Shipments of waste

2021/0367(COD) - 09/12/2022 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Pernille WEISS (EPP, DK) on the proposal for a regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and

(EU) No 2020/1056.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter

The Committee considers that further measures are required to reach the objective of a European circular economy. To support the circular economy, innovative business initiatives such as taking back waste for the purpose of recycling, refurbishment, research or for improvement of product design should be supported.

In this regard, the text clarifies that the proposed Regulation lays down measures to protect the environment and human health by preventing or reducing the adverse impacts which may result from the shipment of waste including in third countries and it seeks to contribute to achieving a circular economy, resource efficiency, climate neutrality and zero pollution ambition for a toxic-free environment by applying the principles of proximity and self-sufficiency. It also seeks to reduce the administrative burden by harmonising the shipment of waste rules within the Union and by digitalising the exchange of information concerning shipments of waste.

Notification

The report states that only notifiers that have received a permit or are registered in accordance with Chapter IV of Directive 2008/98/EC or **operators of experimental treatment trials or laboratories** may submit a prior written notification.

Public access to notifications

Without undue delay and no later than 30 days after giving a consent or making an objection, the competent authorities of dispatch should make publicly accessible through the central electronic submission and exchange system or the national system if applicable, information on notifications of shipments they have consented or objected to, as well as on shipments of waste subject to the general information requirements, where such information is not confidential under national or Union legislation or personal data protected.

The competent authorities should make at least the following information publicly accessible: (i) the type of waste designated according to the European Waste Code in the European Waste Catalogue; (ii) the total quantity of waste intended to be shipped; (iii) the treatment operation the waste will undergo; (iv) the name of the facility at the final destination; and (v) whether the notification has been consented to or not.

Prohibition of exports

The report highlights that all waste containing or contaminated with a substance exceeding the levels in Annex IV to Regulation (EU) 2019/1021 on persistent organic pollutants should be prohibited for export from the Union to non-OECD countries.

Obligations on exporters

A natural or legal person exporting waste from the Union should ensure that the facility which will manage the waste in the country of destination has set up internal reporting channels, including adequate protection of whistle-blowers. Natural or legal persons exporting waste outside the Union should provide an audit report, formulated on the basis an audit, to the Commission prior to exporting that waste.

For its part, the Commission should establish and maintain a central, publicly accessible and up-to date register of audited facilities.

A natural or legal person exporting waste from the Union to a facility in a third country with which the Union has concluded an international agreement should carry out ad-hoc audit without delay in the event it receives evidence that a facility no longer complies with the criteria laid down in Annex X.

Inspection plans

The report includes provisions on inspection plans which should include the minimum number of physical checks of facilities and waste shipments. Members note that it is important to know the success or failure of the inspection plans, therefore the results of the inspections carried out need to be made public. Moreover, Member States should inform about the remedial action taken, the names of those caught with illegal shipments, and the penalties applied. Such public reporting is likely to have a major deterrent effect.

Waste shipment enforcement group

Members call for the **waste shipment enforcement group to** publish an annual report on trends in illegal shipments and best practices to tackle such shipments, as recommended by Member State competent authorities. Within two years of its establishment, the waste shipment enforcement group should propose to the Commission an action plan to tackle illegal shipments of waste.

Reporting

The Commission should assess and present a report to the Council and the European Parliament on how the financial obligations under-extended producer responsibility should apply to used goods or waste shipped from the Union. The report should present an analysis of shipments and treatment of specific waste streams, identified as illegal practices in this regard, of implementation of this Regulation, including compliance by competent authorities with deadlines set out in this Regulation, and of the contribution by the sector towards the transition to a circular economy and climate neutrality by 2050.

Review

The report notes that by 31 December 2038, the Commission should review the data and justifications underpinning the decision to restrict the export of plastic waste outside of the Union and EFTA countries, with a view to assessing the proportionality of that measure.