Basic information

2003/0139(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Shipments of waste, Basel Convention 1989 and OECD Decision 1992 Repealed by 2021/0367(COD) Amended by 2008/0015(COD) Amended by 2012/0055(COD) Amended by 2013/0239(COD) **Subject** 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 3.70.18 International and regional environment protection measures and agreements	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	BLOKLAND Johannes (IND/DEM)	12/07/2005

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	BLOKLAND Johannes (EDD)	08/07/2003

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	ZIMERAY François (PSE)	20/10/2003

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2731	2006-05-29
Environment	2670	2005-06-24
Environment	2566	2004-03-02
Environment	2593	2004-06-28

European Commission

Commission DG	Commissioner
Environment	

Key events

Date	Event	Reference	Summary
30/06/2003	Legislative proposal published	COM(2003)0379	Summary
22/09/2003	Committee referral announced in Parliament, 1st reading		
04/11/2003	Vote in committee, 1st reading		Summary
04/11/2003	Committee report tabled for plenary, 1st reading	A5-0391/2003	
18/11/2003	Debate in Parliament		
19/11/2003	Decision by Parliament, 1st reading	T5-0505/2003	Summary
02/03/2004	Debate in Council		Summary
08/03/2004	Modified legislative proposal published	COM(2004)0172	Summary
28/06/2004	Debate in Council		Summary
24/06/2005	Council position published	15311/4/2004	Summary
07/07/2005	Committee referral announced in Parliament, 2nd reading		
03/10/2005	Vote in committee, 2nd reading		Summary
10/10/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0287/2005	
24/10/2005	Debate in Parliament		
25/10/2005	Decision by Parliament, 2nd reading	T6-0393/2005	Summary
25/10/2005	Results of vote in Parliament		
29/05/2006	Act approved by Council, 2nd reading		
14/06/2006	Final act signed		
14/06/2006	End of procedure in Parliament		
12/07/2006	Final act published in Official Journal		

Technical information

Procedure reference	2003/0139(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2021/0367(COD) Amended by 2008/0015(COD) Amended by 2012/0055(COD) Amended by 2013/0239(COD)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed

Committee dossier	ENVI/6/29376

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0391/2003	04/11/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0505/2003 OJ C 087 07.04.2004, p. 0076-0281 E	19/11/2003	Summary
Amendments tabled in committee		PE362.657	19/09/2005	
Committee recommendation tabled for plenary, 2nd reading		A6-0287/2005	10/10/2005	
Text adopted by Parliament, 2nd reading		T6-0393/2005 OJ C 272 09.11.2006, p. 0016-0059 E	25/10/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	09204/2005	31/05/2005	
Council position	15311/4/2004 OJ C 206 23.08.2005, p. 0001-0119 E	24/06/2005	Summary
Draft final act	03662/8/2005	14/06/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0379	30/06/2003	Summary
Modified legislative proposal	COM(2004)0172	08/03/2004	Summary
Commission communication on Council's position	COM(2005)0303	01/07/2005	Summary
Commission response to text adopted in plenary	SP(2005)4593	24/11/2005	
Commission opinion on Parliament's position at 2nd reading	COM(2005)0641	01/12/2005	Summary
Document attached to the procedure	COM(2009)0282	24/06/2009	
Document attached to the procedure	SEC(2009)0811	24/06/2009	
Follow-up document	COM(2012)0448	07/08/2012	Summary

Follow-up document	SWD(2012)0244	07/08/2012	
Follow-up document	COM(2015)0660	17/12/2015	Summary
Follow-up document	SWD(2015)0291	17/12/2015	
Commission document (COM)	COM(2018)0762	22/11/2018	Summary
Follow-up document	SWD(2018)0468	22/11/2018	
Follow-up document	SWD(2020)0026	31/01/2020	Summary
Follow-up document	SWD(2020)0027	31/01/2020	
Follow-up document	COM(2023)0142	17/03/2023	
Follow-up document	SWD(2023)0056	17/03/2023	
Follow-up document	COM(2024)0454	15/10/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0099/2004 OJ C 108 30.04.2004, p. 0058-0061	28/01/2004	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2006/1013
OJ L 190 12.07.2006, p. 0001-0098 — Summary

Corrigendum to final act 32006R1013R(06)
OJ L 277 22.10.2015, p. 0061

Corrigendum to final act 32006R1013R(04)
OJ L 334 13.12.2013, p. 0046

Corrigendum to final act 32006R1013R(02)
OJ L 318 28.11.2008, p. 0015

Delegated acts	
Reference	Subject
2020/2835(DEA)	Examination of delegated act

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 22/11/2018 - Follow-up document

The Commission presents a report on the implementation of Regulation (EC) No 1013/2006 on shipments of waste. As a reminder, the EU is a party to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal of 22 March 1989. Regulation (EC) No 1013 /2006 (as amended by Regulation (EU) No 660/2014) of the European Parliament and of the Council on shipments of waste transposes the Convention into EU law and is directly applicable to Member States.

