

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation <a href="#">2013/0239(COD)</a>	Procedure completed
Shipments of waste: legality of shipments Amending Regulation (EC) No 1013/2006 <a href="#">2003/0139(COD)</a>	
Subject 3.70.12 Waste management, domestic waste, packaging, light industrial waste 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 <b>ENVI</b> Environment, Public Health and Food Safety	Rapporteur  Verts/ALE <a href="#">STAES Bart</a> Shadow rapporteur PPE <a href="#">FLORENZ Karl-Heinz</a> S&D <a href="#">LYUBCHEVA Marusya</a> ALDE <a href="#">GERBRANDY Gerben-Jan</a> ECR <a href="#">ROSBACH Anna</a>	Appointed  30/09/2013
	Committee for opinion <b>JURI</b> Legal Affairs	Rapporteur for opinion  The committee decided not to give an opinion.	Appointed
Council of the European Union	Council configuration <a href="#">Economic and Financial Affairs ECOFIN</a> <a href="#">Environment</a>	Meeting <a href="#">3310</a> <a href="#">3262</a>	Date 06/05/2014 14/10/2013
	European Commission  European Economic and Social Committee European Committee of the Regions	Commission DG <a href="#">Environment</a>	Commissioner POTOČNIK Janez

Key events			
11/07/2013	Legislative proposal published	COM(2013)0516	Summary

08/10/2013	Committee referral announced in Parliament, 1st reading		
14/10/2013	Debate in Council	<a href="#">3262</a>	Summary
22/01/2014	Vote in committee, 1st reading		
30/01/2014	Committee report tabled for plenary, 1st reading	<a href="#">A7-0069/2014</a>	Summary
17/04/2014	Results of vote in Parliament		
17/04/2014	Debate in Parliament		
17/04/2014	Decision by Parliament, 1st reading	<a href="#">T7-0452/2014</a>	Summary
06/05/2014	Act adopted by Council after Parliament's 1st reading		
15/05/2014	Final act signed		
15/05/2014	End of procedure in Parliament		
27/06/2014	Final act published in Official Journal		

### Technical information

Procedure reference	2013/0239(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1013/2006 <a href="#">2003/0139(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/7/13327

### Documentation gateway

Legislative proposal		COM(2013)0516	11/07/2013	EC	Summary
Document attached to the procedure		SWD(2013)0267	11/07/2013	EC	
Document attached to the procedure		SWD(2013)0268	11/07/2013	EC	
Committee draft report		<a href="#">PE522.903</a>	14/11/2013	EP	
Amendments tabled in committee		<a href="#">PE524.732</a>	11/12/2013	EP	
Amendments tabled in committee		<a href="#">PE526.414</a>	20/01/2014	EP	
Committee of the Regions: opinion		<a href="#">CDR5880/2013</a>	30/01/2014	CofR	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0069/2014</a>	30/01/2014	EP	Summary
Text adopted by Parliament, 1st reading/single		<a href="#">T7-0452/2014</a>	17/04/2014	EP	Summary

reading				
Draft final act		<a href="#">00069/2014/LEX</a>	15/05/2014	CSL
Commission response to text adopted in plenary		<a href="#">SP(2014)471</a>	09/07/2014	EC

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

### Final act

[Regulation 2014/660](#)

[OJ L 189 27.06.2014, p. 0135](#) Summary

Final legislative act with provisions for delegated acts

## Shipments of waste: legality of shipments

**PURPOSE:** to combat illegal waste shipments which threaten human health and the environment.

**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:** [Regulation \(EC\) No 1013/2006](#) of the European Parliament and of the Council on shipments of waste (WSR) lays down requirements for shipments of waste both within the Union and between the Member States and third countries, in order to protect the environment. However, gaps have been identified in the enforcement and inspections carried out by the competent authorities in Member States due to, inter alia, a lack of clear provisions in the Regulation on these matters.

Illegal waste shipments are a serious and frequent problem. In 2011 a study estimated the tonnage of illegal shipments within and out of the EU to be 2.8 million tonnes per year. The most problematic illegal waste shipments are those concerning hazardous waste and waste which is illegally sent for dumping or sub-standard treatment.

The export bans for hazardous waste and waste for disposal under the WSR are often circumvented. The joint inspections carried out by the "network for the implementation and enforcement of environmental law, trans-frontier shipments of waste-cluster" (IMPEL-tfs) revealed very high rates of non-compliance with the WSR due to illegal waste shipments. During the period October 2008-November 2010, the overall non-compliance rate can be estimated to be 25%.

Council conclusions of 3 June 2010 invited the Commission, inter alia, to consider strengthening EU requirements on inspections and spot checks carried out under the WSR.

**IMPACT ASSESSMENT:** the Commissions impact assessment examined several options to strengthen inspections and enforcement of the WSR. The assessment concluded that a combination of EU legislative requirements and guidance would be the most effective option to address the problems related to illegal waste shipments. This option would also have the lowest net costs and the most positive economic, social and environmental impacts.

