



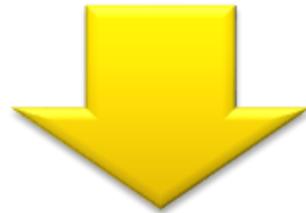
European
Commission



**European Green Deal:
New EU rules
on waste shipments**
to support a clean and
circular economy

17 November 2021
#EUGreenDeal

Starting point: current waste shipment regulation



To ensure protection of the environment in relation to shipments of waste



To ensure that the EU meets its commitments under multilateral environmental agreements (Basel Convention and OECD Decision on transboundary shipments of waste)



Regulation (EC) No 1013/2006 applies to shipments of waste:

- Between EU countries
- Imported into the EU from non-EU countries
- Exported from the EU to non-EU countries

Only a few specific types of waste are excluded from the scope of the Regulation (for example nuclear waste)

Main features of the current Regulation

Main purpose of the Regulation: set up control procedures for the shipments of waste.

Control procedures depend on:

- The **characteristics of the waste** in question (notably if hazardous or not)
- The **countries of destination** (notably if the destination country is in the OECD or not)
- The **final treatment operation** of the waste in question (i.e more control for waste destined to landfills, less control for waste destined to recycling)

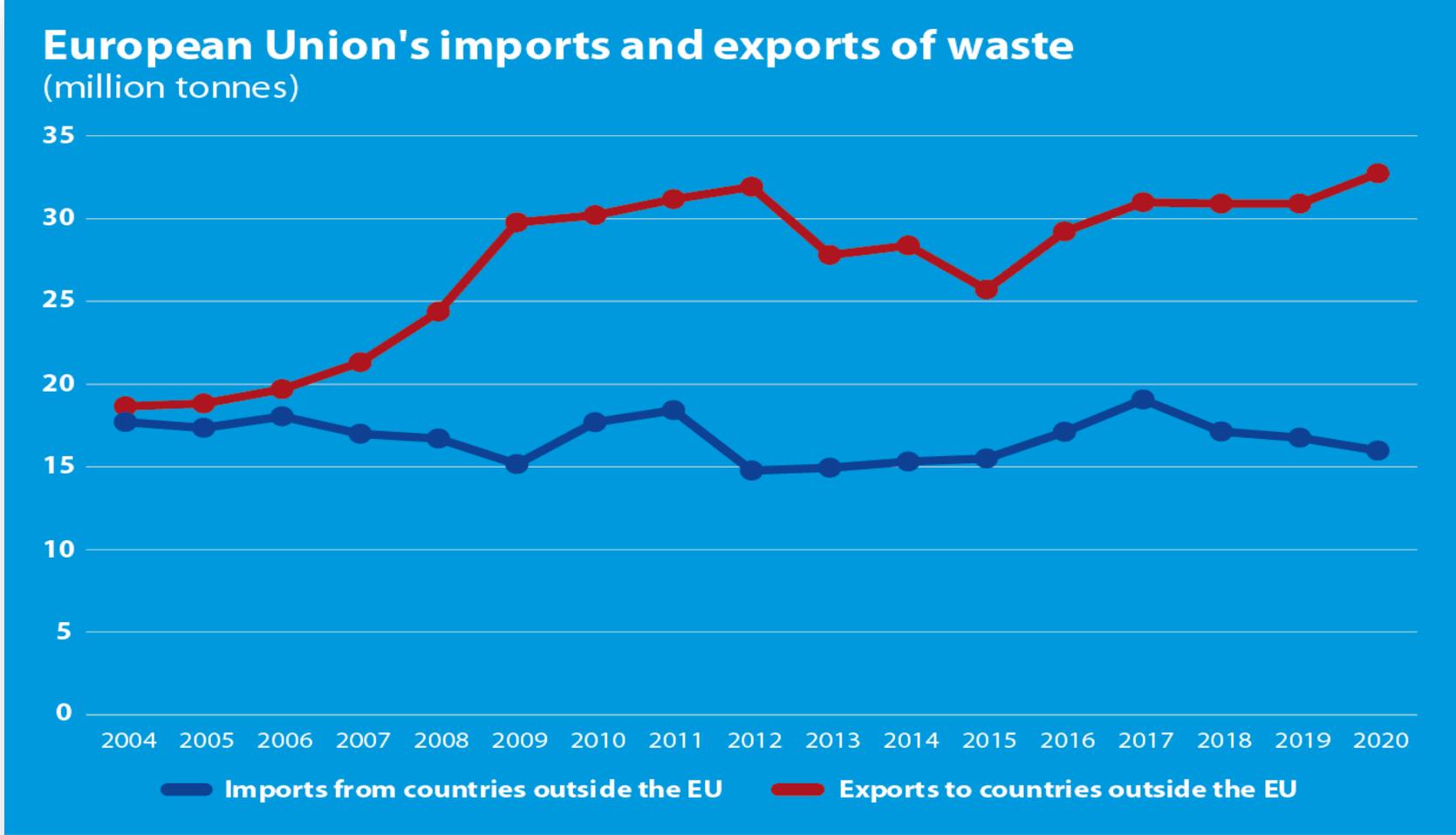
There are three main types of **control procedures**

General information requirement for "green-listed" waste destined for recovery (non-hazardous, such as paper or metal)

Procedure of **prior written notification and consent** for hazardous or problematic wastes, as well waste destined to landfills