This is the **fifth implementation report covering the years 2013-2015.** The main points are as follows:

Exercise of the power to adopt delegated acts: the power of delegation was conferred on the Commission through an amendment introduced by Regulation (EU) No 660/2014, which applied from 1 January 2016. Since this date, the Commission reports that it has not exercised the powers delegated to it under the Regulation because there have not been any changes to the list of waste adopted in accordance with Directive 2008/98/EC, nor have there been any important and relevant decisions or changes agreed under relevant international conventions and agreements.

Treatment of waste: most hazardous waste is treated within the country of origin, with 23 Member States 'exporting' less than 25% of their hazardous waste. In 2015, Ireland, Luxembourg, Malta and Slovenia were the biggest 'exporters' of hazardous waste, exporting over 40% of their hazardous waste.

Waste shipments out of Member States: in 2013-2015, 1.2 million tonnes of hazardous waste were shipped from Member States out of the EU, while over the same period 6.2 million tonnes were shipped into the EU from third countries. The **EU remains a net 'importer' of hazardous waste,** having shipped in 5 million more tonnes than it shipped out. As the EU generated 216 million tonnes of hazardous waste during the three-year reporting period, this also means that less than 1% of hazardous waste generated was 'exported' out of the EU.

The **United Kingdom was the largest 'exporter' of all notified waste** (with 12 million tonnes). It overtook the Netherlands (with 8 million tonnes), which was the largest 'exporter' in 2010-2012. In 2010, the UK began 'exporting' waste for **energy recovery**, and this seems to have contributed to the rise of its total 'exports' in these years. As in 2010-2012, **France and Italy were the two largest 'exporters' of hazardous waste** in 2013-2015, shipping out a total of 4 million tonnes each.

Sweden was the only Member State to report 'exporting' Y46 waste within the EU for disposal operation D1 (e.g. landfilling), shipping a total of 3 000 tonnes in 2013-2015.

The proportion of hazardous waste **shipped out of Member States for recovery** has remained fairly **constant** since 2001 and stood around 75% in the period 2013-2015. Meanwhile, the proportion of hazardous waste **shipped for disposal** has **increased** from 16% in 2001 to 24% in 2015. This, however, corresponds to only 2% of all hazardous waste generated (as stated above, most hazardous waste is treated within the country of origin). The **EU as a whole does not appear to be closer to self-sufficiency in treating either all notified waste or specifically hazardous waste than it was in 2001**. While the percentages of both waste types shipped within the EU have varied over the past 15 years, in 2015 both remained slightly lower than they were in 2001 (92% compared with 93% for all notified waste and 91% compared with 95% for hazardous waste).

Waste shipments into Member States: since 2001, the amount of all notified waste shipped into Member States has **increased by 222%,** with a 41% increase between 2010-2012 and 2013-2015. The amount of hazardous waste shipped into Member States rose by almost the same percentage between 2001 and 2015, at 225%, which is in line with the increase in 'imports' of all notified waste. Over 2013-2015, **Germany was once again the biggest 'importer' of all notified waste,** shipping in 19 million tonnes. **Germany also 'imported' the most hazardous waste over 2013-2015** (8 million tonnes), while France (with 7 million tonnes) 'imported' more than the Netherlands in this case (3 million tonnes).

Illegal shipments of waste: in total, there were **2 800 illegal shipments** of waste reported in 2013-2015, an **increase on the 2 500 cases reported in 2010-2012**.

The total number of reported checks has also increased, from 450 000 in 2010-2012 to 600 000 in 2013-2015, which may account for the larger number of illegal shipments detected.

In 2013-2015, **Belgium reported most illegal shipments** accounting for 23% of all cases reported in the EU28 from 2013 to 2015. The Netherlands reported the second largest number (18%), followed by the UK, (14%).

12 Member States provided details of **financial penalties** that can be imposed on persons shipping waste illegally. Seven provided details of prison sentences. The Commission states that the data are not robust enough to conclude whether higher fines and longer prison sentences act as a deterrent to the illegal shipments of waste.

The Commission is preparing for the evaluation of the Regulation, which will take place in December 2020.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 31/01/2020 - Follow-up document

This Commission staff working document provides an evaluation of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (Waste Shipment Regulation - WSR).

It evaluates the effectiveness, efficiency, coherence, relevance and EU added value of the Regulation. Commission Regulation (EC) No 1418/2007 concerning the export of non-hazardous waste to non-OECD countries is also included in the evaluation.

