

11.1.2023

A9-0290/ 001-150

## **AMENDMENTS 001-150**

by the Committee on the Environment, Public Health and Food Safety

### **Report**

**Pernille Weiss**

Shipments of waste

**A9-0290/2022**

Proposal for a regulation (COM(2021)0709 – C9-0426/2021 – 2021/0367(COD))

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### **Amendment 1**

#### **Proposal for a regulation**

##### **Recital 1**

*Text proposed by the Commission*

(1) It is necessary to lay out rules at the Union level to protect the environment and human health against the adverse impacts which may result from the shipment of waste. These rules should also contribute to the facilitation of environmentally sound management of waste, in accordance with the waste hierarchy laid down in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council<sup>31</sup>, as well as to the reduction of overall impacts of resource use and to the improvement of the efficiency of such use, which is crucial for the transition to a circular economy.

*Amendment*

(1) It is necessary to lay out rules at the Union level to protect the environment and human health against the adverse impacts which may result from the shipment of waste. These rules should also contribute to the facilitation of environmentally sound management of waste, in accordance with the waste hierarchy laid down in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council, as well as to the reduction of overall impacts of resource use and to the improvement of the efficiency of such use, which is crucial for the transition to a circular economy ***and for reaching climate-neutrality by 2050 at the latest. In this regard, waste management should be considered as one step of the product life-cycle spanning from production to secondary raw***

*materials, for which sustainable innovative techniques which seek to improve material recovery, energy efficiency, and waste management's overall contribution to decarbonisation should be prioritized.*

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<sup>31</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJL 312, 22.11.2008, p. 3).

## **Amendment 2**

### **Proposal for a regulation Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*(1a) Waste treatment and disposal activities can, if not properly managed, have various negative impacts on the environment and on people's quality of life, some of which are difficult to mitigate. More information therefore needs to be made available online on the various waste management operations carried out, in terms of quantities, types, routes and associated destinations, as well as on the inspection and monitoring of waste management activities.*

## **Amendment 3**

### **Proposal for a regulation Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*(1b) Progress in improving the effectiveness and efficiency of waste management should be accompanied by measures to reduce the generation of*

*waste addressing in particular the waste upstream in production and consumption;*

#### Amendment 4

##### Proposal for a regulation

##### Recital 3

###### *Text proposed by the Commission*

(3) The European Green Deal<sup>34</sup> sets out an ambitious roadmap to transform the Union into a sustainable, resource efficient and climate neutral economy. It calls on the Commission to review the Union rules on waste shipments established under Regulation (EC) No 1013/2006. The New Circular Economy Action Plan<sup>35</sup> adopted in March 2020 further stresses the need for action to ensure that shipments of waste for re-use and recycling in the Union are facilitated, that the Union does not export its waste challenges to third countries and that illegal waste shipments are better addressed. In addition to the environmental and social benefits, this can also result in ameliorating EU's strategic dependencies on raw materials. Both the Council<sup>36</sup> and the European Parliament<sup>37</sup> have also called for a revision of the current Union rules on waste shipments established under Regulation (EC) No 1013/2006.

###### *Amendment*

(3) The European Green Deal<sup>34</sup> sets out an ambitious roadmap to transform the Union into a sustainable, resource efficient and climate neutral economy. It calls on the Commission to review the Union rules on waste shipments established under Regulation (EC) No 1013/2006. The New Circular Economy Action Plan<sup>35</sup> adopted in March 2020 further stresses the need for action to ensure that shipments of waste for re-use and recycling in the Union are facilitated, that the Union does not export its waste challenges to third countries and that illegal waste shipments are better addressed. In addition to the environmental and social benefits, this can also result in ameliorating EU's strategic dependencies on raw materials. ***Keeping more of the generated waste within the Union will, however, require improved recycling and waste management capacity.*** Both the Council<sup>36</sup> and the European Parliament<sup>37</sup> have also called for a revision of the current Union rules on waste shipments established under Regulation (EC) No 1013/2006. ***To support the circular economy, innovative business initiatives such as taking back waste for the purpose of recycling, refurbishment, research or for improvement of product design should be supported.***

<sup>34</sup> Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European GreenDeal (COM (2019) 640 final)

<sup>35</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy Action Plan – For a cleaner and more competitive Europe (COM(2020)98 final).

