



New Regulation on shipments of waste

Expert group meeting, 13 May 2024

#EUGreenDeal

European Commission
Directorate General for Environment
Directorate B Circular Economy
Unit B3. From Waste to Resources



Expert Group on Waste – waste shipments

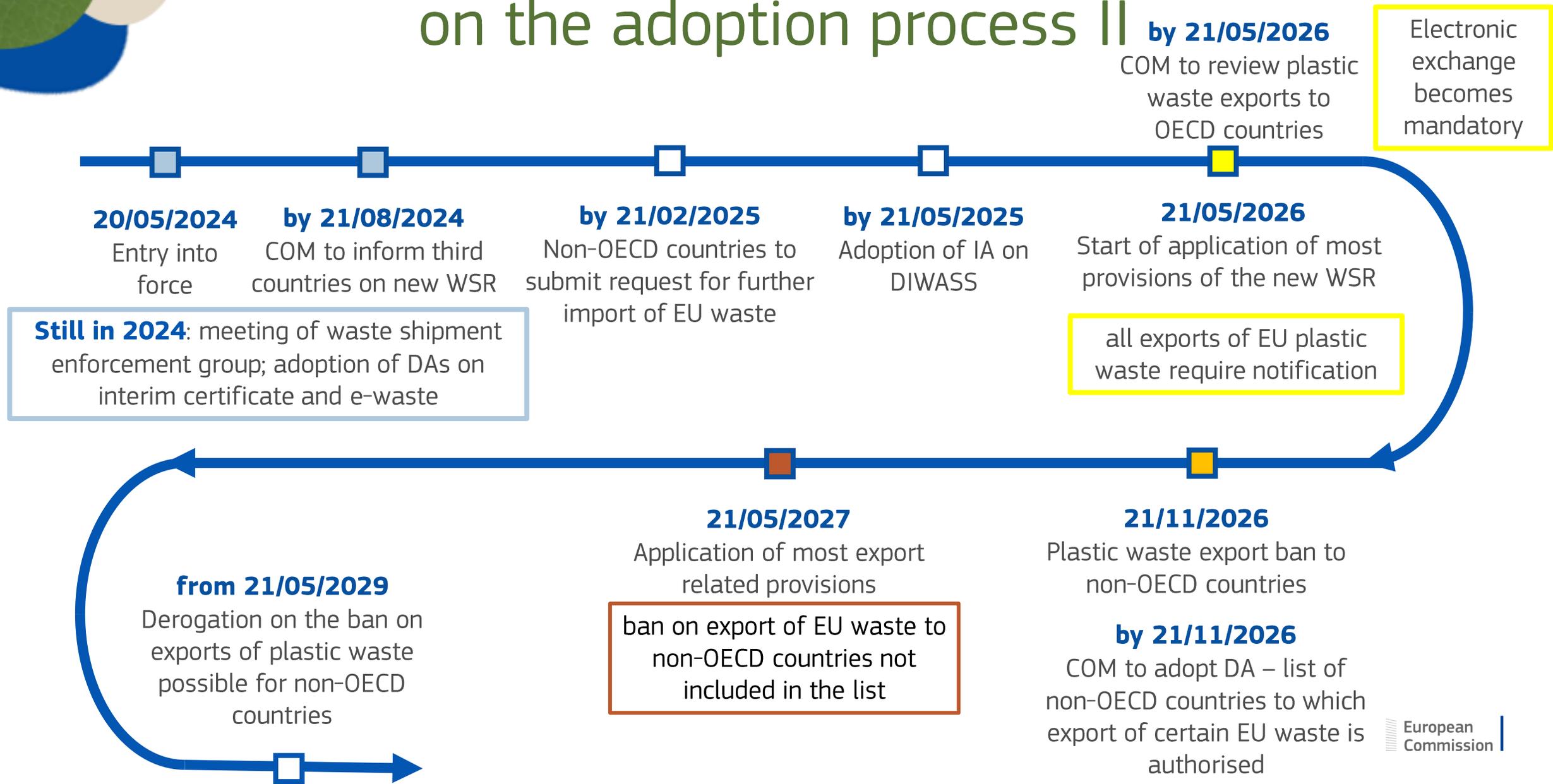
1. Adoption of the agenda
2. General information on the adoption process for the new waste shipment regulation
3. Intra EU-shipments: modernization and supporting the waste hierarchy
4. New rules on the export of waste from the EU
5. Enforcement
6. Implementation – delegated acts in preparation
7. AOB