It covers the period since the entry into force of the WSR, i.e. 12 July 2007, until present.

The Waste Shipment Regulation has been evaluated under five criteria, namely the Regulation's effectiveness, efficiency, relevance, coherence and EU added value.

Main findings

Effectiveness

The WSR has established a robust legal framework, which has been implemented by the Member States and generally led to a better control of shipments of waste and the environmentally sound management of shipped wastes at national and EU level. However, various challenges remain:

- different levels and manners of applying and enforcing the WSR, often combined with diverging interpretations of its provisions, result in sub-optimal implementation throughout the EU. This results in delays in and burdens on shipments of wastes across the EU;

- illegal shipments of waste and illegal treatment of legally shipped waste remain a considerable problem. This is the case especially for export of wastes outside the EU, in particular to developing countries.

Sustained and improved enforcement efforts are vital in this context, including through targeted inspections and controls, deterrent penalties, and by tackling understaffing.

Efficiency

The report highlighted that it is difficult to provide a comprehensive quantitative evaluation of the costs and benefits of the WSR. Little or no data is available. For Member States, resources for inspection and law enforcement infrastructure represent the main share of the costs together with the costs for dealing with illegal shipments. Costs for companies are linked to administrative requirements, direct financial costs and dispute settlement costs. Different interpretations of whether and how a material is classified as waste often lead to costly delays in waste shipments.

Most of the direct costs linked to the WSR are of procedural and administrative nature. The main obstacles are the complex and time-consuming - often paper-based – notification procedures.

The lack of common interpretation of WSR provisions also leads to delays in shipments. These delays can e.g. lead to additional storage costs for waste whilst decisions are pending, as well as to shipments being rerouted to destinations where they would be treated in a less environmentally sound manner than initially planned.

Another major cost - mostly for Member State competent authorities - concerns the taking back of illegal waste shipments.

Relevance

The WSR is relevant to protect the environment and human health within the EU, as well in as neighbouring states and third countries, *inter alia* by reducing the risks associated with shipments of hazardous waste and of waste for disposal. Illegal shipments and environmentally unsound management of shipped waste still occur though.

The creation of a safe and yet dynamic market for secondary raw materials in the EU is a key enabler for a European circular economy, which requires smooth cross-border circulation throughout the EU for waste streams destined for recycling. The procedures and administrative burdens linked to the WSR sometimes act as a disincentive to the circulation of these waste streams within the EU.

Coherence

There are synergies between the WSR and other pieces of EU waste legislation, especially the Waste Framework Directive and Directives covering specific waste streams. However, despite these synergies, several challenges remain. Illegal shipments and waste shipments organised by illegal operators still occur in the area of the waste stream legislation mentioned above. In its current form, the WSR is not fully facilitating the creation and promotion of a market for secondary materials, partly because of different interpretations across Member States, and also because the current Regulation was not crafted with this explicit objective in mind.

EU Added Value

The WSR has provided for greater consistency of approaches across Member States and has offered useful extra detail and legal clarity. Throughout the consultation, Member States underlined the importance of the WSR being implemented consistently throughout the EU. While circular economy

objectives are currently not an explicit part of the WSR, the Regulation is a key instrument to promote it within the EU. If the WSR were to make a greater contribution to the circular economy, while continuing to reduce negative impacts on the environment and public health, this would significantly increase its EU added value.

Lessons learnt

A range of factors is perceived among public and private stakeholders to have negatively influenced the implementation of the WSR. These factors include:

- lack of consistent implementation of the Regulation across the EU: over the years, a number of provisions have been implemented in different ways;

- administrative burden related to procedures;

- lack of harmonisation in enforcement: differences in enforcement levels and practices seem to exist throughout Member States.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 14/06/2006 - Final act

PURPOSE: to establish procedures and control regimes for 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.

LEGISLATIVE ACT: Regulation (EC) No 1013/2006 of the European Parliament and of the Councilon shipments of waste.

CONTENT: The Regulation establishes procedures and control regimes for 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. It will apply to:

- shipments of waste between Member States, within the Community or with transit through third countries;
- imported into the Community from third countries;
- exported from the Community to third countries; and
- in transit through the Community, on the way from and to third countries.

The main objectives of the Regulation are:

- to incorporate in Community legislation an OECD Council Decision and the revised Basel Convention on the control of transboundary movements of waste;
- to encourage harmonisation of the rules at international level in the field of cross-border shipments of waste;
- to resolve the problems that have arisen with the implementation of existing Community legislation in the field of the supervision and control of shipments of waste.

The main procedure envisaged under the Regulation is a procedure requiring prior written notification and consent for all shipments of waste destined for disposal, and of hazardous (like asbestos) and semi-hazardous waste (like ashes and other residues containing metals) destined for recovery. The second procedure under the Regulation applies to shipments of non-hazardous waste (like glass and paper) destined for recovery. It only requires that certain information is made available to accompany the shipments and neither notification nor consent is required in relation to such shipments.