<sup>36</sup> Council conclusions on Making the Recovery Circular and Green (13852/20 OJ CONS 34).

<sup>37</sup> European Parliament resolution of 10 February 2021 on the New Circular Economy Action Plan (2020/2077(INI)).

<sup>34</sup> Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European GreenDeal (COM (2019) 640 final)

<sup>35</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy Action Plan – For a cleaner and more competitive Europe (COM(2020)98 final).

<sup>36</sup> Council conclusions on Making the Recovery Circular and Green (13852/20 OJ CONS 34).

<sup>37</sup> European Parliament resolution of 10 February 2021 on the New Circular Economy Action Plan (2020/2077(INI)).

## Amendment 5

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

***(8) The Union submitted in October 2020 a notification, covering shipment of waste within the Union, to the Secretariat of the Basel Convention under Article 11 of that Convention. In line with that Article, the Union might therefore set out specific rules applying to the intra-EU shipments of waste which are not less environmentally sound than those provided for by the Basel Convention.***

*Amendment*

***deleted***

*(Linked to the amendments by the same author deleting the entries EU3011 and EU48.)*

*Justification*

*The notification about the intra-EU shipments of plastic waste is less environmentally sound than those provided for by the Basel Convention and therefore unlawful.*

## **Amendment 6**

### **Proposal for a regulation Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) Research and innovation should be an integral part of the European waste management sector. The research and innovation network for waste should include industry, universities and other research institutions.***

***Accordingly, revisions of this Regulation and its relevant associated acts should take into account innovation in waste management techniques, where such techniques contribute to the environmentally sound management of waste.***

## **Amendment 7**

### **Proposal for a regulation Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

***(10b) To ensure a real transition towards a circular economy for shipments of waste from its place of origin to the best place of treatment for such waste, the principle of proximity, material efficiency as well as the need to reduce the environmental footprint of waste should be taken into account.***

## **Amendment 8**

### **Proposal for a regulation Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) This regulation should provide legal certainty and ensure uniform application of Union legislation within the area of waste management to facilitate compliance with the relevant provisions on protection of the environment and human health. Creating an undue administrative burden, especially for small and medium-sized enterprises, should be avoided.***

## **Amendment 9**

### **Proposal for a regulation Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) To take account of innovation in waste treatment technologies with regard to environmental sound management, as well as of changes in consumer behaviour with regard to the sorting of waste, it is essential that Annex IIIB be continuously updated. The Commission should in particular assess whether to add entries on used footwear, clothing and other textile products, mineral wool and mattresses.***

## **Amendment 10**

### **Proposal for a regulation Recital 16 b (new)**

*Text proposed by the Commission*

*Amendment*

***(16b) A well-functioning Union market for waste shipments should prioritise proximity, self-sufficiency and the use of the best available techniques in waste management as guiding principles. Achieving a fair transition to a***

*circular economy is essential to attaining a climate neutral, resource-efficient and competitive Union economy that is sustainable in the long run.*

## Amendment 11

### Proposal for a regulation Recital 20

*Text proposed by the Commission*

(20) It is necessary to provide for procedural steps and safeguards, when a notifier wishes to ship waste ***subject to the procedure of prior written notification and consent***, in the interests of legal certainty and to ensure uniform application of this Regulation and the proper functioning of the internal market. It is also necessary, in line with Article 6(11) of the Basel Convention, to ensure that the costs arising from situations where the shipment of waste subject to the prior written notification and consent cannot be completed or is illegal, are borne by the relevant operators. To this end, the notifier should establish a financial guarantee or equivalent insurance for each shipment of ***such*** waste.

*Amendment*

(20) It is necessary to provide for procedural steps and safeguards, when a notifier wishes to ship waste, in the interests of legal certainty and to ensure uniform application of this Regulation and the proper functioning of the internal market, ***contributing to long-term competitiveness of the Union***. It is also necessary, in line with Article 6(11) of the Basel Convention, to ensure that the costs arising from situations where the shipment of waste subject to the prior written notification and consent cannot be completed or is illegal, are borne by the relevant operators. To this end, the notifier should establish a financial guarantee or equivalent insurance for each shipment of waste.

