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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2021) 332 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT accompanying the document 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

Delegations will find attached document SWD(2021) 332 final.

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COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

Accompanying the document

**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**

{COM(2021) 709 final} - {SEC(2021) 402 final} - {SWD(2021) 330 final} -
{SWD(2021) 331 final}

Problems

The current rules in the Waste Shipment Regulation (WSR) cannot sufficiently ensure that waste shipped to other countries is treated in an environmentally sound manner and in line with the waste hierarchy. Three aspects of this problem were identified.

1. Intra-EU shipment procedures are burdensome and can cause delays that impose costs on waste operators while existing simplification tools are not widely used.
2. The current rules cannot guarantee that exported waste will be soundly managed in a way that addresses the same environmental and health impacts as would treatment in the EU. EU reliance on waste exports makes it vulnerable to global value chain disruptions, including sudden import restrictions and dependencies on the import of secondary materials.
3. Non-comparable resources and insufficient coordination for enforcement lead to large amounts of waste being illegally shipped, within and beyond the EU.

Objectives

The overall objective of the WSR review is to protect the environment by facilitating shipments within the EU, in line with circular economy principles, guaranteeing that waste shipped outside the EU is managed in an environmentally sound manner, and addressing illegal shipments of waste within and outside the EU.

Options

1. Baseline - focus on supporting WSR implementation without legislative changes.
2. Targeted changes - improve WSR implementation through targeted amendments to existing provisions.
3. Structural changes - overhaul of the WSR with simplified rules on intra-EU waste shipments, new mechanisms for the export of waste, and new provisions to address illegal shipments.
4. Far-reaching changes – improve the WSR through targeted amendments to existing provisions and envisaging modernised and digitalised procedures, establish a new framework to ensure sustainable management of exported waste, and strengthen enforcement.

Preferred option

The preferred option is option 4. It is a balanced approach in terms of effectiveness (achievement of the objectives) and cost-efficiency. It also takes into account the EU's international obligations, and proportionality. It will reduce the burden for intra-EU shipments of waste, and promote waste shipments destined for recycling. It meets the EU's objective to stop exporting its waste problems by ensuring exported waste is treated in a sustainable manner, while respecting the EU's international legal obligations. Finally, it contributes to better addressing illegal shipments of waste. This option does not result in excessive costs or major disruption of waste markets. The approaches included in option 4 are listed below by objective.

Intra-EU shipments

- Modernise the WSR through a mandatory shift to an EU-wide digital exchange of data.
- Harmonise the implementation of existing procedures and obligations (pre-consented facilities, financial guarantees, classification of shipped waste).

- Align the WSR with the waste hierarchy and its preference for reuse and recycling.

Export outside the EU

- Establish that waste can only be exported to non-OECD countries that demonstrate their ability to treat certain waste.
- Ensure that exporting companies and countries verify that facilities properly treat this waste.

Illegal shipments

- Increase the efficiency of Member State enforcement efforts, including penalties.
- Increase cooperation on inspection and investigations at national and EU levels.