

# EU COMMISSION PROPOSAL FOR A NEW WASTE SHIPMENT REGULATION



***25<sup>th</sup> May 2022: 10am***

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and  
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# Background on Regulation (EC) No 1013/2006 on Shipments of Waste

- Transposes obligations emanating from the Basel Convention and OECD Decision
- Applies to shipments of waste from, to and through the EU
- Overall control regime consists of:

**Prior Informed Consent Procedure**

Hazardous wastes and other wastes

**Simplified Information Procedure**

Annex IX wastes destined for recovery

**Export prohibition to non-OECD  
Countries**

Hazardous wastes and other wastes  
destined for recovery

**All exports from the Union for  
disposal are prohibited**

Exception: EFTA Countries Parties to the  
Basel Convention

- Waste Management (Shipment of Waste) Regulations, S.L. 549.65
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# European Commission Proposal for a New Waste Shipment Regulation

- EU Public Consultation on the Commission Proposal launched on November 2021
- Aim of the Proposal is to achieve the following overall objectives emanating from the **European Green Deal** and the **Circular Economy Action Plan**:

1. Facilitating shipments of waste for **re-use and recycling** in the **EU**

2. Stopping the export of **waste challenges** to third countries

3. Addressing **illegal shipments of waste** more effectively

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# Amendments to Overall Framework (Article 4)

## Current Regulation

- Shipments destined for disposal to EU Member States allowed
- Shipment for laboratory analysis up to 20 kg
- Shipments of municipal waste (20 01 03) subject to provisions for disposal

## Proposed Amendments

- Shipments destined for **disposal** between EU Member States **prohibited** unless **specific conditions** are met (Article 11)
- Shipment for **laboratory analysis** up to **150 kg** or as agreed with competent authorities
- Shipments of **mixed municipal waste** and such waste subjected to a treatment operation which **does not substantially alter its properties**, only allowed for recovery. **Disposal is prohibited**

# Amendments to Notification Procedure

## Current Regulation

Submission of notification documents and information by post, fax, or email

Notification submitted to and through the Competent Authority (CA) of dispatch

No specific timing for notifiers to submit additional information requested

Submitted to all CAs once notification is properly carried out, CAs have 30 days to respond

Decision to be made after 30 days from acknowledgement of CA destination

## Commission Proposal

Establishment of an **EU-wide Electronic System** (2 years after adoption)

Notification transmitted **by notifier to all CAs**

Notifier has **7 days** to submit any additional information requested by CA of dispatch

If CA of dispatch deems notification as properly carried out, other CAs can request additional information. Notifier has **7 days** to submit such information

Decision to be made **30 days after submission**

NB. Tacit consent is being expanded to CA of dispatch

# Electronic Data Interchange System (Article 26)

- Central **electronic data interchange** system to be set up by the Commission
  - Will allow for
    - a) exchange of **information** and **documents** for the **prior informed consent procedure**, and
    - b) Submission of **Annex VII**
  - Relevant stakeholders will have access
  - To be used for intra-EU shipments
  - Also allows third-country stakeholder to make use of this system
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## Financial Guarantee (Article 7)

- New article mandating the Commission to assess feasibility of a harmonised calculation method within the EU