## Amendment 12

### Proposal for a regulation Recital 22

*Text proposed by the Commission*

(22) In order to reduce delays in the processing of notifications for the shipment of waste and facilitate the exchange of information between the relevant authorities, it is ***necessary*** that the issuance and exchange of information and data,

*Amendment*

(22) In order to reduce delays in the processing of notifications for the shipment of waste and facilitate the exchange of information between the relevant authorities ***and the economic operators***, it is ***imperative*** that the issuance and

which relates to individual shipments of waste within the Union, be made via electronic means. It is also necessary to empower the Commission to lay out the procedural and operational requirements for the practical implementation of the systems ensuring this electronic submission and exchange of information (such as interconnectivity, architecture and security). It is also necessary to provide sufficient time for competent authorities in the Member States and economic operators to prepare for the shift from a paper based approach, as laid down in Regulation (EC) 1013/2006, to an approach to exchange information and documents electronically. This new obligation should therefore become applicable 24 months after the date of **application** of this Regulation.

exchange of information and data, which relates to individual shipments of waste within the Union, be made via electronic means. ***The central system and the national system should be interlinked and fully operational. To facilitate the reduction of delays, it is crucial that those systems allow document sharing and contain a fully searchable database of information related to shipments of waste.*** It is also necessary to empower the Commission to lay out the procedural and operational requirements for the practical implementation of the systems ensuring this electronic submission and exchange of information (such as interconnectivity, architecture and security). It is also necessary to provide sufficient time for competent authorities in the Member States and economic operators to prepare for the shift from a paper based approach, as laid down in Regulation (EC) 1013/2006, to an approach to exchange information and documents electronically. This new obligation should therefore become applicable 24 months after the date of ***entry into force*** of this Regulation, ***before which access to the central system, in its final version should be granted to relevant authorities for the purpose of testing and learning.***

## Amendment 13

### Proposal for a regulation Recital 22 a (new)

*Text proposed by the Commission*

*Amendment*

***(22a) Competent authorities should ensure that there are alternative procedures as safeguards in the electronic system. In the event of a temporary failure of the central system, data should remain protected and***

*accessible, and procedures related to shipments should be carried out without unnecessary delays.*

## Amendment 14

### Proposal for a regulation

#### Recital 30

##### *Text proposed by the Commission*

(30) With a view to ensuring that competent authorities are able to correctly process the documents submitted to them relating to the shipment of waste, ***it is necessary to lay out an obligation for*** the notifier ***to*** provide an authorised translation of these documents in a language acceptable to these authorities, ***if they*** so request.

##### *Amendment*

(30) With a view to ensuring that competent authorities are able to correctly process the documents submitted to them relating to the shipment of waste, ***while avoiding an undue administrative burden,*** the notifier ***should*** provide ***notifications, information, documentation or other communications in the official language of the Member State of the competent authorities concerned or in English.*** An authorised translation of these documents in a language acceptable to these authorities, ***should be provided if the competent authorities*** so request, ***but only in duly justified cases.***

## Amendment 15

### Proposal for a regulation

#### Recital 31

##### *Text proposed by the Commission*

(31) In order to avoid disruptions of shipments of waste or goods, due to a disagreement between competent authorities on the status of these waste or goods, it is necessary to set out a procedure to resolve such disagreements. It is important in that regard that competent authorities base their decisions on the provisions relating to the determination of by-products and to the end-of-waste status

##### *Amendment*

(31) In order to avoid disruptions of shipments of waste or goods, due to a disagreement between competent authorities on the status of these waste or goods, it is necessary to set out a procedure to resolve such disagreements. It is important in that regard that competent authorities base their decisions on the provisions relating to the determination of by-products and to the end-of-waste

of Directive 2008/98/EC. It is also necessary to lay out a procedure to resolve disagreements between competent authorities as to whether waste should be subject or not to the notification procedure. ***To ensure a better harmonisation across the Union of the conditions under which waste should be subject to the notification procedure, the Commission should also be empowered to adopt implementing acts establishing criteria for the classification of specific waste in the relevant Annexes to this Regulation, which will determine whether or not it is subject to the notification procedure.*** In addition, in order to avoid that waste are falsely declared as used goods ***and to provide legal clarity, the Commission should be empowered to adopt implementing acts establishing*** criteria to distinguish between used goods and waste, for specific commodities for which such distinction is important, especially for their export from the Union.

status of Directive 2008/98/EC. It is also necessary to ***establish criteria for the classification of specific waste in the Annexes to this Regulation and to*** lay out a procedure to resolve disagreements between competent authorities as to whether waste should be subject or not to the notification procedure. In addition, in order ***to provide legal certainty and*** to avoid that waste are falsely declared as used goods, ***it is necessary to establish*** criteria to distinguish between used goods and waste, for specific commodities for which such distinction is important, especially for their export from the Union.

