

# Waste Shipment Regulation Impact Assessment – Public Consultation

Fields marked with \* are mandatory.

## Introduction

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### 1.1 Background to the consultation

Waste shipped across borders can generate risks for human health and the environment, especially when not controlled and managed properly. At the same time, traded wastes often have a positive economic value: they can be prepared for re-use, e.g. through repair, upgrade or re-manufacture, or recycled as secondary raw materials, thereby contributing to a more circular economy.

The existing [Waste Shipment Regulation](#) (WSR) was adopted in 2006 (Regulation (EC) No 1013/2006). This Regulation lays down procedures and control regimes for transboundary shipments of waste. It implements into EU law international rules on the matter, but also contains stricter provisions. The WSR requires those involved in waste shipments to ensure that shipments of waste and their treatment operations are managed in a way that protects the environment and human health against any adverse effects that might result from such shipments. The “Environmentally Sound Management” or “ESM” of waste is thereby a vital factor. The WSR sets out control mechanisms for the export and import of waste from the EU to third countries, as well as for shipments between EU Member States. The types of controls under the WSR depend on the characteristics of the waste (for example hazardous, non-hazardous), its destination and its treatment as part of recovery (for example recycling) or disposal (for example landfilling) operations. The WSR also lays down export prohibitions for certain categories of waste and certain destinations: the most important example is the prohibition to export hazardous waste from the EU to non-OECD countries.

The [European Commission’s Green Deal](#) envisages measures to mobilise industry for a clean and circular economy. It also sets out the Commission’s view that the EU should stop exporting its waste outside the EU, and so review the rules on waste shipments. The [new Circular Economy Action Plan](#) announces that the review “will aim at restricting exports of waste that have harmful environmental and health impacts in third countries or can be treated domestically within the EU (...)”. It also stresses the need for action to facilitate preparing for re-use and recycling of waste in the EU, to support the acceleration of the transition to a circular economy.

In addition, Article 60(2a) of the WSR calls on the Commission to carry out a review of this Regulation by 31 /12/2020.

In accordance with the Better Regulation Guidelines, in 2019 an evaluation was performed as the first step in this process to check whether the WSR is meeting its objectives using the criteria of: (i) effectiveness, (ii) efficiency, (iii) coherence, (iv) relevance and (v) EU added value. This evaluation acknowledged the overall strengths of the existing Regulation, but identified several areas of potential improvement. Further information in relation to the evaluation can be found in the recently published Commission [Staff Working Document](#) .

Following this evaluation, and in order to implement the new policy objectives defined in the European Green Deal and the new Circular Economy Action Plan, the Commission is now conducting an impact assessment. Its purpose is to assess the need for further EU action in relation to the WSR, to evaluate policy options and to assess the potential economic, social and environmental impact of those policy options.

The options under consideration in the impact assessment are examined in light of the following policy objectives:

1. To facilitate preparing for re-use and recycling of waste in the EU and ensure a smooth functioning of the EU internal market for waste destined for preparation for re-use or recycling, thereby supporting the transition to Circular Economy models and adding value to waste in the EU. One important element therein is to simplify and reduce unnecessary administrative burdens linked to the implementation of the WSR;
2. To restrict exports of waste outside the EU that have potentially harmful environmental and health impacts in third countries or can be treated domestically within the EU. This should help ensure the environmentally sound management of waste in the EU and in third countries, by focusing on countries of destination, problematic waste streams, and types of waste operations that are a source of concern;
3. To strengthen enforcement of the WSR and control of waste shipments in order to better address illegal shipments of waste within the EU as well as illegal exports to third countries.

This consultation will be complemented by targeted interviews with stakeholders and by a dedicated workshop, tentatively planned for Q2 or Q3 2020.

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish

- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

\* Surname

\* Email (this won't be published)

\* Scope

- International
- Local
- National
- Regional

\* Organisation name

*255 character(s) maximum*

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)

- Large (250 or more)

\*Country of origin

Please add your country of origin, or that of your organisation.