2. Introduction and general information on the adoption process I

- Political agreement between co-legislators reached on 17 November 2023
- New regulation was published in the Official Journal on 30 April 2024
[Regulation - EU - 2024/1157 - EN - EUR-Lex \(europa.eu\)](#)
- Initial [Commission proposal](#) adopted on 17 November 2021, together with an accompanying [Communication](#) “our waste, our responsibility”

2. Introduction and general information on the adoption process II



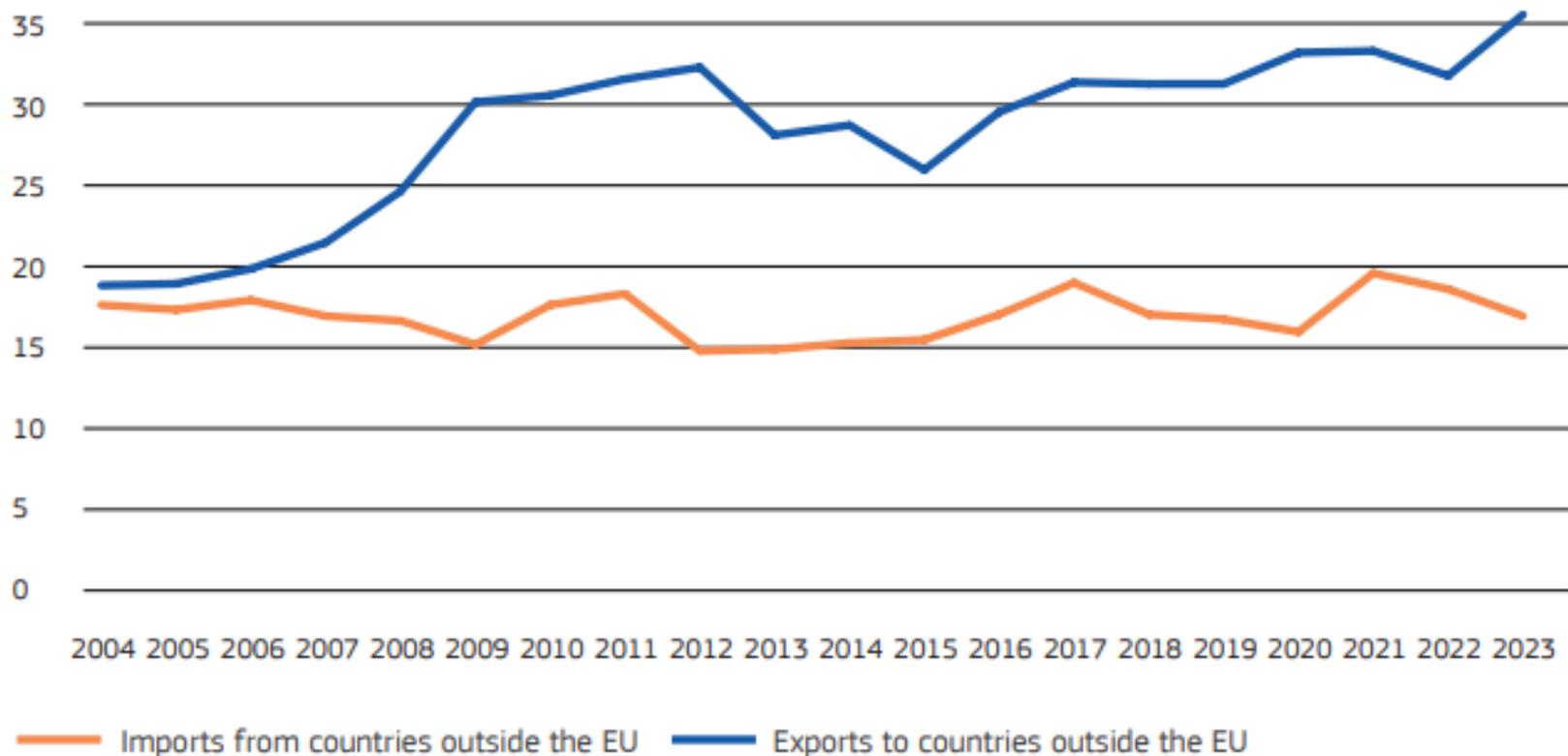


COM implementation priorities for 2024-2025

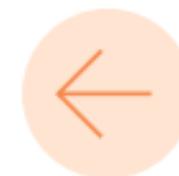
- Adoption of delegated acts:
 - Certificate confirming completion of subsequent interim or non-interim recovery operation or subsequent interim or non-interim disposal operation (Art. 15(6) of the new WSR)