The Regulation also provides for several new procedural safeguards in order to protect the notifier's rights and to ensure that the competent authorities respect certain different deadlines. It clarifies that a shipment has to be controlled "all the way to the end" - meaning until completion of final recovery and disposal. This will ensure that waste cannot be left at an interim facility untreated and unmonitored. Final treatment in terms of final recovery and disposal must thus be proven before the shipment can be considered completed and thus "released" from further controls under this regime.

The agreement reached with the European Parliament concerns in particular two key elements; the application of the Regulation and ship decommissioning. With regard to the application of the Regulation, Member States are required to carry out physical inspections and to cooperate in the prevention and detection of ships carrying illegal waste. With regard to ship decommissioning, the regulation includes a Council declaration that the Member States will use their best endeavours to increase ship dismantling in the EU and that the Member States will do their utmost to ensure good progress in international negotiations to establish mandatory requirements at the global level.

This Regulation repeals Regulation (EEC) No 259/93 and Decision 94/774/EC with effect from the date of its application, as well as Decision 1999/412 /EC with effect from 1 January of the year following the year of its application.

ENTRY INTO FORCE : 15/07/2006.

DATE OF APPLICATION : 12/07/2007. Should the date of accession of Bulgaria or Romania be later than this date, Article 63 (4) and (5) (on transitional arrangements for certain Member States) shall apply from the date of accession and not the date of application.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 01/07/2005 - Commission communication on Council's position

In its amended proposal, the Commission accepted in full, in part or in principle 43 of the 103 amendments proposed by the European Parliament at its first reading.

The Commission cannot accept the common position with regard to a number of issues. The most important of these issues include the following:

- the Commission maintains that its proposed joint legal base for this regulation, i.e. environment and trade (Articles 175 and 133 of the EC Treaty), is correct and cannot accept a single legal base as proposed by Council (Article 175 of the EC Treaty);

- the Commission cannot support the common position with regard to the possibility for Member States to object to shipments of waste destined for recovery on the grounds of “lower treatment standards” in the country of destination. The Commission considers that such a provision would create barriers in the European waste recycling and recovery market while not improving the environmental standards of waste management in the EU;

- the Council has totally excluded animal by-products from the scope of the Regulation. The Commission considers it to be preferable to bring forward its review of the relationship between this Regulation and regulation 1774/2002/EC laying down health rules concerning animal byproducts not intended for human consumption, so that the results of this review are made public before the entry into force of the Regulation. This would take care of the concerns expressed by some Member States in terms of risks for procedural duplication and allow the Commission to maintain its proposal.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 01/12/2005 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted 62 amendments of the Council’s Common Position. The Commission can accept all individual amendments in full. The specific issues on which the Commission cannot agree with the Common Position have been set out in the Commission’s Communication on the Council’s Common Position. (Please see the document of 01/07/2005.)

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 24/06/2005 - Council position

The Council unanimously adopted a common position on a draft Regulation on cross-border transfers of waste. The main changes proposed with respect to the arrangements in force include:

- changes concerning the general procedural framework (prior written notification and consent; obligations by way of information);

- changes and specifications concerning the scope and the definitions;

- provisions concerning shipments of waste between and within Member States;

- provisions concerning exports and imports.

Of the 103 amendments proposed by the European Parliament at first reading, the common position incorporates 41 (totally, in part or in principle, by means of identical or similar wording, or in spirit). 62 amendments have not been adopted. The Council considers that the common position does not alter the approach and aims of the original Commission proposal and notes that the Commission cannot accept the choice of legal base, the possibility for Member States to object to shipments of waste destined for recovery and the total exclusion of animal byproducts from the scope of the regulation.

The changes introduced by the Council to the Commission’s amended proposal aim to improve the practicality and respond to concerns in certain Member States, while striving to ensure that the Community and the Member States respect and adhere to existing international obligations in the field.

In its common position the Council set aside the dual legal basis proposed by the Commission as it considered Article 175(1) of the Treaty sufficient.

