

# Shipments of waste: legality of shipments

2013/0239(COD) - 17/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 524 votes to 12 with 41 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipment of waste.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise between Parliament and Council. They amend the Commission's proposal as follows:

**Definition of 'inspection'**: the amended text stressed that **divergences and gaps** had been identified in the enforcement and inspections carried out by the authorities involved in inspections in Member States.

**The definition of 'inspection'** was introduced and meant actions undertaken by the involved authorities to ascertain whether an establishment, an undertaking, a broker, a dealer, a shipment of waste or the related recovery or disposal complies with the relevant requirements set out in the Regulation.

**Format for documents and information exchange**: subject to the agreement of the competent authorities concerned and of the notifier, information and documents may be submitted and exchanged by means of **electronic data interchange with electronic signature or electronic authentication**, or a comparable electronic authentication system which provides the same level of security.

**Inspection plans: by 1 January 2017**, Member States should ensure that, in respect of their entire geographical territory, one or more plans are established, either separately or as a clearly defined part of other plans, for inspections. Inspection plans should be based on a **risk assessment** and include the following elements:

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

An inspection plan **should be reviewed at least every three years**.

**Inspection of shipments:** these may take place in particular: (a) at the point of origin, carried out with the producer, holder or notifier; (b) at the point of destination, including interim and non-interim recovery or disposal, carried out with the consignee or the facility; (c) at the frontiers of the Union; and/or (d) during the shipment within the Union.

Inspections of shipments should include the verification of documents, the confirmation of identity and, where appropriate, physical checking of the waste.

**Verification and proof:** in order to ascertain whether a substance or object being carried by road, rail, air, sea or inland waterway is not waste, the authorities involved in inspections may require the natural or legal person who is in possession of the substance or object concerned, or who arranges the carriage thereof, to submit **documentary evidence:**

- as to the origin and destination of the substance or object concerned; and
- that it is not waste, including, where appropriate, evidence of functionality.

**The protection** of the substance or object concerned against damage during transportation, loading and unloading, such as adequate packaging and appropriate stacking, shall also be ascertained.

Evidence regarding the legality of shipments may be requested on the basis of general provisions or on a case-by-case basis. Where such evidence is not made available or is considered to be insufficient, the carriage of the substance or object concerned, or the shipment of waste concerned should be considered as an **illegal shipment** and should be dealt with in accordance with the relevant provisions of Regulation (EC) No 1013/2006.

The outcome of inspections and the measures taken, including any penalties imposed, should be made available to the public, including electronically via the internet.