 - Implementation of e-waste amendments to the Basel Convention
- Adoption of implementing act on the electronic exchange system (Art. 27(5) of the new WSR) and further development of DIWASS
- Outreach to third countries on new export regime
- Start of monitoring of exports of plastic waste to OECD countries
- Assessment of requests from non-OECD countries to import EU waste
- Establishment and organisation of first 2 meetings of waste shipment enforcement group

EU waste imports and exports, 2004-2023

The European Union's exports and imports of waste
(million tonnes)



Exports in 2023:
35.1 million tonnes
Value:
approx. € 18.5 billion



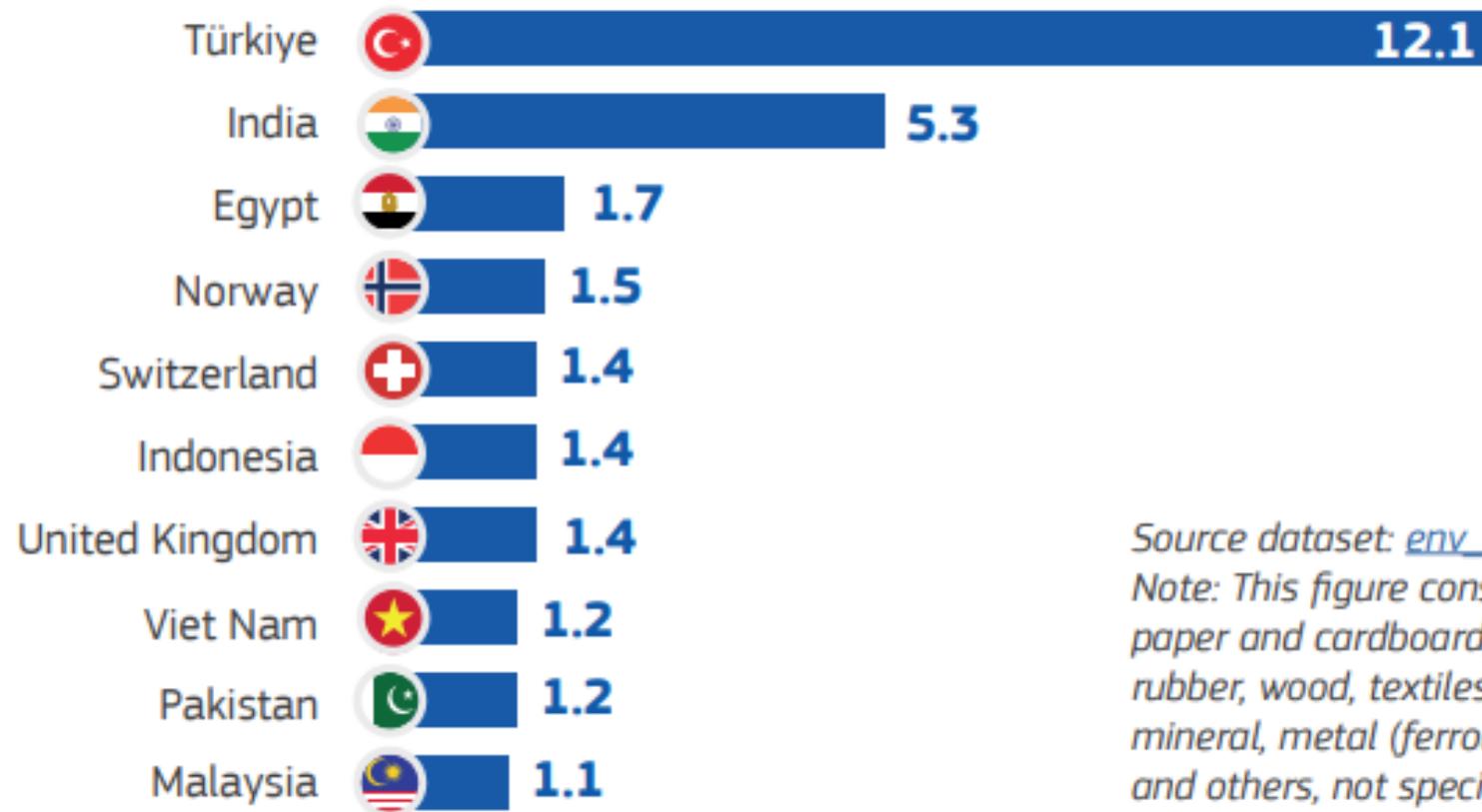
Imports in 2023:
17 million tonnes
Value:
approx. € 15.7 billion