The main amendments incorporated in the common position concern the following issues: the exclusion from the scope of the Regulation of waste generated by the armed forces of a Member State in certain situations; provisions applicable to Annex III waste intended for recovery; mixtures of waste for which no single entry exists; certain operations constituting interim recovery and interim disposal; the definition of notifier; definition of ‘country of transit’; subject shipments of mixed municipal waste (waste entry 20 03 01) collected from private households to prior notification and consent; enable all competent authorities to require additional information and documentation within a certain time-period;

the moment which the financial guarantee shall be established and evidence or equivalent insurance of this shall be supplied; requests for information and documentation and the acknowledgment and transmission of notifications within a certain time-limit; extended power to Member States to object to

shipments of waste for disposal; objections to shipments of waste for recovery on the basis that the planned shipment is destined for disposal and not for recovery; setting out the procedures that apply to a general notification; information from the notifier to the competent authorities and the consignee; completion of recovery or disposal; emphasising the need for cooperation between authorities in relation to all cases of illegal shipment; electronic exchange of data; border-area agreements; environmentally sound management; situations of crisis or war; the method for calculating the financial guarantee; guidelines for the application of the provision on so-called ‘sham recovery’.

Despite the fact that the Council is not able to accept all the amendments adopted by the European Parliament, it considers that the common position coincides to a large extent with the concerns of the Parliament.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 25/10/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Johannes **BLOKLAND** (IND/DEM, NL), and made several amendments to the common position. Parliament negotiated a series of compromise amendments with the Council.With the exception of the Greens/EFA, EUL/NGL and UEN groups, the leading political groups in Parliament agreed on these compromise amendments, which were accepted by the Council in order to ensure that the legislation is adopted after second reading. The main points are as follows:

- Parliament strengthened proposed provisions guaranteeing public access to the decision-making process and legal redress in accordance with the Aarhus Convention. The competent authorities of dispatch or destination may make publicly available by appropriate means, such as the Internet, information on notifications of shipments they have consented to, where such information is not confidential under national or Community legislation.
- One amendment relates to the safe and environmentally sound management of ship dismantling and the work going on to establish mandatory requirements at the global level in this regard.
- The application of the Regulation is excluded in certain cases where it would be disproportionate with regard to waste generated on board vehicles, trains, ships and aeroplanes.
- The implementation of take-back schemes for non-hazardous waste is facilitated.
- The competent authorities of transit are enabled to raise certain objections to shipments of waste where this would be justified.
- A new clause states that the competent authority of destination may also, within the 30-day time limit, lay down a condition that the receiving facility shall keep a regular record of inputs, outputs and/or balances for wastes and their associated recovery or disposal operations as contained in the notification, and for the period of validity of the notification. Such records shall be signed by a person legally responsible for the facility and be sent to the competent authority of destination within one month of completion of the notified recovery or disposal operation.
- Information on shipment notifications should be made public;
- In order to encourage local recycling of household waste, the authorities in reception states may object to shipments of mixed municipal waste from private households;
- A series of technical amendments sought to include transitional arrangements for Bulgaria and Romania, which would apply from the date of accession of those countries, and to incorporate changes to the Basel Convention into the Annexes.

The European Commission originally proposed a double legal basis for its draft Regulation, which would thus be founded both on environment policy (Article 175 of the EC Treaty) and commercial policy (Article 133). Parliament opted for the environment and the Council has endorsed this opinion. In view of the Commission’s persistent opposition, the Council will need to settle this point unanimously.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 08/03/2004 - Modified legislative proposal

The Commission rejects the majority of the 103 amendments adopted by the Parliament since they pursue national solutions to certain waste management problems in relation to waste destined for recovery. This is not coherent with the Commission's overall objectives - namely harmonisation at Community level. In addition they would restrict shipments of waste extensively. The Commission does not accept the amendments that entail changes to the specific entries of the lists of waste as annexed to the proposal. Not because the Commission disagrees on substance but rather because it is not the appropriate context. Changes to the lists of waste should be done in the legislation from where they originate. In addition, these changes would go against one of the main objectives of the proposal - the international harmonisation in the field of lists of waste. However, a number of amendments are acceptable to the Commission because they improve or clarify the Commission's proposal. These include: - adding relevant references to resolutions and strategies regarding waste management or add factual information; - adding an explicit reference to territorial waters to be included in the definition of country of transit; - allowing the competent authorities to derogate from the requirement of establishing a financial guarantee in cases where a shipment is carried out by a public-law entity, a municipal undertaking, a company run on its own account by a public-law entity; - providing for less strict procedures in relation to shipments of waste under regional municipal waste management cooperation; - allowing objections to shipments destined for disposal because a Member State wishes to exercise its right pursuant to Art 4(1) of the Basle Convention to prohibit the import of hazardous wastes, or of wastes listed in Annex II of the Basle Convention; - allowing objections to shipments for recovery of mixed household waste; - deleting the entire article regarding pre-consented recovery facilities; - limiting the scope of Art 20 regarding prior information in relation to shipments of waste destined for laboratory analysis as described in Art 3(4) to only hazardous waste; - adding certain internationally agreed guidelines to Annex IX. The ILO and IMO guidelines on ship-recycling and the OECD guidelines on PCs are added. Amendments accepted in principle by the Commission include: - adding to the definition of country of transit; - providing that the Commission could establish maximum levels for administrative costs charged to the notifier; - providing for the assessment of environmentally sound management in relation to exports of waste to outside the Community; - ranking of the lists of waste contained in Annex V (related to the ban on export of hazardous waste) to the effect that the EU hazardous waste list prevails over the Basel non-hazardous waste list (both listed in the Annex); - clarification that ending of a shipment requires that the waste has been finally treated in the country of destination; - clarification of the definition of country of dispatch; however, this is supplemented by a paragraph prioritising thedifferent options for which country is to be considered the dispatch country in the case of conflict; - possibility of derogations from the requirement of establishing a financial guarantee in relation to certain public entities; - less stringent procedures in relation to specific geographical circumstances; - public access to notifications; - stressing co-operation and harmonisation between competent authorities in the case of electronic data exchange. Amendments not accepted by the Commission include: - changing the legal base from environment and trade (Arts 175 and 133) to only environment (Art 175); - excluding imports into the Community of (military) waste generated during an out-of-area operation by part of the armed forces of a Member State from the region concerned to that MS; - deleting Art 1(6) that allows for a possible exclusion of animal by-products from the scope of the Regulation; - re-defining the concepts of recovery and disposal as only covering final operations; - making non-hazardous waste as listed in Annex III subject to prior written notification but not consent; - deleting the obligation to provide a copy of the contract upon request by the competent authorities concerned in relation to shipments of non-hazardous waste for recovery (for the person who arranges the shipment); - adding

