



Assessing waste disposal notifications in accordance with Article 11 of Regulation (EU) 2024/1157

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1. Introduction

Regulation (EU) 2024/1157 on shipments of waste ¹(WSR) entered into force on 20 May 2024. To support increased waste recycling and reduced waste disposal targets set out in the Waste Framework Directive². Recital 22 of the WSR states *“Shipments of waste destined for disposal should be allowed only in exceptional cases where certain conditions are fulfilled.”*

Article 11 of the WSR lists the conditions that the notifier must satisfy to enable the competent authorities of dispatch and destination to give their consent. The purpose of this document is to provide guidance to competent authorities (CAs) in how they could assess notifications for disposal in accordance with the WSR.

2. Notification assessment principles

A small informal working group was established within IMPEL to review this topic and the group decided to develop a document to contribute to a harmonised interpretation of Article 11. The document is based on discussions within the group and clarifications given by the European Commission (EC) on the revised article.

2.1. Legal Framework and Intent

The working group's interpretation is that the overall intent of Article 11 is to facilitate more waste shipments destined for preparing for reuse and recycling within the EU, by only allowing waste for disposal in specific circumstances where all conditions listed in Article 11 are fulfilled. As circumstances may differ amongst Member States (MS), the criteria in Article 11 (1) are articulated as such to ensure that decisions can be tailored to national and regional needs while remaining relevant as technologies and capacities evolve. This will help give CAs more flexibility when assessing disposal notifications.

2.2. Role of the CA of Dispatch

While Article 11 mentions both dispatch and destination countries, it is the country of dispatch that will be in the best position to determine whether the documentation presented by the notifier is appropriate. Therefore, it is this groups interpretation that the primary assessment of technical feasibility and economic viability lies with the CA of dispatch.

2.3. Interpretation of Key Criteria

2.3.1. Technical Feasibility

- Assessed in terms of availability and accessibility of suitable recovery technologies
- Assessed in terms of the lack of disposal treatment technologies and national infrastructure deficits and should be a valid basis for export
- Examples:
 - Country of dispatch has no/premature recovery technology for waste that is normally disposed of
 - Country of dispatch has no national infrastructure for specialised landfilling of certain wastes (including permanent storage)

¹ [Regulation - EU - 2024/1157 - EN - EUR-Lex](#)

² [Directive - 2008/98 - EN - Waste framework directive - EUR-Lex](#)

- Country of dispatch has no dedicated high temperature incineration facility for certain wastes

2.3.2. Economic Viability

- Assessed in terms of reasonable cost and market conditions. Includes factors such as seasonal fluctuations, capacity constraints, and costs of treatment options.
- Examples:
 - Country of dispatch has limited or premature recovery technology available for certain wastes, leading to high costs compared to safe disposal options in other countries
 - Country of dispatch has few national disposal options for certain wastes, leading to a monopoly situation and unreasonable treatment costs (gate fee) compared to the nearest suitable disposal option in another country
 - Country of dispatch has available disposal options for certain wastes, but there is no capacity at the preferred facility for an extended period, making export necessary during this time.

2.3.3. Principles of Proximity and Self-Sufficiency

As per Article 16 of the WFD “... an integrated and adequate network of waste disposal installations...” shall be established to “...enable the Community as a whole to become self-sufficient in waste disposal...”. While the article also refers to the aim for MS to move towards self-sufficiency for disposal individually, it does not in any instance infer that MS are required to establish specialised treatment facilities, due to high volumes of certain wastes.

Furthermore “the network shall enable waste to be disposed of...in one of the nearest appropriate installations by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health...”. It is the group’s interpretation that shipments for disposal within the Community should be shipped to the closest facility, as long as this is assessed as reasonable by the CA of dispatch and then CA of destination.

3. Examples of acceptable documentation

CAs are advised to determine what documentation is accessible and acceptable for assessing technical and economic feasibility. They should engage with other MS to share best practices and interpretations, particularly with those MS that have similar infrastructure deficits and comparable geographies. A template could be issued to stakeholders within a country by the CA so that notifiers would know what information was required to comply with the requirements of Article 11.

Article 11 (1) (a-h) of the WSR contains all the conditions that need to be satisfied for a disposal notification to be consented to. The examples below however only focus on the following conditions contained within Article 11 (1) (a) and Article 11 (2).