Datasource: Eurostat

Top destinations of EU waste in 2023

Top 10 main destinations of waste from EU in 2023

(million tonnes)



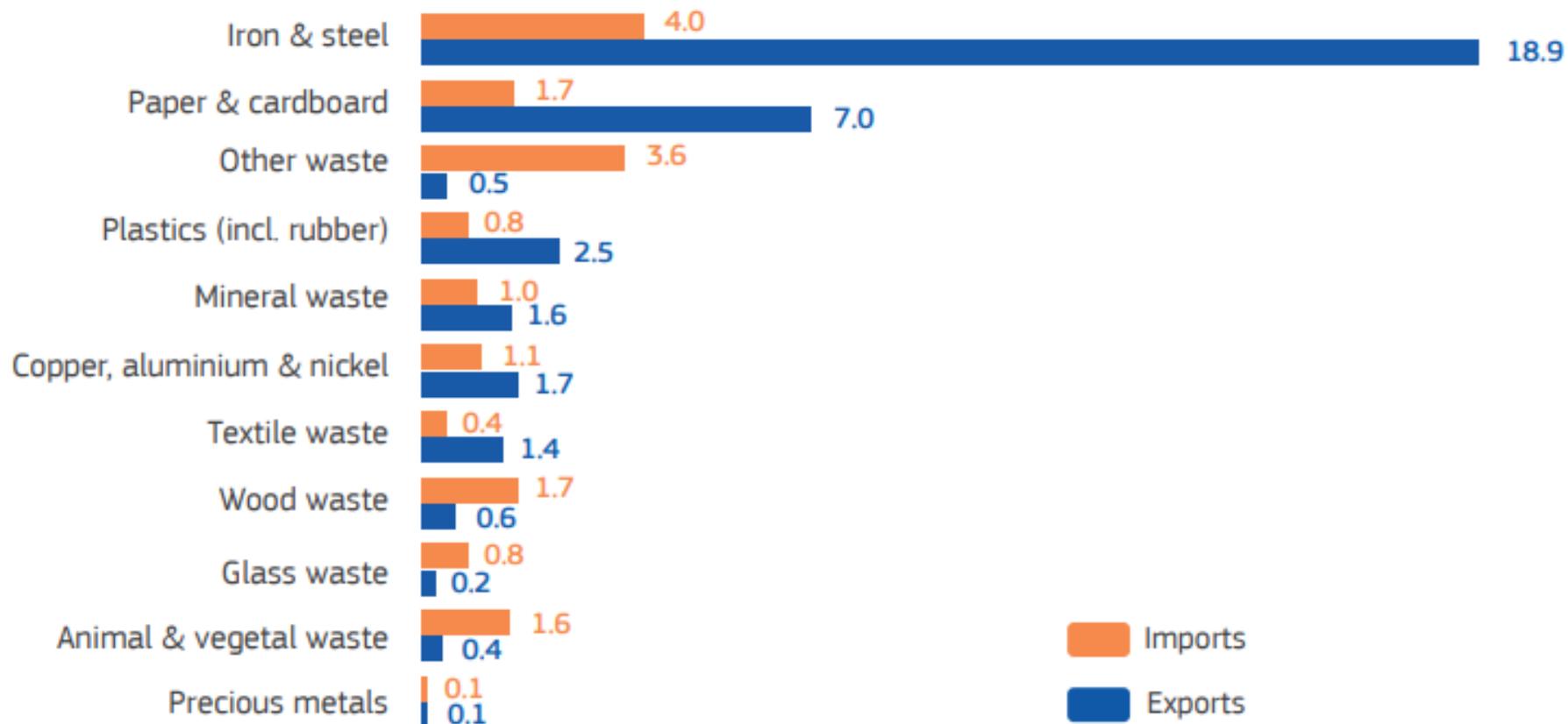
Source dataset: [env_wastrdmp](#)