- Afghanistan
- Åland Islands
- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Saint Martin
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland

- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
  
- Burkina Faso
- Burundi
  
- Cambodia
  
- Cameroon
  
- Canada
- Cape Verde
- Cayman Islands
  
- Central African Republic
- Chad
- Chile
- China
  
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
  
- Colombia
- Comoros
  
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
  
- Curaçao
  
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
  
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
  
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara

- |  |                               |   |                                |
|--|-------------------------------|---|--------------------------------|
| <input type="radio"/> Cyprus                           | <input type="radio"/> Latvia  | <input type="radio"/> Saint Barthélemy                            | <input type="radio"/> Yemen    |
| <input type="radio"/> Czechia                          | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Zambia   |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and Nevis                       | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark                          | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia                                 |                                |

What is your area of activity / what is the sector whose interests you represent?

*at least 1 choice(s)*

- Waste disposal, including incineration without energy recovery
- Waste sorting
- Incineration of waste with energy recovery
- Waste recycling
- Preparation of waste for re-use (reuse centre, repair or refurbishment activities)
- Other treatment of waste
- Shipment of waste within the European Union only
- Shipment of waste towards all countries (inside or outside of the EU)
- Other economic activity, generating waste
- Other economic activity, using recycled materials or items prepared for re-use

How many persons /employees do you represent (= your direct paying members or the employees / paying members of your affiliated organisations) ?

- 10 million and above
- 1 million to 9.999.999
- 100.000 to 999.999
- 10.000 to 99.999
- less than 10.000

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

\* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

**Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

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## **Questions to the general public on the policy objectives of the review of the Waste Shipment Regulation and on how to pursue them.**

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In this section, we would like to seek your views on how important it is to pursue a number of policy objectives in the review of the WSR.

Further below there are more in depth questions that target those that are more familiar with the detailed processes related to waste shipment and the implementation of the WSR. At the end of the questionnaire the opportunity is provided to opt-in for targeted stakeholder interviews and to upload one document supporting and detailing your views and opinions.

### **First policy objective: the WSR should support the transition to a circular economy in the EU more effectively**

It is often argued that the WSR does not effectively support the creation of a safe and yet dynamic internal market for secondary raw materials, which is an important component of a Circular Economy: it does not align sufficiently with the waste hierarchy as outlined in the EU waste legislation (The waste hierarchy sets out that, when implementing waste policy, the following priority order should be followed: prevent waste, preparation for re-use, recycling, incineration with energy recovery, incineration without any energy recovery or landfilling, in descending order) and some of its procedures do not facilitate the transboundary movements of waste for preparation for re-use or recycling within the EU as far as they could (e.g. because of administrative burdens or of inconsistent implementation by the Member States), and may instead facilitate the movements of waste for incineration or disposal.

The transition towards a circular economy is now a key priority for the EU. This was not the case when the WSR was adopted in 2006, and this is why it did not feature as an explicit objective of the current regulation.

We are seeking your views on the relevance of this policy objective, as well as on measures considered to pursue it within a review of the Waste Shipment Regulation.

For each of the statements below, please state your level of agreement or disagreement.

A review of the Waste Shipment Regulation should seek to:

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
More effectively support the transition to a circular economy.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Make the movement of waste easier within the EU when destined for preparation for reuse or for recycling.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Make the movement of waste more difficult within the EU when destined for incineration with energy recovery.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Make the movement of waste more difficult or even impossible within the EU when destined for disposal (e.g. incineration without energy recovery, landfilling).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve the efficiency of the procedures and administration for both competent authorities and companies shipping waste between Member States, e.g. by obliging the use of an EU wide harmonized electronic system (instead of the current paper-based procedures).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Second policy objective: Restrict the export of EU waste to third countries**

Significant volumes of waste are exported outside the EU, often without sufficient control of the conditions under which the waste is managed in the destination countries, especially in developing countries. This can harm the environment and public health in destination countries and can be a loss of valuable resources for the EU industry. The provisions of the WSR do not appear sufficient to address this situation. The WSR makes a distinction between export to OECD countries and



export to countries which are not in the OECD area. The OECD is the Organisation for Economic Cooperation and Development and includes in addition to most EU Member States, the following countries: Canada, USA, Mexico, Chile, Israel, Turkey, Norway, Switzerland, Iceland, United Kingdom, Australia, New Zealand, South Korea and Japan.