shipments destined for research/experimental purposes as shipments excluded from the notification procedure; - increasing the amounts of waste that can be shipped for laboratory analysis without notification from a maximum of 25 kg to 30 times 25 kg; - in addition to waste containing POPs - establishing that also shipments of waste consisting of, containing or contaminated with asbestos - are subject to the same provisions as shipments of waste destined for disposal. - allowing tacit consent from all competent authorities (and not just those of transit) in relation to shipments of waste destined for recovery; - that notification and movement documents can be issued under specific regulation introduced by Member States; - establishing that the financial guarantee is only required to be established and legally binding when the shipment starts, instead of at the time of notification; - limiting the validity of a written and tacit consent from one calendar year to 180 days; - deleting the possibility of having consent expire only after two years when an interim facility is involved in the shipment; - further reasons that can justify an objection to a shipment of waste destined for disposal; - deleting the reference to self-sufficiency at Community level; - adding that a shipment can be objected to on the basis of national legislation if no obligations in relation to disposal exists at Community level; - further reasons that can justify an objection to a shipment of waste destined for recovery; - the establishment of certain criteria in relation to recovery; - adding that shipment can be objected to on the basis of national legislation if no obligations in relation to recovery or recycling exists at Community level; - deleting the possibility that the competent authorities concerned can agree with the notifier not to require a new notification in the case where problems in relation to objections have not been solved within a certain time limit; - regarding a simplified procedure in relation to take-back schemes; - shortening the deadline for issuing certificate of final treatment to 7 and 180 days instead of 30 and one calendar year (following completion and receipt of the notified waste respectively); - amendment to the effect that if the competent authorities of dispatch and destination disagree on the classification of the waste treatment operation notified as being disposal or recovery, the opinion of the authorities of destination shall prevail; - adding a further condition in relation to imports into the Community of waste for recovery to the effect that in relation to hazardous waste, the competent authority of dispatch outside the Community shall present a duly motivated request beforehand stating that they do not have and cannot reasonably acquire the technical capacity and the necessary facilities in order to treat of the waste in an environmentally sound manner; - changes to the specific entries of the lists of waste as annexed to the proposal.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 28/06/2004

A political agreement on a draft Regulation relating to the shipment of waste and which aims to replace Regulation 259/93/EEC, could not be finalised, since one delegation maintained a general scrutiny reservation.

Because of differing views between the Commission and delegations on the legal basis, decisions

on any modification of the proposal require unanimity.

It should be recalled that the Commission proposes Articles 133 and 175(1) whereas delegations consider that Article 175(1) is the proper legal basis.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 30/06/2003 - Legislative proposal