Note: This figure considers exports of paper and cardboard, plastics, rubber, wood, textiles, glass, organic, mineral, metal (ferrous and nonferrous), and others, not specified.

Main categories of waste traded in 2023

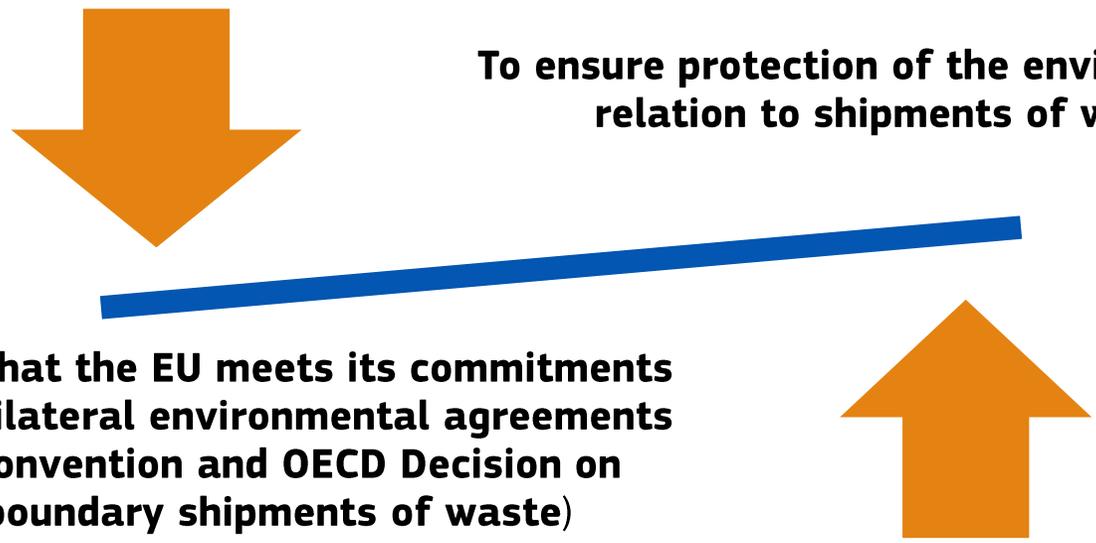
Exports and imports from/to the European Union, by waste category in 2023

(million tonnes)



Datasource: Eurostat

Key objectives and scope of Regulation



To ensure protection of the environment in relation to shipments of waste

To ensure that the EU meets its commitments under multilateral environmental agreements (Basel Convention and OECD Decision on transboundary shipments of waste)

Waste Shipment Regulation applies to shipments of waste:

- **Between EU countries**
- **Imported into the EU from non-EU countries**
- **Exported from the EU to non-EU countries**

Only a few specific types of waste are excluded from the scope of the Regulation (for example nuclear waste)

Main features of the Regulation

I. Shipments of waste in the EU:

set up control procedures for the shipments of waste, improve traceability of waste movements and encourage shipments for recycling

II. Extra-EU:

guarantee that waste are only shipped outside the EU if managed in an environmentally sound manner in the countries of destination