For each of the statements below, please state your level of agreement or disagreement.

A review of the Waste Shipment Regulation should seek to:

	Strongly Agree	Agree	Disagree	Strongly disagree	No opinion
Keep the current EU rules on export of waste unchanged but increase their enforcement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Regarding export of waste to non-EU OECD countries

	Strongly Agree	Agree	Disagree	Strongly disagree	No opinion
Ban the export of waste to non-EU OECD countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban the export of waste to non-EU OECD countries, unless there is clear evidence that it will be processed in an environmentally sound manner	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Regarding export of waste to non-OECD countries only

	Strongly Agree	Agree	Disagree	Strongly disagree	No opinion
Ban the export of waste to developing countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban the export of waste to developing countries, unless there is clear evidence that it will be processed in an environmentally sound manner	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restrict the export of certain wastes to developing countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Third policy objective: Strengthen the enforcement of the Waste Shipment Regulation's provisions**

The enforcement of the WSR lies within the competencies of the EU’s Member States. At the moment this enforcement and its coordination between Member States could be improved. This results in the persistence of a level of illegal shipments of waste and/or illegal treatment of legally shipped waste occurring within the EU (often linked to activities of organised criminal networks), as well as to illegal shipments of waste from the EU to third countries, in particular to developing countries.

For each of the statements below, please state your level of agreement or disagreement.

A review of the Waste Shipment Regulation should seek to:

	Strongly Agree	Agree	Disagree	Strongly disagree	No opinion
Strengthen the enforcement of the Waste Shipment Regulation’s provisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve the coordination at EU level of enforcement efforts by Member States against illegal shipment , e.g. by establishing a dedicated forum or body	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Additional information or suggestions on all of the aspects above, that you would like to share with the Commission regarding the review of the Waste Shipment Regulation.

Additional policy objectives

What policy objectives, in addition to those listed above, should the review of the Waste Shipment Regulation pursue?

*500 character(s) maximum*

Additional measures

What measures, in addition to those listed above, should the review of the Waste Shipment Regulation include?

*500 character(s) maximum*

**Would you like to provide more detailed views and fill in the questions in part III, which are designed for those with a more in depth expert knowledge of the WSR?**

- Yes
- No: you can submit your replies to the questionnaire at this stage

## Expert stakeholder questionnaire

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In addition to the general considerations above, we invite your views on a number of potential measures to pursue these policy objectives. Some measures are more extensive than others, some build on existing provisions or practices, others may introduce new elements. In some cases, these measures may also be helpful for multiple objectives - for example, an electronic data interchange may not only assist in reducing unnecessary burden but may also improve the consistency of approaches to waste shipments across the EU. However, for the purpose of this questionnaire, and in order to avoid duplication of measures, they are mentioned only once against the first relevant policy objective.

### **First policy objective: more effectively support the transition to a circular economy**

In order to pursue this policy objective, the Commission services have identified a set of measures for consideration in a review of the WSR. These measures are grouped under the following priority areas:

- A) Better align rules governing intra-EU shipments of waste with the waste hierarchy and with existing EU legislation.
- B) Simplify and reduce administrative burden linked to the implementation of the WSR.
- C) Harmonise interpretation, application and enforcement across Member States.
- D) Better adapt the WSR to technical progress and stimulate innovation.

### **1A Align the Waste Shipment Regulation with the waste hierarchy and with existing EU legislation**

Facilitating the environmentally sound management of wastes, with a clear preference for the options higher up the waste management hierarchy contributes to reducing the need for new products or virgin materials and their associated costs in terms of emission of greenhouse gases and use of non-renewable raw materials. This contributes to the transition of the EU towards a Circular Economy.

