, BE) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipment of waste

The committee recommended that Parliament's position in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Need for changes: in order to highlight the need for action, Members referred to the very high degree of illegal shipments that had been found consistently over the last few years. They recalled that Co-ordinated inspections in Member States between 2003 and 2010 found between 20 % and 51 % of inspected waste shipments to be illegal.

Data exchange, transmission of information: Members felt that electronic data interchange would greatly facilitate the work of administrations. As soon as the technical and organisational requirements had been adopted, **electronic submission of the relevant documents should become compulsory**. Members inserted a clear deadline of 18 months after entry into force of the regulation, for the technical and organisational requirements for the practical implementation of electronic data interchange. The Commission should also be empowered to update these requirements.

Plans for inspections and results of inspections: brokers and dealers must be included, as well as establishments and undertakings. The plans shall include a **minimum number of physical checks** of facilities and waste shipments in line with the strategy and objectives adopted and the risk assessment conducted.

The outcome of the inspections carried out, any remedial actions taken by the relevant authorities as a follow up to those inspections, the names of the operators involved in illegal shipments, and the penalties imposed should **permanently available to the public, including electronically**. The Aarhus Convention that inter alia seeks to promote access to environmental information was recalled in this regard.

The possibility of **checks as collection, storage and sorting facilities** should be explicitly added to the list where inspections on shipments may take place.

Strengthening the powers of the relevant authorities: the relevant authorities should be entitled to (i) **check any shipment** whether it constitutes waste or not and not just suspected illegal shipments, as that could undermine the very purpose of inspections; (ii) check the **nature of the waste** so as to make sure that the export ban of hazardous and other waste was complied with.

In order to ascertain that a shipment complies with this regulation, the relevant authorities may require in particular the holder, the notifier or the legal representative of the consignee to submit **any relevant documentary proof**. In the absence of proof the relevant authorities should presume that the load is an illegal shipment. In such circumstances, the relevant authorities should without delay inform the competent authority located in their country.

Strengthen cooperation between Member States: Members stressed the fact that only cooperation between Member States could provide effective remedies against illegal trans boundary shipments. The Commission should create a **common platform** that includes all Member States for these purposes.

Penalties: based on reports by Member States, the Commission should, every three years, submit a report on the implementation of the regulation by the Union and its Member States, including penalties inflicted.

Delegated acts: the committee suggested aligning all current comitology provisions to Article 290 TFEU in this amending act so as to ensure coherence, rather than doing part here and part through the 'omnibus' proposal.