III. Tackle illegal shipments

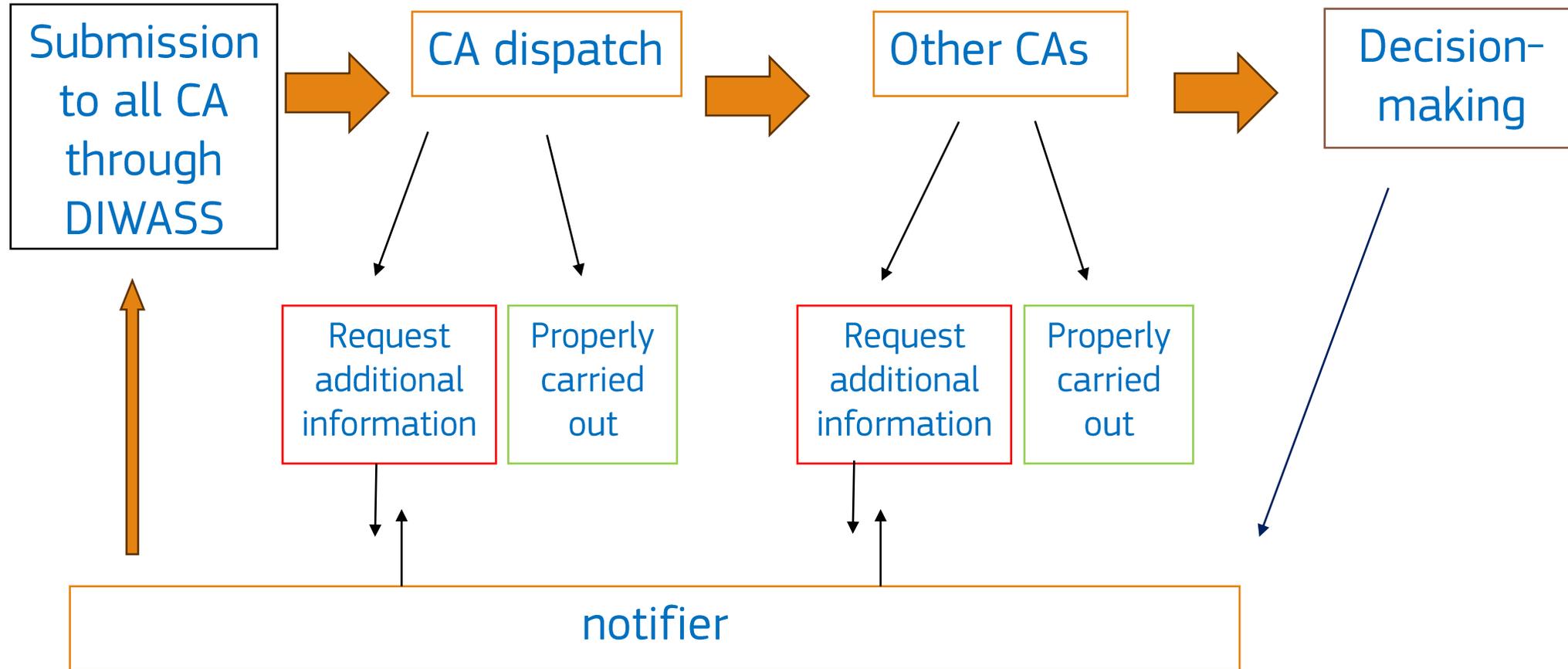
enhance cooperation and coordination on enforcement

3. Intra EU-shipments: modernization and supporting the waste hierarchy

a) Notification procedure: steps and timelines Electronic data interchange for waste shipments

- **Article 8 and 9: detailed steps and timing** of the procedure from submission of the notification to the decision by competent authorities, including possible withdrawal of consent.
- 30 days to decide starts at the moment that all competent authorities consider the notification properly completed and the CA of destination has informed the notifier thereof (action in the electronic system – DIWASS).