Art.4 of the Waste Framework Directive 2008/98/EC defines the waste management hierarchy. This principle prioritises the waste management methods that preserve the economic and environmental value of products and are thus aligned with the principles of a Circular Economy. The waste management hierarchy is the following, in descending order of preference (preferred options first):

- prevention (beyond the scope of the WSR);
- preparing for re-use;
- recycling ;
- other recovery, e.g. energy recovery;
- disposal (e.g. in landfills).

Further, recently, an important part of EU waste legislation was substantially amended to enhance its contribution to a circular economy (e.g. more ambitious recycling targets, reduction targets for waste destined for landfills). The WSR itself, however, does not yet reflect these steps towards a circular economy. This leads to inconsistencies and legal uncertainty.

Do you agree that this is a policy objective that a review of the WSR should seek to pursue?

- Fully
- To a large extent
- Only to some extent
- Not at all
- I do not know / no opinion

In order to pursue this policy objective, the following measures could be undertaken.

Level of support

Expected impacts

	Fully	To a large extent	Only to some extent	Not at all	Do not know / no opinion	Ineffective*	Effective, but disproportionate**	Effective and proportionate***
<p>Introduce a new simplified procedure for intra-EU shipments of waste destined to preparation for reuse or to recycling. This new procedure would apply instead of the prior informed consent procedure in well-defined cases (shipments only to an approved list of facilities) and under</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>specific conditions (pre-notification through electronic data interchange system, shorter deadlines for authorities for raising objections, combined with tacit consent as a principle)</p>								
<p>In order to encourage the fast track procedure that is currently in art. 14 of the WSR establish clear conditions at EU level to pre-consent facilities, together with the principle</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>of mutual recognition of these facilities across the EU by the Member States.</p>								
<p>Narrow down the grounds for objections to shipments of waste for preparation for re-use or for recycling (through revision of Article 12)</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Consider options to limit shipments of waste to energy recovery.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Consider options to limit further or prohibit (with limited exemptions) shipments for</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

disposal between Member States.								
Determine contamination levels at the EU level in the context of classifying waste as hazardous or mixed: this can include the development of threshold values for contamination /mixtures of waste.	●	●	●	●	●	●	●	●



\* The proposed measure is ineffective: it does not achieve its intended purpose.

\*\*The proposed measure is effective, but it is disproportionate: it achieves its intended purpose, but the costs are larger than the benefits.

\*\*\*The proposed measure is effective and proportionate: it achieves its intended purpose, with benefits for society above costs, and costs and risks for me / my organisation / my constituency are acceptable.

### **1B Simplification and reduction of administrative burden linked to the implementation of the WSR**

Costs linked to the implementation of the WSR exist at public authority, company and societal level. For Member States, resources for inspection and law enforcement infrastructure represent the main share of the costs together with the costs for dealing with illegal shipments. Costs for companies are linked to administrative requirements, direct financial costs and dispute settlement costs.

Most of the direct costs linked to the WSR are of procedural and administrative nature. The main obstacles are the complex and time-consuming - often paper-based – notification procedures.

Another major cost - mostly for Member State competent authorities - concerns the taking back of illegal waste shipments.

Do you agree that this is a policy objective that a review of the WSR should seek to pursue?

- Fully
- To a large extent
- Only to some extent
- Not at all
- I do not know / no opinion

In order to pursue this policy objective, the following measures could be undertaken. For each measure, please indicate your level of support and the impacts you foresee.

support	Level of					Expected impacts		
	Fully	To a large extent	Only to some extent	Not at all	Do not know / no opinion	Ineffective*	Effective, but disproportionate**	Effective and proportionate***
Develop at EU level the conditions for the functioning of an Electronic Data Interchange (EDI) system to facilitate electronic notification and movement procedures for waste shipments, better monitoring of waste flows and to allow a smooth sharing of information between public authorities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rethink the financial								

<p>guarantee provisions /obligations: envisage possible alternatives for the currently used and required systems. This might involve an EU fund, an insurance-based system or other formats. Guidance could accompany this measure.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Issue guidance on improving efficiency and simplifying the implementation of provisions related to the prior written notification and consent procedures.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* The proposed measure is ineffective: it does not achieve its intended purpose.

