Shipments of waste

2021/0367(COD) - 17/11/2021 - Legislative proposal

PURPOSE: to lay down measures to protect the environment and human health by preventing or reducing negative impacts that may result from the shipment of waste.

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: the European Union is an important player in global trade in waste, and considerable volumes of waste are being shipped between Member States. **In 2020, the EU exported to non-EU countries around 32.7 million tonnes of waste**, an increase of 75% since 2004, with a value of EUR 13 billion. The EU also imported approximately 16 million tonnes, valued at EUR 13.5 billion. In addition, around 67 million tonnes of waste per year are shipped between Member States 3 (intra-EU shipments of waste).

Over the past 15 years, Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (WSR) has brought about significant improvements to protect the environment and human health from the adverse impacts that can result from the shipment of waste. However, the Commission's evaluation of this Regulation has also revealed a number of shortcomings which necessitate further regulatory action.

With regard to the export of waste from the EU, and in particular of non-hazardous waste, a major shortcoming of the WSR is the insufficient monitoring of the conditions under which such waste is managed in the countries of destination, particularly in developing countries. Illegal shipments of waste within, from and to the EU also continue to be a major problem.

The overall objective of the proposed revised Waste Shipment Regulation is to **better protect the environment and public health from the impact of unsound transboundary shipments of waste**. The WSR revision also responds to the call under the European Green Deal and the Circular Economy Action Plan 8 to revise the WSR with the aim of:

- facilitating shipments of waste for reuse and recycling in the EU;

- ensuring that the EU does not export its waste challenges to third countries; and

- tackling illegal waste shipments.

IMPACT ASSESSMENT: the Commission considered that the preferred option should lead to significant savings for operators who ship waste and for the authorities responsible for the permitting and monitoring of such shipments, in particular through the establishment of a computerised data exchange system. This is expected to result in savings of around **EUR 1.4 million per year**.

The other important economic impacts will come from the measures linked to the export of waste, which should represent an overall economic gain for the EU economy, based on 2019 data, ranging from **EUR 200-500 million a year**, depending on the amount of waste that is retained in the EU.

The benefits linked to a better treatment of residual waste in the EU and to avoiding shipping this waste to third countries would range from **EUR 266666 million a year**.

CONTENT: the new proposed WSR Regulation: (a) **sets out measures to protect the environment and human health** by preventing or reducing the negative impacts that may result from the shipment of waste; (b) establishes the **procedures and control regimes applicable to the shipment of waste**, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.

Exports of waste from the EU to third countries

The proposal introduces **much stricter rules** on exports to non-OECD countries, as well as closer monitoring of exports to OECD countries:

- exports of waste from the **EU to non-OECD countries** would be conditional on a formal request from the country to import non-hazardous waste from the EU and to demonstrate that it can recover it in a sound manner. A list of countries allowed to import waste from the EU would be established;

- with regard to the export of **EU waste to OECD countries**, the Commission would monitor export levels and could suspend the export of waste if there is no guarantee that the treatment of the waste in the country concerned is sustainable;

- the proposal also introduces an obligation for exporters of waste to ensure that the facility receiving the waste in the third country of destination is audited by an **independent third party** prior to exporting the waste to the facility in question;

- specific binding criteria will be developed to differentiate between waste and used goods.

Shipments of waste between EU Member States

In order to unlock the potential of the EU waste market and boost the circular economy, the proposal provides for :

- the obligation to **digitalise the notification procedure** for shipments of waste within the EU through the electronic data exchange system, in particular for ‘green listed’ waste';

- provisions on the conditions under which waste recovery facilities must receive **prior consent** in the Member States, on the mutual recognition of such facilities by the Member States and on the use of fast-track procedures for the shipment of certain wastes to such facilities;

- harmonised classification of waste at EU level;

- enhanced streamlining of the calculation of financial guarantees that operators have to establish before shipping ‘notified’ waste abroad;

- new, stricter conditions for shipments of waste for **incineration or landfilling**.

Combating illegal shipments of waste

The proposal contains provisions on Member States' inspection plans, penalties, cooperation between Member States on enforcement, and provisions on the Waste Shipment Enforcement Group.