## Amendment 16

### Proposal for a regulation Recital 36

#### *Text proposed by the Commission*

(36) To protect the environment of the countries concerned, it is necessary to clarify the scope of the prohibition of exports of hazardous waste destined for recovery in third countries to which the OECD Decision does not apply, in accordance with the Basel Convention. In particular, it is necessary to clarify the list of waste to which that prohibition applies and to ensure that it also includes the waste listed in Annex II to the Basel Convention, namely waste collected from households, residues from the incineration of household

#### *Amendment*

(36) To protect the environment of the countries concerned, it is necessary to clarify the scope of the prohibition of exports of hazardous waste destined for recovery in third countries to which the OECD Decision does not apply, in accordance with the Basel Convention. In particular, it is necessary to clarify the list of waste to which that prohibition applies and to ensure that it also includes the waste listed in Annex II to the Basel Convention, namely waste collected from households, residues from the incineration of household

waste and hard-to-recycle plastic waste.

waste and hard-to-recycle,  
*contaminated or mixed* plastic waste.

## **Amendment 17**

### **Proposal for a regulation Recital 36 a (new)**

*Text proposed by the Commission*

*Amendment*

***(36a) The Union should thoroughly rethink the management of its plastic waste, starting with prevention and ensuring that such waste is collected, reused and recycled.***

## **Amendment 18**

### **Proposal for a regulation Recital 36 b (new)**

*Text proposed by the Commission*

*Amendment*

***(36b) Plastic waste poses particular challenges. There is a wide diversity of polymers, and they often contain hazardous additives and numerous contaminants. Measuring the levels of hazardous additives and of contaminants for export control purposes would require costly testing. Recycling levels for plastic waste are low, and the recycling of plastic waste can create large amounts of residual waste. Some major shipping companies are committed to stopping the transport of plastic waste to help curb pollution. In light of various problems created by plastic waste management in third countries, the Union should gradually phase out the export of all kinds of plastic waste outside of the Union and EFTA countries.***

## **Amendment 19**

### **Proposal for a regulation Recital 36 c (new)**

*Text proposed by the Commission*

*Amendment*

***(36c) To ensure there is effective enforcement of the phase-out of export of plastic waste outside of the Union and EFTA countries, it is necessary to carry out regular monitoring and inspection at checkpoints, including to prevent any circumvention of the phase-out requirement by false claims that it is not waste.***

## **Amendment 20**

### **Proposal for a regulation Recital 36 d (new)**

*Text proposed by the Commission*

*Amendment*

***(36d) To promote plastics recycling in the Union, a market for products containing recycled plastic should be supported. The Commission should assess the introduction of targets on recycled content, particularly, but no limited to, for products made out of plastic, and, where appropriate, submit a legislative proposal accordingly.***

## **Amendment 21**

### **Proposal for a regulation Recital 37 a (new)**

*Text proposed by the Commission*

*Amendment*

***(37a) It is necessary to ensure that the shipment of waste that is necessary for building strong value chains is facilitated within the internal market, while ensuring***

*that adequate controls are in place.  
Strengthening key value chains  
will accelerate the development of our  
resilience and enhance the Union's  
strategic autonomy.*

## Amendment 22

### Proposal for a regulation Recital 38

#### *Text proposed by the Commission*

(38) Countries to which the OECD decision applies are subject to the rules and recommendations laid down by the OECD on the shipment and management of waste, and have generally higher standards for the management of waste than countries to which the OECD decision does not apply. It is however important that the export from the Union of non-hazardous waste for recovery does not create damages to environment and public health in countries to which the OECD decision applies. It is therefore necessary to establish a mechanism to monitor shipments of non-hazardous waste to such countries. In cases where ***the export of non-hazardous waste from the Union to the country concerned has considerably increased within a short period of time and*** there is a lack of information available demonstrating the ability of the country concerned to recover this waste in an environmentally sound manner, the Commission should enter into a dialogue with the country concerned and, if the information is not sufficient to prove that the waste is recovered in an environmentally sound manner, be empowered to suspend such exports.