\*\*The proposed measure is effective, but it is disproportionate: it achieves its intended purpose, but the costs are larger than the benefits.

\*\*\*The proposed measure is effective and proportionate: it achieves its intended purpose, with benefits for society above costs, and costs and risks for me / my organisation / my constituency are acceptable.

### **1C Harmonisation of interpretation, application and enforcement across Member States**

Different levels and manners of applying and enforcing the WSR, often combined with diverging interpretations of its provisions, result in its suboptimal implementation throughout the EU. The lack of common interpretation of WSR provisions leads to delays in shipments. These delays can e.g. lead to additional storage costs for waste whilst decisions are pending, as well as to shipments being rerouted to destinations where they would be treated in a less environmentally sound manner than initially planned. One concrete example relates to end-of-waste criteria and their different interpretations across Member States. This results in delays in and burdens on shipments of wastes across the EU, despite the fact that in many cases waste flows are of good quality and are sent for proper recovery.

The codes used in the Basel Convention, the OECD, the EU List of Waste and those applied for customs purposes are all different. Work is ongoing to align some of the codes. Nevertheless, the varying classification as “waste” or “non-waste”, or as “hazardous” or “non-hazardous” waste and the interpretation of related definitions in different Member States make shipments of certain waste streams difficult. Other inconsistencies relate to the interface between waste, chemicals and products legislation.

Do you agree that this is a policy objective that a review of the WSR should seek to pursue?

- Fully
- To a large extent
- Only to some extent
- Not at all
- I do not know / no opinion

In order to pursue this policy objective, the following measures could be undertaken. For each measure, please indicate your level of support and the impacts you foresee.

Level of  
support  
d impacts

Expecte

	Fully	To a large extent	Only to some extent	Not at all	Do not know / no opinion	Ineffective*	Effective, but disproportionate**	Effective and proportionate***
Provide further guidance to clarify the links between the different types of classification of waste. (Notably differences between classification of waste under (i) the EU list of waste based on the Waste Framework Directive, (ii) customs HS code, (iii) Basel Convention, (iv) OECD Decision....).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>Introduce in the WSR the principle of mutual recognition of national classification on whether a commodity is waste or not in case of shipments, including as regards the application of end-of-waste criteria.</p>	○	○	○	○	○	○	○	○	○
<p>Define rules to determine which Member State's (dispatch or destination) decision would prevail to decide whether a commodity is classified as waste or not, including as regards the</p>	○	○	○	○	○	○	○	○	○

application of end-of-waste criteria.								
Develop guidance on implementation of Article 28 to foster a common interpretation across the EU Member States on how to deal with disagreements between Member States on whether a commodity is waste or not, including as regards the application of end-of-waste criteria.	○	○	○	○	○	○	○	○
Introduce in the WSR the principle of mutual recognition of national rules on whether a waste is classified as	○	○	○	○	○	○	○	○

hazardous or not in case of shipments.								
Define rules to determine which Member State's (dispatch or destination) decision would prevail to decide whether a waste is classified as hazardous or not.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Develop guidance to foster a common interpretation across the EU MS on how to deal with disagreements between MS on whether a waste is classified as hazardous or not.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Establish structured exchange of information and experiences between MS and at EU level, e.g. by creating a platform for MS to share information. Information can include bilateral agreements on waste shipment related topics, end-of-waste decisions



\* The proposed measure is ineffective: it does not achieve its intended purpose.

\*\*The proposed measure is effective, but it is disproportionate: it achieves its intended purpose, but the costs are larger than the benefits.

\*\*\*The proposed measure is effective and proportionate: it achieves its intended purpose, with benefits for society above costs, and costs and risks for me / my organisation / my constituency are acceptable.

### **1D better adapt to technical progress and stimulation of innovation**

Some of the procedures and controls in the WSR may lag behind technological or policy progress, and thus hinder the adoption of the necessary up-to-date measures to ensure the most effective and efficient implementation of the WSR over time. The procedures leading to the revision of an EU legal text are too lengthy and costly to accommodate for many of such changes.

Do you agree that this is a policy objective that a review of the WSR should seek to pursue?