PURPOSE : to establish procedures and control regimes for 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. CONTENT : the Commission is proposing to simply control procedures for shipments of waste. It has proposed a revision of the 10-year-old Waste Shipment Regulation. This Regulation sets environmental criteria for waste shipments within, into and outside the European Union. It covers shipments of practically all types of waste by all types of means, including vehicles, trains, ships and planes. The proposal strengthens the current control procedures, simplifying and clarifying them to the benefit of both the environment and waste shipment companies. The proposal is also a step towards greater international harmonisation of waste shipments, as it fully implements the UN Basel Convention, which regulates shipments of hazardous waste at international level. The proposal reduces procedures and lists of waste from three to two. The proposal has four main objectives: - Implementing the OECD Council Decision C(2001)107 of 14 June 2001 in Community legislation; - Addressing the problems encountered in the application, administration and enforcement of the 1993 Regulation and establishing greater legal clarity; - Pursuing global harmonisation in the area of transboundary shipments of waste; - Enhancing the structure of the Articles of the Regulation. The Commission's proposal introduces clarifications on the application and implementation of the current Regulation. The proposal does not change the basic logic of the current Regulation - namely that shipments of waste must follow specific procedures, which depend on the type of waste shipped, whether it is hazardous waste or not, and the type of treatment that will be applied to the waste at its destination: recovery or disposal. The main procedure envisaged under the proposal is a procedure requiring prior written notification and consent for all shipments of waste destined for disposal, and of hazardous (like asbestos) and semi-hazardous waste (like ashes and other residues containing metals) destined for recovery. Under the current Regulation there are two procedures for such shipments, one is based on tacit and the other one on written consent. The proposal abolishes the tacit consent procedure, so that the procedure requiring written consent will become the main procedure. This simplification ensures proper control of hazardous waste as required under the Basel Convention, and minimises uncontrolled shipments of hazardous waste. The second procedure under the proposal applies to shipments of non-hazardous waste (like glass and paper) destined for recovery. It only requires that certain information is made available to accompany the shipments and neither notification nor consent is required in relation to such shipments. The proposal also provides for several new procedural safeguards in order to protect the notifier's rights and to ensure that the competent authorities respect certain different deadlines. The proposal also clarifies that a shipment has to be controlled "all the way to the end" - meaning until completion of final recovery and disposal. This will ensure that waste cannot be left at an interim facility untreated and unmonitored. Final treatment in terms of final recovery and disposal must thus be proven before the shipment can be considered completed and thus "released" from further controls under this regime.

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2003/0139(COD) - 02/03/2004

The Council held a policy debate on a proposal for a Regulation of the European Parliament and the Council on shipments of waste. It requested the Permanent Representatives' Committee to resolve the outstanding issues, in the light of the debate, in order to enable the Council to reach a political agreement at its meeting on 28 and 29 June.

The Council's debate focused on the following issues:

- grounds for objecting to shipments in order to prevent so-called "eco-dumping" In the absence of uniform Community standards for the treatment of waste, there is a risk that waste travels within the Community to avoid the costs of treatment to a higher standard. Many delegations agreed that competent authorities should be able to object to waste shipments on the basis of the non-respect of national law standards, as long as Community standards have not been established. They further expressed their wish that the development of Community standards should be a long-term objective;

- requirements for dealing with mixtures of non-hazardous "green" waste There is a risk that the mixture of different types of non-hazardous "green" waste would impair its environmentally sound recovery. A majority of delegations considered that a precautionary approach might justify treating such mixtures as hazardous "amber" listed waste as proposed by the Commission. Others maintained that mixed green waste should only comply with the OECD Decision according to which: "a mixture of two or more Green wastes shall be subject to the Green control procedure, provided the composition of this mixture does not impair its environmentally sound recovery";

- application of take-back requirements to uncompleted or illegal shipments of green waste Currently, the obligation to take back green waste in cases of uncompleted or illegal shipments is optional for Member States. On this point, a majority of delegations agreed with the Commission that take-back requirements should also be applied to green waste, whilst others considered that alternative mechanisms could be envisaged.

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2003/0139(COD) - 19/11/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Johannes BLOKLAND (EDD, Netherlands) and made several amendments to the Commission's proposals. (Please see the summary of 04/11/03.) Parliament made the following points:

- within 18 months from the entry into force of the Regulation, the Commission will establish guidelines to determine when a ship or a vehicle becomes a waste pursuant to Directive 75/442/EEC;
- Parliament inserted a new definition of notifier;
- the authorities of dispatch and destination may oblige the consignee to draw up reports on a regular basis, setting out all the waste treatment operations. These reports will contain details of all incoming and outgoing waste for each treatment method, so as to enable the authorities to check at any time that shipments are being carried out as per the notification;
- the facility that receives the waste must keep incoming and outgoing volume records for each specific treatment line and for each sub-section of each treatment line;
- the competent authority of dispatch may also invoke its national environmental protection laws to oppose planned shipments;
- in exceptional cases, and if the specific geographical situation warrants such a step, Member States may conclude bilateral agreements relaxing the notification procedure for shipments of specific flows of waste in respect of cross-border shipments to the nearest suitable facility located in the border area between the two Member States concerned of notifiable waste generated in that border area.
- Finally, the competent authority of the exporting or importing Member State must make publicly available by appropriate means, such as the Internet, all notifications of shipments it has consented to, and all related documents, at the latest 7 days after consent was given.