**LEGAL BASIS:** Article 192(1) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** this proposal to amend Regulation (EC) No 1013/2006 aims to help ensure more uniform implementation of the WSR through establishing minimum inspection requirements throughout the EU with a focus on problematic waste streams.

More specifically, the proposal seeks to:

- strengthen the provisions regarding the enforcement of rules and inspections covered by Regulation (EC) No 1013/2006 with a view to ensuring regular and consistent planning of inspections. Planning should include a number of key elements, including risk assessments, strategies, objectives, priorities, numbers and types of planned inspections, assignment of tasks, means of cooperation between authorities and provisions on training of inspectors;
- introduce the possibility for competent authorities in Member States to require evidence from waste exporters in order to check the legality of shipments. Such evidence may concern whether the substance or object is "waste" or not, whether the shipment is destined for recovery or disposal, or the nature of the specific waste treatment methods and standards applied by the facility in the country of destination.

The Commission may adopt guidelines for the enforcement of the Regulation.

**BUDGETARY IMPLICATION:** the proposal has no incidence on the EUs budget.

**DELEGATED ACTS:** the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

## Shipments of waste: legality of shipments

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The Council held an exchange of views on the proposal for the amendment of the waste shipment regulation in order to give political guidance for further examination of the proposal in the Council preparatory bodies.

The ministers' discussion was based on two questions prepared by the presidency:

1. to consider the appropriateness of the scope of the proposal;
2. to consider whether the proposal strikes the right balance between ensuring a minimum level playing field and allowing the necessary flexibility.

Ministers welcomed the proposal and recognised the need to improve measures to address illegal shipments of waste.

While they broadly supported inspection planning, they also underlined the need to consider further the level of detail to be included in the plans in order to strike the right balance between the aim of the legislation, the national situations and the costs of implementation. They also expressed doubts about the publication of inspection plans.

## Shipments of waste: legality of shipments

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The Committee on the Environment, Public Health and Food Safety adopted the report by Bart STAES (Greens/EFA, BE) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipment of waste

The committee recommended that Parliaments position in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

**Need for changes:** in order to highlight the need for action, Members referred to the very high degree of illegal shipments that had been found consistently over the last few years. They recalled that Co-ordinated inspections in Member States between 2003 and 2010 found between 20 % and 51 % of inspected waste shipments to be illegal.

**Data exchange, transmission of information:** Members felt that electronic data interchange would greatly facilitate the work of administrations. As soon as the technical and organisational requirements had been adopted, electronic submission of the relevant documents should become compulsory. Members inserted a clear deadline of 18 months after entry into force of the regulation, for the technical and organisational requirements for the practical implementation of electronic data interchange. The Commission should also be empowered to update these requirements.

**Plans for inspections and results of inspections:** brokers and dealers must be included, as well as establishments and undertakings. The plans shall include a minimum number of physical checks of facilities and waste shipments in line with the strategy and objectives adopted and the risk assessment conducted.

The outcome of the inspections carried out, any remedial actions taken by the relevant authorities as a follow up to those inspections, the names of the operators involved in illegal shipments, and the penalties imposed should permanently available to the public, including electronically. The Aarhus Convention that inter alia seeks to promote access to environmental information was recalled in this regard.

The possibility of checks as collection, storage and sorting facilities should be explicitly added to the list where inspections on shipments may take place.

**Strengthening the powers of the relevant authorities:** the relevant authorities should be entitled to (i) check any shipment whether it constitutes waste or not and not just suspected illegal shipments, as that could undermine the very purpose of inspections; (ii) check the nature of the waste so as to make sure that the export ban of hazardous and other waste was complied with.

In order to ascertain that a shipment complies with this regulation, the relevant authorities may require in particular the holder, the notifier or the legal representative of the consignee to submit any relevant documentary proof. In the absence of proof the relevant authorities should presume that the load is an illegal shipment. In such circumstances, the relevant authorities should without delay inform the competent authority located in their country.

**Strengthen cooperation between Member States:** Members stressed the fact that only cooperation between Member States could provide effective remedies against illegal trans boundary shipments. The Commission should create a common platform that includes all Member States for these purposes.

**Penalties:** based on reports by Member States, the Commission should, every three years, submit a report on the implementation of the regulation by the Union and its Member States, including penalties inflicted.

**Delegated acts:** the committee suggested aligning all current comitology provisions to Article 290 TFEU in this amending act so as to ensure coherence, rather than doing part here and part through the 'omnibus' proposal.

## Shipments of waste: legality of shipments

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The European Parliament adopted by 524 votes to 12 with 41 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipment of waste.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise between Parliament and Council. They amend the Commissions proposal as follows:

**Definition of inspection:** the amended text stressed that divergences and gaps had been identified in the enforcement and inspections carried out by the authorities involved in inspections in Member States.