- Fully
- To a large extent
- Only to some extent
- Not at all
- I do not know / no opinion

In order to pursue this policy objective, the following measures could be undertaken. For each measure, please indicate your level of support and the impacts you foresee.

Level of  
support  
pected impacts

Ex

	Fully	To a large extent	Only to some extent	Not at all	Do not know / no opinion	Ineffective*	Effective, but disproportionate**	Effective and proportionate***
Provide more relevant delegations to the Commission to adapt the Regulation over time to technical and policy progress.	●	●	●	●	●	●	●	●

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\*\*The proposed measure is effective, but it is disproportionate: it achieves its intended purpose, but the costs are larger than the benefits.

\*\*\*The proposed measure is effective and proportionate: it achieves its intended purpose, with benefits for society above costs, and costs and risks for me / my organisation / my constituency are acceptable.

What additional EU level measure(s), if any, would you recommend to pursue the first policy objective “support more effectively the transition to a circular economy”?

*1000 character(s) maximum*

What impacts (benefits, risks, costs) of any of the measures proposed above would you like to flag to the Commission? Please substantiate your statement with quantitative data as much as possible. You can add information by using the option of attaching a document to your response (see end of survey)

*1000 character(s) maximum*

## **2. Second policy objective: Restrict the export of EU waste to third countries**

### **2A Restrict the export of EU waste outside the EU**

International trade in waste has considerably increased in the last decades and markets for some waste streams have become more and more globalised. In 2016, more than 200 million tonnes of waste were traded across international borders, four times more than the amount traded in 1992. In value, this represented around 100 billion US dollars. Metals, papers, plastics and minerals make out the majority of the wastes traded internationally, in both quantitative and financial terms.

The destination countries for the trade in waste have also changed over the past two decades. In the 1990s, more than 80% of internationally traded waste was imported by developed countries (EU Member States or other OECD Member Countries). Since then, the export of waste from developed countries to developing countries has considerably increased. China became the main market for waste streams exported by OECD countries and the decision taken in 2018 by the Chinese authorities to restrict or ban the import of a large number of waste streams (plastic and paper waste especially) represented a major change in the global waste market, which has important repercussions for internal trade in wastes. In this context, it is important to stress that it is not allowed to export hazardous wastes to non-OECD countries, while the export of non-hazardous (‘green-listed’) wastes to non-OECD countries is allowed in certain cases, depending on the destination country and the specific waste involved.

Having said that, concerns remain in relation to:

- Ensuring the environmentally sound management of wastes exported from developed to developing countries and making sure that the same strict standards that are applied in the EU for waste management are applied in countries that are treating wastes exported from the EU; and
- Recovering the economic value of waste by providing a robust and integrated single market for secondary raw materials and by-products within the EU.

With the above in mind, the Commission is of the view that the EU should stop exporting its waste challenges outside of the EU. In particular, exports of waste that have harmful environmental and health impacts in third countries or can be treated domestically within the EU, should be restricted, e.g. by focusing on countries of destination, problematic waste streams, types of waste operations that are source of concern.

In order to pursue this policy objective, the following measures could be undertaken. For each measure, please indicate your level of support and the impacts you foresee.

Level of  
support  
impacts

Expected

	Fully	To a large extent	Only to some extent	Not at all	Do not know / no opinion	Ineffective*	Effective, but disproportionate**	Effective and proportionate***
Introduce a ban on exports to non-EU countries of all waste.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduce a ban on export of all waste to all <b>non-EU countries</b> , with the exception of export of green-listed waste to countries which (i) notify the Commission that they want to be able to import waste from the EU and (ii) demonstrate that they comply with a	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>number of criteria designed to ensure that the waste will be dealt with in an environmentally sound manner. The list of countries could be set up and updated regularly by the Commission through delegated /implementing acts.</p>								
<p>Introduce a ban on export of all waste to <b>all non-EU, non-OECD countries</b>, with the exemption of export of green-listed to countries which (i) notify the Commission that they want to be able to import waste from the EU</p>								