#### *Amendment*

(38) Countries to which the OECD decision applies are subject to the rules and recommendations laid down by the OECD on the shipment and management of waste, and have generally higher standards for the management of waste than countries to which the OECD decision does not apply. It is however important that the export from the Union of non-hazardous waste for recovery does not create damages to environment and public health in countries to which the OECD decision applies. It is therefore necessary to establish a mechanism to monitor shipments of non-hazardous waste to such countries. In cases where there is a lack of information available demonstrating the ability of the country concerned to recover this waste in an environmentally sound manner, ***as well as information about the negative impacts of the management of domestic waste in the country concerned,*** the Commission should enter into a dialogue with the country concerned and, if the information is not sufficient to prove that the waste is recovered in an environmentally sound manner, be empowered to suspend such exports.

## Amendment 23

**Proposal for a regulation**  
**Recital 49**

*Text proposed by the Commission*

(49) To support and complement the enforcement activities of the Member States, the Commission should be empowered to carry out investigative and coordinating actions in respect of illegal shipments, which might have serious adverse effects on human health or the environment. In carrying out these activities, the Commission should act in full respect of procedural guarantees. The Commission may consider, as a matter of its internal organisation, entrusting certain enforcement actions foreseen by this Regulation to the European Anti-Fraud Office (OLAF), which possesses relevant expertise in that regard.

*Amendment*

(49) To support and complement the enforcement activities of the Member States, the Commission should be empowered to carry out investigative and coordinating actions in respect of illegal shipments, which might have serious adverse effects on human health or the environment. In carrying out these activities, the Commission should act in full respect of procedural guarantees. The Commission may consider, as a matter of its internal organisation, entrusting certain enforcement actions foreseen by this Regulation to the European Anti-Fraud Office (OLAF), which possesses relevant expertise in that regard. ***If competent authorities in the Member States of dispatch and destination are notified of an illegal shipment of waste, they should consider how they could increase their control measures for similar shipments to identify illegal shipments of waste at an early stage.***

**Amendment 24**

**Proposal for a regulation**  
**Recital 50**

*Text proposed by the Commission*

(50) Member States should provide the Commission with information concerning the implementation of this Regulation, both through the reports submitted to the Secretariat of the Basel Convention and on the basis of a separate questionnaire. The Commission should produce a report every **four** years on the implementation of this Regulation, based on the information

*Amendment*

(50) Member States should provide the Commission with information concerning the implementation of this Regulation, both through the reports submitted to the Secretariat of the Basel Convention and on the basis of a separate questionnaire. The Commission should produce a report every **three** years on the implementation of this Regulation, based on the

provided by the Member States as well as on other information, gathered in particular through ad hoc reports by the Commission and the European Environment Agency on the shipments of plastic waste and other specific waste streams that are a source of concern.

information provided by the Member States as well as on other information, gathered in particular through ad hoc reports by the Commission and the European Environment Agency on the shipments of plastic waste and other specific waste streams that are a source of concern. ***The central system for electronic submission and exchange of information and documents should be designed in such a way that data can be extracted from the system for the purpose of those reports.***

## Amendment 25

### Proposal for a regulation Recital 52

#### *Text proposed by the Commission*

(52) In order to facilitate the exchange of information and cooperation for the implementation of this Regulation, Member States should designate competent authorities and correspondents and notify them to the Commission, which should make this information publicly available.

#### *Amendment*

(52) In order to facilitate the exchange of information and cooperation for the ***harmonised*** implementation of this Regulation, Member States should designate competent authorities and correspondents and notify them to the Commission, which should make this information publicly available.

## Amendment 26

### Proposal for a regulation Recital 54

#### *Text proposed by the Commission*

(54) In order to supplement or amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Articles **37(13)**, **40(8)** and Article **72** of this Regulation. It is of

#### *Amendment*

(54) In order to supplement or amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of Articles **14(3)**, **28(4)**, **38(1)**, **42(4)** and Article **75** of this Regulation. It

particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>52</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>52</sup> OJ L 123, 12.5.2016, p. 1.

is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>52</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>52</sup> OJ L 123, 12.5.2016, p. 1.

