Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 17/12/2015 - Follow-up document

The Commission presented a report on the implementation of Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste.

To recall, transboundary movements of hazardous wastes and their disposal are governed by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 to which the European Union (EU) is a Party. Regulation (EC) No 1013/2006 on Shipments of Waste transposes the Convention into Union law. The Regulation which is directly applicable in the Member States was amended in 2014 by Regulation (EU) No 660/2014.

This is the fourth Implementation Report and concerns the generation, treatment and transboundary shipment of hazardous waste and other waste in the Member States of the European Union, **2010-2012**.

The main findings of the report are as follows:

Quality of reports and data: the reporting period 2010-2012 saw an **increase in the number of replies** submitted by Member States as compared to the previous reporting period 2007-2009.

Considerable discrepancies in the amount of transboundary waste shipped were observed as reported by the "import" and "export" countries. **The least accurate reporting year was 2011**, where the amount of hazardous waste "imported" was 17% higher than the amount "exported". For all notified waste this difference was 5%. Luxembourg was one Member State that appeared to be grossly underreporting the amount of waste shipped out. In 2012, just 1% of waste was shipped without classification and 0% of waste was shipped without classification in 2011. This is a substantial decrease when compared to previous years when 3% and 4% of waste was shipped without classification in 2009 and 2010, respectively. This decrease is more salient when compared to even earlier years (2005-2008) where this share ranged between 7% and 14%.

These considerable discrepancies highlight the **need for an EU-wide electronic data interchange** to be used by all Member State competent authorities.

Generation of Hazardous Waste: the report noted that the generation of hazardous waste was **stable** during the reporting period.

- **In 2012, 76 million tonnes of hazardous waste were generated in the EU27, in 2011 75 million and in 2010 76 million tonnes**. Between 2007-2009 and 2010-2012 the total amount of hazardous waste generated decreased by 4%. The average amount generated per year in 2007-2009 was 79 million tonnes compared to 75 million in 2010-2012. However, looking at the longer trend, between 2000 and 2012 the amount of **hazardous waste generated per year rose by 26%.**
- In this reporting period, **the total annual generation of hazardous waste per capita** in the EU27 was 151 kg for 2012, 149 kg for 2011 and 151 kg for 2010. These figures show a **decrease** from an average of 158 kg for 2007-2009 but an increase by 22% since 2000. As in 2007-2009, **Germany** generated the highest amounts of hazardous waste in 2010-2012, with 17 million tonnes in 2012. This was followed by Italy and France with 11 million tonnes each. Malta generated the least in 2012 with 27 000 tonnes.

- In terms of **hazardous waste generated per capita**, Estonia had the highest figures for 2010-2012, as was the case in 2007-2009, with an average of 6.902 kilograms per capita. Romania produced the least amount in 2010-2012 with an average of ten kilograms per capita.

Waste Shipments: this reporting period saw an **increase in the amount of transboundary shipments of notified waste in the EU27**.

- **In 2012, the amount of all notified waste shipped out was 14 million tonnes**, compared to 12 million tonnes in 2009 and 6 million tonnes in 2001. In 2012, the amount of all notified waste shipped into the EU27 was 17 million tonnes, compared to 14 million tonnes in 2009 and 7 million tonnes in 2001. This may suggest that the **EU27 is a net importer of notified waste**.
- Despite the increase in overall transboundary shipments of notified waste, **this reporting period saw a decrease in transboundary shipments of hazardous waste**. In 2012, five million tonnes of hazardous waste were shipped out and seven million tonnes were shipped in the EU27, suggesting that the EU27 might be a net importer of hazardous waste by two million tonnes.
- Furthermore, in 2012**, 90% of the transboundary shipments of hazardous waste were made between Member States rather than third countries** (this figure was 86% in 2011 and 2010). This indicates a high level of self-sufficiency with regard to the treatment of hazardous waste in the EU27.
- **The amount of hazardous waste treated in the country of origin has increased** since the previous reporting period. In 2012, 94% of the EU27's hazardous waste was treated in the country of origin. Countries with an "export" rate of over 40% were Ireland, Luxembourg, Malta and Slovenia. By comparison, in 2009, 90% of the EU27's hazardous waste was treated in the country of origin.
- **Most of the transboundary shipments of hazardous waste in 2012 were treated in a recovery operation** (69% of waste shipped in and 70% of waste shipped out of Member States). Both figures have decreased since 2009, meaning that a greater proportion of hazardous waste was being treated in disposal facilities.

Illegal Shipments of Waste:

- **There were over 2 500 reported cases of illegal shipments across the EU27 between 2010 and 2012, of which approximately 1 000 were reported in 2012**. By comparison, there were around 400 cases in 2009. However, the poor quality of data on illegal shipments and the varying number of spot checks undertaken prevents an in-depth analysis of the EU27 and individual Member States' performance in reducing the number of these cases.
- A report issued by IMPEL in 2012 suggested that the actual number of illegal shipments in 2010-2012 was **considerably higher** than what was officially reported by the Member States.

Next steps: according to the Commission, the revised **format for national reporting** by parties, adopted at the 12th meeting of the Conference of the Parties to the Basel Convention, should improve the quality of the reporting.

As of 1 January 2016, **the recent amendments introduced through Regulation (EU) No 660/2014 will apply**. According to the new amendment, Member States are required to establish **inspection plans** by 1 January 2017 including a minimum set of elements and based on a risk assessment that would aim, inter alia, to identify the minimum number of inspections required. Moreover, the amendment aims to provide enhanced powers to the authorities involved in inspections, enabling them to decide on the basis of evidence whether a carried substance or object is waste and whether a shipment can be considered an illegal shipment of waste.

As announced in its Circular Economy Action Plan adopted on 2 December 2015, the Commission will take further measures to help ensure that the Regulation is properly implemented and that high-value waste streams such as end-of-life vehicles, will be targeted specifically to prevent raw materials leakage.