Overall steps in the notification process



3. Intra EU-shipments: modernization and supporting the waste hierarchy

a) Notification procedure: steps and timelines Electronic data interchange for waste shipments

- **Article 27: Digitalization of procedures:** central system (managed by COM), interoperating with existing systems in some MS
- Art. 27(5): Implementing act to be adopted by 21 May 2025 on the specifications for systems to interoperate in order to allow for the electronic submission and exchange of information and documents referred to in Article 27(1)
- Interconnection with eFTI and EU Customs Single Window
- Expert meetings to prepare act and implementation:
8 Dec 2022, 29 Sept 2023, 24 April 2024

3. Intra EU-shipments: modernization and supporting the waste hierarchy

b) Prohibition to ship for disposal

- **Article 4(1):** All shipments destined for disposal prohibited except where allowed under Article 11
- **Article 11:** Conditions for shipments destined for disposal
 - Main condition: notifier to demonstrate that recovery, or disposal in the country of dispatch, is not “technically feasible and economically viable” or disposal is mandatory.
 - Commission to develop detailed criteria on “technically feasible and economically viable” (IA by 21 May 2027)

3. Intra EU-shipments: modernization and supporting the waste hierarchy

c) Pre-consented facilities

- **Article 14:**

- Procedure to request and grant a “pre-consent”: Art. 14(2)-(11)
- Pre-content valid for 10 years, unless otherwise stated by the competent authority
- Adaptations to notification procedure: Art. 14(12)-(16):
 - Consent can be valid up to three years
 - Shorter timelines for requesting and submitting additional information, and for decision-making

3. Intra EU-shipments: modernization and supporting the waste hierarchy

d) Used goods vs waste

- **Article 29:** former Article 28 on disagreements on classification expanded
- In addition to WFD Articles 5 and 6 on By-products and End-Of-Waste, conditions to be fulfilled to distinguish a used goods from waste.
- Empowerment for the Commission to establish detailed criteria to distinguish between used goods and waste of particular importance for the export of waste (implementing acts).

3. Intra EU-shipments: modernization and supporting the waste hierarchy

e) Transparency – access to information

- **Article 21 and Annex XII:** COM to publish via its website monthly updated information mentioned in Annex XII on notifications and green listed waste shipments.
- Notification number, decision (consent or objection), waste id code, quantities (covered by consent and actually shipped), origin and destination country, name treatment facility, treatment operation

4.a) New rules on the export of waste from the EU – OECD countries

- **Exports to OECD countries** monitored and may be subject to a specific procedure:
 - To mitigate environmental problems caused by such exports or
 - If it cannot be demonstrated that waste is managed in an environmentally sound manner.
- If these conditions are met, COM is empowered to adopt delegated acts restricting or prohibiting export of certain waste to certain OECD countries.
- Specific rules for **export of plastic waste**:
 - Specific review within 2 years of the entry into force (by 21 May 2026) of the waste management in OECD countries importing large volume of plastic waste

4.b) New rules on the export of waste to non-OECD countries

- **Export to non-OECD countries** only allowed to those countries that notify to the Commission their willingness to import EU waste and demonstrate their ability to deal with it in an environmentally sound manner (ESM) (3 years after entry into force (21 May 2027))
 - List of authorized countries (first list to be established by 21 November 2026)
 - The new Regulation operationalizes the long-standing requirement in the current EU waste shipment regulation that ESM of waste must be ensured.

Export of non-hazardous waste to non-OECD countries

Export prohibition of non-hazardous waste to non-OECD countries



Except in the case where a non-OECD country notifies its willingness to import and demonstrates its ability to manage certain waste in an environmentally sound manner



Articles 40 to 43 set out the procedure for non-OECD third countries to notify their willingness and ability to receive and manage waste

The Commission will assess these notifications and publish a list of countries that are eligible for receiving exports of certain green-listed wastes from the Union

The list will be updated regularly

Requirements for non-OECD countries: Annex VIII

- Notifies a request for inclusion of in the list of countries to which the export of non-hazardous waste destined for recovery from the EU are authorized (Article 42)