## Amendment 27

### Proposal for a regulation Recital 55

#### *Text proposed by the Commission*

(55) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt ***measures on a harmonised method for calculating the financial guarantee or equivalent insurance, to clarify the classification of waste under this Regulation (including the establishment of contamination level threshold for certain waste) and to clarify for certain types of commodities the distinction between used goods and waste when shipped transboundary.*** Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>53</sup>.

#### *Amendment*

(55) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt ***a simple, risk-based and*** harmonised method for calculating the financial guarantee or equivalent insurance. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>53</sup>. ***If the Commission determines that a harmonised calculation method for the financial guarantee or equivalent insurance is appropriate, it should consider how the central system could be utilised to enable innovative methods for determining financial guarantees.***

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<sup>53</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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<sup>53</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

## Amendment 28

### Proposal for a regulation Recital 55 a (new)

*Text proposed by the Commission*

*Amendment*

***(55a) To further facilitate harmonisation of the internal market and practices between Member States in relation to shipments of waste, the Commission should investigate whether further standardisation of contracts is possible in accordance with the principle of subsidiarity.***

## Amendment 29

### Proposal for a regulation Article 1 – paragraph 1

*Text proposed by the Commission*

*Amendment*

This Regulation lays down measures to protect the environment and human health by preventing or reducing the adverse impacts which may result from the shipment of waste. It establishes procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.

This Regulation lays down measures ***to*** to protect the environment and human health by preventing or reducing the adverse impacts which may result from the shipment of waste ***including in third countries***. It establishes procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.

*It seeks to contribute to achieving a circular economy, resource efficiency, climate neutrality and zero pollution ambition for a toxic-free environment by applying the principles of proximity and self-sufficiency as laid down in Directive 2008/98/EC. It also seeks to reduce the administrative burden by harmonising the shipment of waste rules within the Union and by digitalising the exchange of information concerning shipments of waste.*

## Amendment 30

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 4

*Text proposed by the Commission*

(4) ‘environmentally sound management’ means taking all practicable steps to ensure that waste is managed in a manner that will protect human health and the environment against adverse effects which may result from such waste;

*Amendment*

(4) ‘environmentally sound management’ means taking all practicable steps to ensure that waste is managed in a manner that will protect human health, **the climate** and the environment against adverse effects which may result from such waste, **and the treatment thereof**;

## Amendment 31

### Proposal for a regulation

#### Article 3 – paragraph 2

*Text proposed by the Commission*

In addition, the definitions of ‘waste’, ‘hazardous waste’, ‘treatment’, ‘disposal’, ‘recovery’, ‘preparing for re-use’, ‘re-use’, ‘recycling’, ‘waste producer’, ‘waste holder’, ‘dealer’ and ‘broker’ laid down in Article 3, points (1), (2), (14), (19), (15), (16), (13), (17), (5), (6), (7) and (8) respectively of Directive 2008/98/EC shall apply.

*Amendment*

In addition, the definitions of ‘waste’, ‘hazardous waste’, ‘treatment’, ‘disposal’, ‘**recovery**’, ‘**material** recovery’, ‘preparing for re-use’, ‘re-use’, ‘recycling’, ‘waste producer’, ‘waste holder’, ‘dealer’ and ‘broker’ laid down in Article 3, points (1), (2), (14), (19), (15), **(15a)**, (16), (13), (17), (5), (6), (7) and (8) respectively of Directive 2008/98/EC shall apply.

## Amendment 32

### Proposal for a regulation

#### Article 4 – paragraph 2 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) Waste that contains or is contaminated with a substance listed in Annex IV of Regulation EU2019/1021 on persistent organic pollutants if not listed elsewhere;**

## Amendment 33

### Proposal for a regulation

#### Article 4 – paragraph 4 – point b

*Text proposed by the Commission*

*Amendment*

(b) the amount of waste does not exceed 150 kg or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier.

(b) the amount of waste does not exceed 150 kg **for laboratory analysis, 2000 kg for experimental treatment-trials** or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier.