Prohibition on the export of hazardous waste outside the OECD or waste for landfilling outside EFTA

EU import and export of waste – trends since 2004



Value (2020)

Import of waste into the EU = 13,5 billion €	Export of waste from the EU = 13 billion €
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50% of export of waste from the EU destined to non-OECD countries

EU import and export of waste in 2020

Exports and imports of waste from/to the European Union, by waste category, 2020
(million tonnes)



Main challenges linked to the Regulation (I)

Shipments within the EU:

the WSR does not sufficiently facilitate shipments of waste for recycling and the transition to circular economy models

Drivers for this are:

- Lengthy, paper-based procedures
- Non harmonised approaches and interpretations and lack of uniform enforcement throughout the EU
- Fast track procedures (especially for pre-consented facilities) are not used to their full extent



Main challenges linked to the Regulation (II)



Exports outside the EU: negative impact on environment and public health in destination countries and loss of valuable resources for the EU economy. Reputational risk for the EU.

Drivers:

EU rules on export not sufficiently clear and lack of control and inspection

Main challenges linked to the Regulation (III)

High level of illegal shipments of waste within the EU and to 3rd countries, with links to organised crime

Drivers:

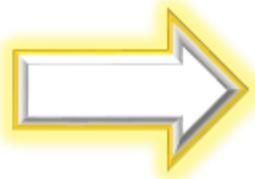
- insufficient enforcement and sanctions, lack of transparency in the waste supply chain



Waste Shipment Regulation review

The Green Deal and the **CEAP** call on the Commission to revise the Regulation to ensure that the EU does not export its waste challenges to third countries and to facilitate shipments of waste destined for re-use and recycling of waste in the EU.

Objectives of the review



I. Intra-EU: Improve the functioning of the EU internal market for waste for recycling/reuse, to boost the market for secondary materials and circular economy (shipments in the EU)

II. Extra-EU: guarantee that waste are only shipped outside the EU if managed in an environmentally sound manner in the countries of destination

III. Tackle illegal shipments



Communication COM(2021) 708 final

Our waste, our responsibility: Waste shipments in a clean and more circular economy



The Communication accompanies the Commission proposal and sets out the EU's priority actions designed to ensure that:

Shipments of waste for preparation for reuse and recycling in the EU are facilitated

The EU does not export its waste challenges to third countries

Illegal shipments of waste are more effectively addressed





Brussels, 17.11.2021
COM(2021) 709 final

2021/0367 (COD)

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

(Text with EEA relevance)

{SEC(2021) 402 final} - {SWD(2021) 330 final} - {SWD(2021) 331 final} -
{SWD(2021) 332 final}

Measures linked to **Intra-EU shipments**

Electronic procedures: mandatory 2 years after adoption



§ Set of measures to modernise, digitalise and **simplify the procedures for intra-EU shipments** of waste (shifting from paper-based to electronic data interchange; improve current, under-used “fast-track” procedures)

§ Harmonise further criteria to **distinguish between green-listed and other waste** to avoid fragmentation of national approaches

§ **Better alignment** of rules governing intra-EU shipments of waste **with the waste hierarchy and proximity principle** (especially banning shipment of waste for landfills/incineration with some exemptions; limiting possibilities for MS to refuse shipment of waste for recycling)

Measures linked to Exports outside the EU



Export to non-OECD countries: only allow exports to those countries that notify to the Commission their willingness to import EU waste and their ability to deal with it in a sustainable manner (i.e. these countries would need to demonstrate that they have the legislation and control systems in place to manage waste in an environmentally sound manner – the Commission would check if this is the case and include them in a List of countries authorised to import such waste)

Enters into force 3 years after adoption



Export to OECD countries: monitor the export of waste and launch a specific procedure towards an OECD country to mitigate environmental problems that might be caused by such exports



Specific, new obligations on EU companies exporting waste outside the EU: they would need to set up third party audit schemes to ensure that the facilities treating their waste manage it in an environmentally sound manner



Establish specific binding criteria to differentiate between used goods and waste for specific waste streams raises particular export challenges

List of countries whereto exports from EU are still allowed

The country making the request will be expected to demonstrate a number of elements:

- comprehensive waste management strategy or plan that covers entire territory and shows ability and readiness to ensure the environmentally sound management of waste.
- legal framework for waste management in place
- Party to the multilateral environmental agreements referred to in Annex VIII, and the country has taken the necessary measures to implement its obligations under those agreements;
- strategy for enforcement of domestic legislation on waste management and waste shipment, covering control and monitoring measures, including information on the number of inspections of shipments of waste and of waste management facilities carried out and on penalties imposed in cases of infringements of the relevant domestic rules.

Obligations on EU exporters – audits of facilities at destination

- The exporter has to ensure that the facilities which will manage the waste in the country of destination have been subject to an audit by an independent and accredited third party with appropriate qualifications.
- The audit shall verify compliance of the facility concerned with the criteria laid down in Annex X.
- No export of waste allowed to a facility which does not comply with those criteria.

Measures linked to Objective 3

Illegal shipments



Provide the EU antifraud office – **OLAF** - with **competence to investigate waste trafficking** in the EU

Establish an **EU level group** for coordination and cooperation on **enforcement**

Strengthen provisions on enforcement, inspection and penalties & improve reporting on these issues



Questions?

Thank you for your attention!

Additional information:

<http://ec.europa.eu/environment/waste/shipments/index.htm>

https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_5918