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.

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 07/08/2012 - Follow-up document

The Commission presents a report on the implementation of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the EC, and on the implementation of Regulation (EC) No 1013/2006 on shipments of waste. It recalls that the latter Regulation **transposes the Basel Convention** on transboundary movements of hazardous wastes and their disposal into EU law. Each calendar year, Member States submit a report to the Convention Secretariat for the previous calendar year which addresses legal provisions, implementation, and environmental protection measures. The report is also sent to the Commission along with additional information in the form of a questionnaire. Every three years, the Commission draws up a report based on the reports provided by Member States. This addresses shipment restrictions, monitoring, measures against illegal shipments, and financial coverage. This is the **third implementation report** and covers the years 2007-2009.

1. Waste generation: in 2009, about 77 million tonnes of hazardous waste were generated in the EU-27 of which about 58 million tonnes were in the EU-15. **From 2000 to 2008, the total quantity of hazardous waste generated by EU-27 increased by 46%.** In the same period, the increase in the quantity of hazardous waste generated by EU-15 was 57%. The quantities of hazardous waste generated in 2009 are **slightly lower** than those in 2008 (8%, both for EU-27 and for EU-15). In 2009, the total generation of hazardous waste per capita was 154 kg per year for the whole European Union (EU-27) with a slightly higher average of 186 kg per year in EU-12. The fluctuations observed in the quantities of hazardous waste generation in the EU could be linked with fluctuations in the economic activity during the same period.

With about 19 million tonnes annually, Germany had the highest quantities of hazardous waste generated in the period 2007-2009, followed by Italy, Estonia, France, United Kingdom and Poland. In the United Kingdom, the quantity of hazardous waste generated decreased significantly in 2009. Quantities rose significantly in Poland between 2007 and 2008.

In terms of hazardous waste generated per capita, Estonia, Finland, the Netherlands, Sweden, Portugal and Germany had the highest figures for the period 2007-2009. The lowest quantities

per capita were recorded in Latvia, Romania, Lithuania and Greece.

2. Waste shipments: in the period 2007-2009, the total amount of all notified waste **shipped into EU Member States** was about 37 million tonnes, of which about 20,5 million tonnes was hazardous waste. Over 96% of hazardous waste came from other Member States or from EFTA countries and over 80% from EU-15.

As regards the evolution of the amount of hazardous waste shipped into Member States, a strong growing trend can be observed until 2007. From 2001 to 2007, the amount of hazardous waste shipped into Member States increased by 147%. Most of these shipments involve shipments within the EU and the increase observed is likely to be attributed to the fact that in some Member States there exist sophisticated installations for the treatment of hazardous wastes while other Member States lack such installations.

In 2008, the amount of hazardous waste shipped into Member States decreased, but it increased again in 2009. The quantity for 2009 is lower than the quantity for 2007, but higher than the quantity for 2006. This overall development is similar for all notified waste. Between 2001 and 2007, the quantities of all notified waste shipped into Member States increased by 72%.

In the period 2007-2009, the biggest "importer" of hazardous waste was Germany followed by the Netherlands, Belgium, Italy, France and Sweden.

In the period 2007-2009, the total amount of all notified waste **shipped out of EU Member States** was about 33,1 million tonnes, of which about 22,9 million tonnes was hazardous waste. 99% of hazardous waste shipped out of Member States was destined for EU-27 and EFTA-countries and over 95% remained within EU-15.

3. Illegal shipments: for 2009, Member States reported about 400 cases of illegal shipments of waste while the **total number of such shipments is believed to be considerably higher**. For 2009, about half of the illegal shipments reported were shipments between Member States while the other half involved shipments into or out of the EU. The **number of controls and spot-checks performed in the EU varies greatly** among Member States. For 2009, best practices on spot-checks were demonstrated by Poland with approximately 40 spot-checks for every 1000 tonnes of hazardous waste shipped into or out of the country. For the majority of the Member States this benchmark is at least 10 times lower.

The **most common reasons for illegality** were that the shipment of waste was effected without notification to the relevant competent authorities or contrary to a prohibition on shipments under Regulation (EC) No 1013/2006. Typical response measures included the return of the waste to the country of origin and the setting of a fine.

Next steps: between 25 January and 12 April 2011, the Commission carried out a public stakeholder consultation on ways to strengthen the inspections and enforcement of the Regulation. A majority (89%) of stakeholders **favoured new EU legislation strengthening inspection requirements.** Some of the options proposed concerned inspection planning, up-stream inspections, training of officials and the duty for operators to produce evidence in certain cases where there are reasonable grounds to suspect circumvention of the Regulation. The Commission is currently conducting an assessment of the economic, social and environmental impacts of possible future legislative and non-legislative measures.