<p>and (ii) demonstrate that they comply with a number of criteria designed to ensure that the waste will be dealt with in an environmentally sound manner. The list of countries could be set up and updated regularly by the Commission through delegated /implementing acts.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Require that the prior informed notification and consent procedure applies for the export of green-listed wastes to non-OECD countries outside the EU.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



<p>Revisit the current legal regime defining the right to export green listed waste to non-OECD countries, as set out in Art. 37 of the WSR and Regulation (EC) 1418 /2007: maintain the thrust of art. 37, but ensure updated information can be provided in a more flexible and less resource intensive way, e.g. via an interactive web platform rather than through a delegated act.</p>	●	●	●	●	●	●	●	●	●	●
<p>Maintain the current rules on both hazardous and green-listed waste exports to third countries and</p>	●	●	●	●	●	●	●	●	●	●

focus on stronger enforcement measures								
Specifically for EU export to other OECD countries: review the current OECD framework governing transboundary movements of waste, to assess if it is the most adequate, when it comes to regulating such trade within the OECD with a view to managing wastes in an environmentally sound manner and in light of the EU Circular Economy approach.								
Work on the Basel								

Convention: e.g. consider the inclusion of additional waste streams in the Convention, reinforce the Convention as regards Environmentally Sound Management or even Circular Economy aspects like life-cycle approach policy.



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## **2B Verify environmentally sound management of waste exported outside the EU**

In cases of exports of waste outside the Union, the actors in the exporting country have to ensure that the waste is shipped and managed in accordance with human health and environmental protection standards that are broadly equivalent to standards established in EU legislation. It proves to be a challenge for competent authorities and enforcement agents of the EU Member States to verify that waste exported outside the EU is managed in an environmentally sound management after they have been exported.

Do you agree that this is a policy objective that a review of the WSR should seek to address?

- Fully
- To a large extent
- Only to some extent
- Not at all
- I do not know / no opinion

In order to pursue this policy objective, the following measures could be undertaken. For each measure, please indicate your level of support and the impacts you foresee.

Level of

support  
impacts

Expected

	Fully	To a large extent	Only to some extent	Not at all	Do not know / no opinion	Ineffective*	Effective, but disproportionate**	Effective and proportionate***
Clarify what the EU considers as the environmentally sound management of waste, by including additional provisions on this point in the regulation or in implementing acts	●	●	●	●	●	●	●	●
Consider the establishment of an EU agency or equivalent body designed to inspect and certify that waste management								

<p>facilities in 3rd countries processing waste imported from the EU comply with EU requirements on the environmentally sound management” of waste.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Introduce in the WSR or in a guidance document more detailed and stricter conditions governing the export of waste outside the EU (notably laying down more precisely what the provisions on “human health and environmental protection standards broadly</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

equivalent to  
EU standards”  
means).

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## **2C Better classify shipped waste as hazardous or mixed/ contaminated when exporting waste from the EU**

The lack of a common interpretation of relevant provisions and procedures in the WSR leads to disputes between Member States and third countries, in addition to conflicts between Member States treated previously. These range from different appreciations of quality levels to divergence in waste classification.

Potential measures to improve classification of waste have been presented in 1C above and are also relevant here. Please refer to section 1C above.

Do you agree that this is a policy objective that a review of the WSR should seek to address?

- Fully
- To a large extent
- Only to some extent
- Not at all
- I do not know / no opinion

In order to pursue this policy objective, the following measures could be undertaken. For each measure, please indicate your level of support and the impacts you foresee.



Level of

support  
impacts

Expected

	Fully	To a large extent	Only to some extent	Not at all	Do not know / no opinion	Ineffective*	Effective, but disproportionate**	Effective and proportionate***
The EU should make additional efforts in the context of multilateral agreements to further clarify the matter regarding how disputes between Member States and other Parties are settled on whether a commodity is a waste or not, or whether a waste is hazardous or not.	●	●	●	●	●	●	●	●

Develop /support the development of guidance to foster a common interpretation across the EU Member States and third Parties on how to deal with disagreements between Member States and third Parties on whether a commodity is waste or not, or whether a waste is hazardous or not.