Non-OECD

Submission of information and supporting evidence

- List of requested waste
- Detailed description of the national waste management strategy or plan of the country
- Description of domestic legal framework for waste management in place + Specific control procedures on import & export
- Legislation on the protection of the environment and public health applicable to waste management operations
- List of authorized waste recovery facilities
- Membership and compliance with the multilateral environmental agreements + Basel Convention and its relevant documents
- Enforcement

- Establishes a list of countries to which exports of non-hazardous waste from the Union for recovery are authorized (Article 41)

Commission

Assessment of a request for inclusion in the list

Article 43 and Annex IX: verify equivalence of measures in third countries

Points of reference in EU legislation designed to ensure the environmentally sound management of waste and

International guidance on environmentally sound management of waste

Waste Framework Directive

EU law on waste treatment operations and ESM (IED, LD)

Legislation on specific waste streams (ELV, PPWD, WEEE, Batteries, POPs, etc.)

Guidelines and guidance documents adopted under the Basel Convention (PFOAS, Incineration, disposal, ESM, etc.)

Guidelines adopted by the OECD

4.c) Additional restrictions applicable to exports of plastic waste

- **“Notification” procedure for all authorized exports of plastic waste** (OECD and non-OECD) – application 2 years from EIF (21 May 2026)
- In light of:
 - the global problems caused by **soaring amounts of plastic waste and**
 - the challenges posed by its environmentally sound management,EU legislators aimed to prevent environmental degradation and pollution in third countries caused by plastic waste generated in the EU
- **Export ban to non-OECD countries** within 30 months from entry into force of the Regulation (from 21 November 2026), with a derogation possible upon request from non-OECD countries, 60 months after EIF (from 21 May 2029)

4.d) Obligations on exporters



A natural or legal person shall only export waste outside the Union if it can demonstrate that the **facilities** which are to receive the waste in the country of destination will manage it in an environmentally sound manner (Article 46)



Independent audit

Exporters obliged to ensure **third party audit of destination facilities** treating their waste to verify environmentally sound management (Register of audited facilities managed by Commission)



Annex X - criteria designed to demonstrate that a facility manages waste exported from the EU in an environmentally sound manner

Next steps regarding exports

- ✓ **3 months after EIF (before 21 August 2024)**
COM to **inform third countries** of new WSR rules
- ✓ **Before 21 February 2025**
Non-OECD countries to **submit request** to receive waste
- ✓ **Before 21 May 2026**
COM to **review plastic waste exports to OECD**
- ✓ **21 May 2026**
Application of most provisions from the new WSR
- ✓ **21 May 2027**
Application of **most export related provisions**
- ✓ **Before 21 November 2026**
Establishment of a first **list of approved destinations**
- ✓ **From 21 November 2026**
Ban on exports of plastic waste to non-OECD countries
- ✓ **From 21 May 2029**
Derogation on the ban on exports of plastic waste **possible** for non-OECD countries

5. Enforcement

Provide the EU antifraud office – **OLAF** – with competence **to investigate waste trafficking** in the EU

Articles 67 to 71

Aim: to support MS efforts in illegal shipment cases. Cooperation shall include exchange of information and of views in planning inspections

Establish an **EU level group** for coordination and cooperation **on enforcement**

Article 66

Aim: to facilitate and improve cooperation and coordination between MS in enforcing WSR rules. Regular meetings; up to 3 representatives per MS; co-chaired by COM and one elected MS representative

Strengthen provisions on enforcement, inspection and penalties & improve reporting on these issues

Articles 60 to 63

Builds on, clarifies and strengthens elements of current Article 50 (WSR 1013)

6. Implementation – delegated acts in preparation

- **Article 15(6):**

Establish the information to be provided in a certificate by the facility which carries out an interim operation, on the completion of the subsequent treatment in the country of destination of waste resulting from the initial interim operation.

Linked to electronic exchange

- **E-waste:**

Implement the amendments to Annexes II, VIII and IX to the Basel Convention related to e-waste.

These amendments will enter into force at global level on 1 January 2025.

Two draft acts prepared:

- for the period of 1 January 2025 until 20 May 2026: to amend WSR 1013
- from 21 May 2026: to amend WSR 1157



Thank you for your attention!

Additional information:

<http://ec.europa.eu/environment/waste/shipments/index.htm>