## Amendment 34

### Proposal for a regulation

#### Article 4 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Paragraph 2 shall apply to shipments of mixed municipal waste collected from private households, from other waste producers or from both, as well as to mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties, where such waste is destined for recovery operations. Shipments of such waste

5. Paragraph 2 shall apply to shipments of mixed municipal waste collected from private households, from other waste producers or from both, as well as to mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties, **for example refuse-derived fuels**, where such waste is destined

destined for disposal shall be prohibited.

for recovery operations. Shipments of such waste destined for disposal shall be prohibited.

## Amendment 35

### Proposal for a regulation

#### Article 5 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

Only notifiers that have received a permit **or are** registered in accordance with Chapter IV of Directive 2008/98/EC may submit a prior written notification ('notification').

##### *Amendment*

Only notifiers that have received a permit **or are** registered in accordance with Chapter IV of Directive 2008/98/EC **or operators of experimental treatment trials or laboratories** may submit a prior written notification ('notification').

## Amendment 36

### Proposal for a regulation

#### Article 5 – paragraph 2 – subparagraph 3

##### *Text proposed by the Commission*

When the notifier is not the original waste producer referred to in Article 3, point (6)(a)(i), the notifier shall ensure that the original waste producer or one of the persons indicated in Article 3, points (6)(a)(ii) **or (iii)**, also signs the notification document.

##### *Amendment*

When the notifier is not the original waste producer referred to in Article 3, point (6)(a)(i), the notifier shall ensure that the original waste producer or one of the persons indicated in Article 3, points (6)(a)(ii), **(iii) or (iv)**, also signs the notification document. **A dealer or a broker shall ensure they have a written authorisation from one of the persons referred to in Article 3, points (6)(a)(i), (ii) or (iii), to act on their behalf, and that written authorisation shall be included in the notification.**

## Amendment 37

### Proposal for a regulation

#### Article 7 – paragraph 6

*Text proposed by the Commission*

6. By way of derogation from paragraph 5, where the waste shipped is destined for interim recovery operations or disposal operations and a further recovery operation or disposal operation takes place in the country of destination, the financial guarantee or equivalent insurance may be released when the waste leaves the interim facility and the competent authority concerned has received the certificate referred to in Article 16(4). In that case, any further shipment to a recovery or disposal facility shall be covered by a new financial guarantee or equivalent insurance unless the competent authority of destination is satisfied that such a financial guarantee or equivalent insurance is not required. In those circumstances, the competent authority of destination shall be responsible for obligations arising in the case of take-back where the shipment or the further recovery or disposal operation cannot be completed as intended, as referred to in Article 22, or in the case of an illegal shipment, as referred to in Article 24.

*Amendment*

6. By way of derogation from paragraph 5, where the waste shipped is destined for interim recovery operations or disposal operations and a further recovery operation or disposal operation takes place in the country of destination, the financial guarantee or equivalent insurance may be released when the waste leaves the interim facility and the competent authority concerned has received the certificate referred to in Article 16(4). In that case, any further shipment to a recovery or disposal facility shall be covered by a new financial guarantee or equivalent insurance unless the ***shipment is between two facilities controlled by the same legal entity or the*** competent authority of destination is satisfied that such a financial guarantee or equivalent insurance is not required. In those circumstances, the competent authority of destination shall be responsible for obligations arising in the case of take-back where the shipment or the further recovery or disposal operation cannot be completed as intended, as referred to in Article 22, or in the case of an illegal shipment, as referred to in Article 24.

**Amendment 38**

**Proposal for a regulation**

**Article 7 – paragraph 10 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall, at the latest by [OP: Please insert date of two years after the date of entry into force of this Regulation], assess the feasibility of establishing a harmonised calculation method for determining the amount of financial guarantees or equivalent insurances and, if

*Amendment*

The Commission shall, at the latest by [OP: Please insert date of two years after the date of entry into force of this Regulation], assess the feasibility of establishing a ***simple, risk-based and*** harmonised calculation method for determining the amount of financial guarantees or

appropriate, adopt an implementing act to establish such a harmonised calculation method. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).

equivalent insurances and, if appropriate, **by ... [insert the date three years after the date of entry into force of this Regulation]** adopt an implementing act to establish such a **simple, risk-based and** harmonised calculation method. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).