# Conditions for Shipments for Disposal and Recovery (Articles 11 and 12)

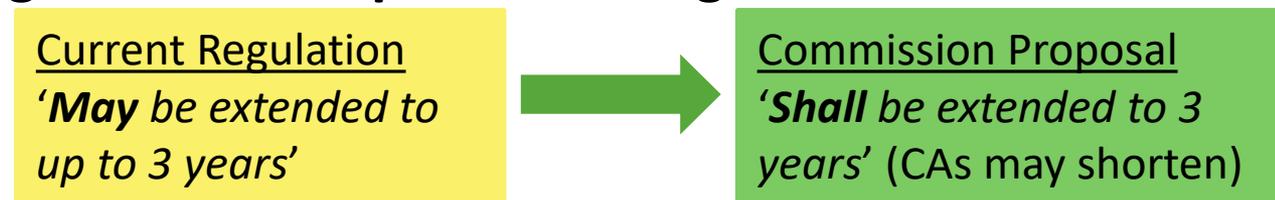
- Shipments for **disposal** only allowed when notifier demonstrates that all the following are fulfilled (Art. 11(1)(a)):
    - i. the waste cannot be **recovered** in a **technically feasible and economically viable manner**, or must be disposed of due to international legal or EU obligations;
    - ii. the waste cannot be **disposed** of in a **technically feasible and economically viable manner** in the country where it was generated;
    - iii. the planned shipment or disposal is in accordance with the **waste hierarchy** and the **principles of proximity** and **self-sufficiency at Union and national level**.
  - If **no decision** on a shipment for disposal is taken **within 30 days**, the notification becomes **invalid** (Art. 11(3))
  - Additional ground for objections to shipments for **recovery** (Art. 12(1)(e)):
    - Member States (MS) can **limit** imports for **recovery other than recycling and preparing for re-use**, where such imports would result in domestic waste not being treated according to their waste management plans
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# Pre-consented Facilities (Article 14)

- Validity of **pre-consented recovery facilities** set at **7 years**
- **Shorter timelines** for requests for additional information for notifications:

<u>Current Regulation</u>	<u>Commission Proposal</u>
<b>7 days</b> for CAs to request information	<b>1 days</b> for CAs to request information
<b>No set time frame</b> for notifier to provide information requested	<b>2 days</b> for notifier to provide information

- Change in **consent period** for a general notification:



# General Information Procedure (Article 18/Annex VII)

- To be made available electronically through the EDI, to be submitted **no later than 1 day** before shipment
  - Facility receiving and recovering the waste shall **electronically complete** Annex VII to:
    - Confirm **recovery** of the waste (no later than 30 days after completion of treatment)
    - Confirm **receipt** of the waste (no later than 1 calendar year)
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# New Elements in Movement Document (Annex IB) and Annex VII

- Notification movement documents and Annex VII documents now need to include:
    - Information on the **actual quantity** of waste prepared for re-use, recycled or recovered at receiving facility
    - **Container number**, if applicable
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# Disagreement on classification issues (Article 28)

- Proposal empowers the Commission to adopt delegated acts to:
    - a) facilitate **harmonised classification of waste**, by establishing criteria, including contamination thresholds, on the basis of which certain wastes shall be classified in Annexes III, IIIA , IIIB or IV;
    - b) establish **criteria** to distinguish between **used goods and waste** (such as for vehicles, textiles (clothes) or batteries).
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# Exports to third countries (Article 34 – 44)

- Export to **non-OECD Countries**

**Current Procedure:**

1. Export procedure for Green-listed waste to non-OECD countries according **Commission Regulation 1418/2007**
2. Unlisted non-hazardous waste through notification procedure



**Commission Proposal:**

1. Exports **prohibited** unless country **notifies the Commission** in writing, and
2. Country is included in an **EU approved list** (see requirement in Annex VIII)

- Exports to **OECD Countries**

- New Commission powers to monitor exports to OECD countries, may prohibit exports if evidence shows improper management of waste (Art. 42)
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# Additional obligations for exports to third countries (Articles 43 - 44)

- New obligations on exporters
  - Exports only to facilities which have been **audited** by an **independent** and **accredited third party** with appropriate qualifications
    - Audits to verify compliance with criteria in Annex X
    - Audits to be repeated at regular intervals (min. 3 years after 1<sup>st</sup> audit)
    - Exemption for OECD country that have concluded an agreement with the EU
  - Legal or natural person who has commissioned or carried out the audit is to **make available** outcome of audit under '***fair commercial conditions***'
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# Penalties (Article 60)

- Overall objective is to **reinforce** and **harmonise penalties** across the EU
  - New **common criteria** for establishing national penalties (Art. 60(2))
  - New non-exhaustive list of **main types of sanctions** in case of infringements (Art. 60(3))
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# Actions performed by the Commission (Articles 64 to 68)

- Aim is **to assist** EU MS in **enforcing** the Regulation
  - Enable the Commission (through the European Anti-Fraud Office - OLAF) to **investigate illegal** waste shipments within the EU
    - OLAF can carry out inspections on the ground in collaboration with competent authorities
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Thank you for your attention!

Any questions?

Any feedback to be sent by 17<sup>th</sup> June

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