The definition of inspection was introduced and meant actions undertaken by the involved authorities to ascertain whether an establishment, an undertaking, a broker, a dealer, a shipment of waste or the related recovery or disposal complies with the relevant requirements set out in the Regulation.

Format for documents and information exchange: subject to the agreement of the competent authorities concerned and of the notifier, information and documents may be submitted and exchanged by means of electronic data interchange with electronic signature or electronic authentication, or a comparable electronic authentication system which provides the same level of security.

Inspection plans: by 1 January 2017, Member States should ensure that, in respect of their entire geographical territory, one or more plans are established, either separately or as a clearly defined part of other plans, for inspections. Inspection plans should be based on a risk assessment and include the following elements:

- the objectives and priorities of the inspections, including a description of how those priorities have been identified;
- the geographical area covered by that inspection plan;
- information on planned inspections, including on physical checks ;
- the tasks assigned to each authority involved in inspections;
- arrangements for cooperation between authorities involved in inspections;
- information on the training of inspectors on matters relating to inspections; and
- information on the human, financial and other resources for the implementation of that inspection plan.

An inspection plan should be reviewed at least every three years.

Inspection of shipments: these may take place in particular: (a) at the point of origin, carried out with the producer, holder or notifier; (b) at the point of destination, including interim and non-interim recovery or disposal, carried out with the consignee or the facility; (c) at the frontiers of the Union; and/or (d) during the shipment within the Union.

Inspections of shipments should include the verification of documents, the confirmation of identity and, where appropriate, physical checking of the waste.

Verification and proof: in order to ascertain whether a substance or object being carried by road, rail, air, sea or inland waterway is not waste, the authorities involved in inspections may require the natural or legal person who is in possession of the substance or object concerned, or who arranges the carriage thereof, to submit documentary evidence:

- as to the origin and destination of the substance or object concerned; and
- that it is not waste, including, where appropriate, evidence of functionality.

The protection of the substance or object concerned against damage during transportation, loading and unloading, such as adequate packaging and appropriate stacking, shall also be ascertained.

Evidence regarding the legality of shipments may be requested on the basis of general provisions or on a case-by-case basis. Where such evidence is not made available or is considered to be insufficient, the carriage of the substance or object concerned, or the shipment of waste concerned should be considered as an illegal shipment and should be dealt with in accordance with the relevant provisions of Regulation (EC) No 1013/2006.

The outcome of inspections and the measures taken, including any penalties imposed, should be made available to the public, including electronically via the internet.

## Shipments of waste: legality of shipments

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PURPOSE: to combat illegal waste shipments which threaten human health and the environment.

LEGISLATIVE ACT: Regulation (EU) No 660/2014 of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipments of waste.

CONTENT: this Regulation amends [Regulation \(EC\) No 1013/2006](#) on shipments of waste both within the Union and between the Member States and third countries. However, divergences and gaps have been identified in the enforcement and inspections carried out by the authorities involved in inspections in Member States.

The new Regulation contains enhanced measures to ensure more uniform implementation of the waste shipment Regulation through establishing minimum inspection requirements throughout the EU with a focus on problematic waste streams.

Inspection plans: by 1 January 2017, Member States should ensure that inspection plans should include the following elements:

- the objectives and priorities of the inspections;
- the geographical area covered by that inspection plan;
- information on planned inspections, including on physical checks;
- the tasks assigned to each authority involved in inspections;
- arrangements for cooperation between authorities involved in inspections;
- information on the training of inspectors on matters relating to inspections;
- information on the human, financial and other resources for the implementation of that inspection plan.

Inspection plans shall be based on a risk assessment covering specific waste streams and sources of illegal shipments and considering, if available and where appropriate, intelligence-based data such as data on investigations by police and customs authorities and analyses of criminal activities.

An inspection plan shall be reviewed at least every three years and, where appropriate, updated.

Verification and proof: diverging rules exist throughout the Union as regards the power of, and possibility for, authorities involved in inspections in Member States to require evidence to ascertain the legality of shipments. Such evidence could concern, inter alia, whether the substance or object is waste, whether the waste has been correctly classified, and whether the waste will be shipped to environmentally sound facilities.

Where such evidence is not made available or is considered to be insufficient, the carriage of the substance or object concerned, or the shipment of waste concerned should be considered as an illegal shipment.

Transparency: Member States shall be obliged to publish, on a yearly basis, including in electronic form, the information concerning the inspections, in particular the penalties imposed.

Review: by 31 December 2020, the Commission shall carry out a review of this Regulation and submit a report on the results thereof to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.

ENTRY INTO FORCE: 17.07.2014. It shall apply from 1 January 2016.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts in order to amend certain non-essential elements of Regulation (EC) No 1013/2006. The power to adopt delegated acts shall be conferred on the Commission for a period of five years from 17 July 2014. The European Parliament or the Council may raise objections to a delegated act within a period of two months from the date of notification (this may be extended by two months). If the European Parliament or Council express objections, the delegated act will not enter into force.