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\*\*\*The proposed measure is effective and proportionate: it achieves its intended purpose, with benefits for society above costs, and costs and risks for me / my organisation / my constituency are acceptable.

What additional EU level measure(s), if any, would you recommend to pursue this second policy objective “Restrict the export of EU waste to third countries”?

*1000 character(s) maximum*

What additional international level measure(s), if any, would you recommend to pursue the second policy objective “Restrict the export of EU waste to third countries”?

*1000 character(s) maximum*

What impacts (benefits, risks, costs) of any of the measures proposed above would you like to flag to the Commission? Please substantiate your statement with quantitative data as much as possible. You can add information by using the option of attaching a document to your response (see end of survey)

*1000 character(s) maximum*

### **3- Third policy objective: Strengthen the enforcement of the Waste Shipment Regulation’s provisions**

Further strengthen the WSR’s provisions on enforcement and inspections and strengthen cooperation across the EU and with international partners. The persistence of illegal waste shipments is inter alia due to the fact that competent authorities in Member States often lack comparable resources, that Member States do not cooperate sufficiently and that enforcement initiatives that take place on a national or regional level are often not prioritized nor coordinated across borders. Illegal shipments find the path of least resistance to get through or leave the European Union.

Sustained and improved enforcement efforts are vital in this context, including through targeted inspections and controls, deterrent penalties, and by tackling understaffing. These issues are under the responsibility of Member States in the first place. In recent years, important EU initiatives have nevertheless been taken in this field, such as the revision of the WSR in 2016 (which aimed at reinforcing inspections on illegal shipments of waste) and the strengthening of EU policy and actions against environmental crime. Despite this, there still is ample scope to reinforce an EU integrated approach to combat illegal shipments of waste. Measures to assess may include ensuring increased cooperation between competent authorities, a harmonised application of procedures, including related timeframes and clear enforcement deadlines, as well as improved cooperation with third countries.

In order to pursue this policy objective, the following measures could be undertaken. For each measure, please indicate your level of support and the impacts you foresee.

Level of

support  
impacts

Expected

	Fully	To a large extent	Only to some extent	Not at all	Do not know / no opinion	Ineffective*	Effective, but disproportionate**	Effective and proportionate***
Increase the involvement and capacity of EU bodies (e.g. Europol, OLAF) to support the control and enforcement actions of Member States against illegal shipment of waste or against illegal treatment of legally shipped waste	●	●	●	●	●	●	●	●
Establish through the WSR a forum, composed of law enforcement								

<p>and inspection agencies of the EU MS and the Commission, and dedicated to: exchange information, share experiences, set out EU priorities, cooperate and promote joint actions on the fight against illegal waste shipment. This could take then the form of an information exchange group or of an expert group.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>Improve /specify reporting requirements for Member States regarding</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

enforcement staffing and actions								
Improve existing guidance and develop additional guidance on implementation and enforcement issues.	●	●	●	●	●	●	●	●
Actions towards third countries to improve enforcement: support to projects and cooperation at bilateral, regional, and global levels, notably through the Basel Convention, World Customs Organisation, UN office on	●	●	●	●	●	●	●	●

Drugs and Crime, Interpol...									
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What additional EU level measure(s), if any, would you recommend to pursue the third policy objective “Strengthen the enforcement of the Waste Shipment Regulation’s provisions”?

*1000 character(s) maximum*

What impacts (benefits, risks, costs) of any of the measures proposed above would you like to flag to the Commission? Please substantiate your statement with quantitative data as much as possible. You can add information by using the option of attaching a document to your response (see end of survey)

*1000 character(s) maximum*

## Follow-up interviews and additional information

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Would you be interested and willing to take part in follow-up interviews which are being undertaken with select stakeholders to gather more information and views about the WSR?

- Yes  
 No

Do you have any additional information or views on the WSR not provided above that you would like to share? Please provide this below or uploading a policy document.

*1000 character(s) maximum*

Please upload your file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Thank you for your participation. You can also provide any additional evidence directly at ENV-WASTE-SHIPMENTS@ec.europa.eu.

