

# Shipments of waste: legality of shipments

2013/0239(COD) - 15/05/2014 - Final act

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

**LEGISLATIVE ACT:** Regulation (EU) No 660/2014 of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipments of waste.

**CONTENT:** this Regulation amends [Regulation \(EC\) No 1013/2006](#) on shipments of waste both within the Union and between the Member States and third countries. However, divergences and gaps have been identified in the enforcement and inspections carried out by the authorities involved in inspections in Member States.

The new Regulation contains enhanced measures to ensure more uniform implementation of the waste shipment Regulation through establishing minimum inspection requirements throughout the EU with a focus on problematic waste streams.

**Inspection plans:** by 1 January 2017, Member States should ensure that inspection plans should include the following elements:

- the objectives and priorities of the inspections;
- 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;
- information on the human, financial and other resources for the implementation of that inspection plan.

Inspection plans shall be based on a **risk assessment** covering specific waste streams and sources of illegal shipments and considering, if available and where appropriate, intelligence-based data such as data on investigations by police and customs authorities and analyses of criminal activities.

An inspection plan shall be reviewed **at least every three years** and, where appropriate, updated.

**Verification and proof:** diverging rules exist throughout the Union as regards the power of, and possibility for, authorities involved in inspections in Member States to require evidence to ascertain the **legality of shipments**. Such evidence could concern, inter alia, whether the substance or object is waste, whether the waste has been correctly classified, and whether the waste will be shipped to environmentally sound facilities.

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**.

**Transparency:** Member States are shall be obliged to **publish, on a yearly basis, including in electronic form**, the information concerning the inspections, in particular the penalties imposed.

**Review:** by 31 December 2020, the Commission shall carry out a review of this Regulation and submit a report on the results thereof to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.

**ENTRY INTO FORCE:** 17.07.2014. It shall apply from 1 January 2016.

**DELEGATED ACTS:** the Commission shall be empowered to adopt delegated acts in order to amend certain non-essential elements of Regulation (EC) No 1013/2006. The power to adopt delegated acts shall be conferred on the Commission for a period of five years from **17 July 2014**. The European Parliament or the Council may raise objections to a delegated act within a period of two months from the date of notification (this may be extended by two months). If the European Parliament or Council express objections, the delegated act will not enter into force.