3.1. Article 11 (1) (a) (i)

The following are examples of documentation to prove that “the waste cannot be recovered in a technically feasible and economically viable manner, or must be disposed of due to legal obligations under Union or international law”

3.1.1. To prove technical unfeasibility for recovery

- Official statements from stakeholders or associations stating that there are no known recovery options available
- Reference to national waste management plans, for example in box 11 of the Annex IA, or as an attachment to the notification proving the need for disposal
- Research/studies and reports from accredited sources
- Statements from CAs for the WSR or other national authorities
- If the composition of the waste is such that the waste is not suitable for recovery e.g. the calorific value is below a certain threshold or the halogen content is too high, the notifier should include a recent chemical analysis with their notification.

3.1.2. To prove economic non-viability for recovery

(note: if there is no suitable recovery technology available, the economic viability of the shipment does not need to be assessed)

- Official statements from notifier, stakeholders or associations stating that recovery is possible, however costs associated with treatment, transport and case handling fees would be unreasonable compared to disposal costs. A comparison of costs could be included in such statements
- Statements showing that a possible recovery option is currently experimental/premature or/and there is no capacity for full-scale production at the time of notification

3.1.3. To prove waste must be disposed of due to legal obligations under Union or international law

- in this instance, technical feasibility and economic viability would not need to be considered. Notifier should refer to the relevant legal obligation e.g. asbestos which must be disposed of or mercury waste which can only be disposed in accordance with Article 13 of Regulation (EC) No 2017/852. This could also apply to waste containing POPs in accordance with Regulation (EC) No 2019/1021.

3.2. Article 11 (1) (a) (ii)

The following are examples of documentation to prove that *“the waste cannot be disposed of in a technically feasible and economically viable manner in the country where it was generated;”*

3.2.1. To prove technical unfeasibility for disposal in country of dispatch

- Official statements from notifier, stakeholders, associations or competent authorities stating that there are no known disposal options available (e.g. lack of a high-temperature incinerator or hazardous waste landfill)
- Reference to national waste management plans, for example in box 11 of the Annex IA, or as an attachment to the notification proving a need for shipments for disposal

3.2.2. To prove economic non-viability for disposal in country of dispatch

(note: if there is no suitable facility available, the economic viability of the shipment does not need to be assessed)

- If it is technically feasible, but not economically viable to dispose of waste in the country of dispatch, notifiers should submit relevant financial details such as processing costs at domestic and foreign facilities, transport costs and any other relevant financial information so that the CA can make an assessment.
- Official statements from stakeholders, associations stating that the disposal option in the country of dispatch is available, however costs associated with this option would be unreasonable compared to disposal costs in other MS. A comparison of costs could be included in such statements
- An instance could also arise where a suitable facility exists within the country where it was generated but it does not have sufficient capacity to treat all national waste volumes. The notifier should provide details regarding the facility and the quantities of waste that it is able to process

3.3. Article 11 (1) (a) (iii)

“the planned shipment or disposal is in accordance with the waste hierarchy and the principles of proximity and self-sufficiency as laid down in Directive 2008/98/EC and the related waste is managed in environmentally sound manner in accordance with Article 59;”

- A statement showing that the waste in question could not be either prepared for reuse, recycled, incinerated (energy recovery) and that disposal is the only viable option. This will most likely have already been demonstrated by the notifier when documenting article 11-(1) (a) (i)
- A statement showing that the choice of disposal facility in another MS is one of the closest and most reasonable viable options

3.4. Article 11 (2)

The following are examples of documentation to prove that *“... the waste concerned is produced in a Member State of dispatch in such a small quantity overall per year that the provision of new specialised disposal facilities within that Member State would not be economically viable...”* If the notifier can demonstrate this condition, Article 11 (1) (a) (ii) and (iii) will not apply.

- Notifiers can present an estimate of the annual quantity produced in the country of dispatch, the approximate tonnage that would be required to make such a specialised facility viable and state the fact that no such facility currently exists in the country of dispatch
- Official statements from stakeholders or associations stating that a specialised disposal facility would not be economically viable in the country of dispatch
- Reference to national waste management plans, for example in box 11 of the Annex IA, or as an attachment to the notification supporting statements that a specialised disposal facility would not be economically viable in the country of dispatch
- Reference to national waste statistics