

# Shipments of waste

2021/0367(COD) - 17/01/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 594 votes to 5, with 43 abstentions, amendments to 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 matter was referred back to the competent committee for inter-institutional negotiations.

The main amendments adopted in plenary are as follows:

## Subject matter

The amended text specifies that the proposed regulation should:

- establish 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;
- seek to contribute to the transition to a circular economy, the objective of climate neutrality and the zero pollution ambition for a toxic free environment by applying the principles of proximity and self-sufficiency;
- 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

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.

Where the competent authority of destination is not able to take a decision within 30 days after submission of the notification, it should inform the notifier within those 30 days and provide the notifier with a motivated explanation unsolicited. A final decision by the competent authority should be taken within 60 days of submission of the notification. A written consent to a planned shipment should cover a period of two calendar years or, any shorter period as indicated in their decision by the competent authorities concerned.

## 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.

## Electronic exchange of information

According to Members, the provision and exchange of information and data on single shipments of waste within the EU should be carried out by electronic means. The centralised system and the national system should be interconnected and fully operational. To facilitate the reduction of delays, these systems should support document sharing and include a fully searchable database containing information on waste shipments. In the event of temporary failure of the central system, data should remain protected and accessible, and procedures related to shipments should be carried out without delay.

## Multilateral agreements

In exceptional cases, and where the specific geographical or demographical situation warrants such a step, Member States may conclude bilateral or multilateral agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two or more Member States concerned.

Such agreements could also be concluded for shipments of waste destined for disposal if justified by the geographical and demographic situation. Multilateral agreements should demonstrate that the planned shipment or disposal is in accordance with the waste hierarchy and the principles of proximity and self-sufficiency at national and EU level.

## Export ban

Members propose to ban the export of any waste containing or contaminated with a substance exceeding the concentration levels set out in Annex IV of Regulation (EU) 2019/1021 on persistent organic pollutants from the EU to non-OECD countries. They also propose the exclusion of exports of plastic waste to non-OECD countries and the phasing out of exports of plastic waste to OECD countries within four years. The Commission should update, on a regular basis, and at least every year after its establishment, the list of countries to which exports are allowed.

## 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 of 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

Inspection plans should include a minimum number of physical checks of facilities and waste shipments. Member States should carry out inspections to prevent and detect illegal shipments of waste on the basis of a risk-based Union targeting mechanism. The results of inspections carried out in accordance with the plans, any corrective measures taken by the authorities concerned as a result of the inspections, the names of operators involved in illegal shipments and the penalties imposed should be made publicly available.

#### 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.

#### Report and review

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.

Members propose strengthening the partnership with the waste sector, for example in the framework of the climate dialogue and the Commission's annual reports.

Annex III B should be continuously updated to take account of progress in the environmental rationalisation of waste treatment technologies and changes in consumer with regard to the sorting of waste, it is essential that Annex IIIB be continuously updated. The Commission should in particular assess whether to add entries on used footwear, clothing and other textile products, mineral wool and mattresses.

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.