## Amendment 39

### Proposal for a regulation

#### Article 9 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

Where, within 30 days after submission of the notification, **the competent authority of destination has not taken a decision under paragraph 1**, it shall provide the notifier with a motivated explanation **upon request**.

*Amendment*

Where **the competent authority of destination is not able to take a decision under paragraph 1** within 30 days after submission of the notification, it shall **inform the notifier within those 30 days and** provide the notifier with a motivated explanation **unsolicited. A final decision by the competent authority shall be taken within 60 days of submission of the notification**.

## Amendment 40

### Proposal for a regulation

#### Article 9 – paragraph 3

*Text proposed by the Commission*

3. A written consent to a planned shipment shall expire on the later date as indicated in the notification document. It shall **not** cover a period of **more than one** calendar **year or** any shorter period as indicated in their decision by the competent authorities concerned.

*Amendment*

3. A written consent to a planned shipment shall expire on the later date as indicated in the notification document. It shall cover a period of **two** calendar **years or**, any shorter period as indicated in their decision by the competent authorities concerned.

## Amendment 41

### Proposal for a regulation Article 9 – paragraph 4

*Text proposed by the Commission*

4. The planned shipment may take place only after fulfilment of the requirements set out in Article 16(1), **points (a) and (b)**, and during the period of validity of the tacit or written consent of all competent authorities concerned. A shipment shall have left the country of dispatch by the end of the period of validity of the tacit or written consents of all competent authorities concerned.

*Amendment*

4. The planned shipment may take place only after fulfilment of the requirements set out in Article 16(1), and during the period of validity of the tacit or written consent of all competent authorities concerned. A shipment shall have left the country of dispatch by the end of the period of validity of the tacit or written consents of all competent authorities concerned.

## Amendment 42

### Proposal for a regulation Article 9 – paragraph 7

*Text proposed by the Commission*

7. Any withdrawal of consent shall be transmitted by means of official notice to the notifier, the competent authorities concerned and the consignee.

*Amendment*

7. Any withdrawal of consent, **including the reason for such withdrawal**, shall be transmitted by means of official notice to the notifier, the competent authorities concerned and the consignee **and the Commission for the purpose of reporting**.

## Amendment 43

### Proposal for a regulation Article 11 – paragraph 1 – point a – point i

*Text proposed by the Commission*

(i) the waste cannot be recovered in a technically feasible **and** economically viable manner, or must be disposed of due to legal obligations in Union or

*Amendment*

(i) the waste cannot be recovered in a technically feasible, economically viable **and environmentally sound** manner, or must be disposed of due to legal obligations in Union or international

international law;

law.

#### Amendment 44

##### Proposal for a regulation

##### Article 11 – paragraph 1 – point a – point ii

###### *Text proposed by the Commission*

(ii) the waste cannot be disposed of in a technically feasible **and** economically viable manner in the country where it was generated;

###### *Amendment*

(ii) the waste cannot be disposed of in a technically feasible, economically viable **and environmentally sound** manner, in the country where it was generated;

#### Amendment 45

##### Proposal for a regulation

##### Article 11 – paragraph 1 – point a – point iii

###### *Text proposed by the Commission*

(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 levels** as laid down in Directive 2008/98/EC;

###### *Amendment*

(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;

#### Amendment 46

##### Proposal for a regulation

##### Article 11 – paragraph 1 – point b

###### *Text proposed by the Commission*

(b) the notifier or the consignee has previously not been convicted of illegal shipment or any other illegal act in relation to environmental protection;

###### *Amendment*

(b) the notifier or the consignee has previously not been convicted of illegal shipment or any other illegal act in relation to environmental **or human health** protection,;

#### Amendment 47

**Proposal for a regulation**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

3. Where the competent authorities concerned have not authorised a planned shipment of waste destined for disposal within **the 30-day** time limit **referred to in Article 9(1)**, the notification of that shipment shall cease to be valid and the shipment shall be prohibited in accordance with Article 4(1). In cases where the notifier still intends to carry out the shipment, a new notification shall be submitted, unless all the competent authorities concerned and the notifier agree otherwise.

*Amendment*

3. Where the competent authorities concerned have not authorised a planned shipment of waste destined for disposal within **a** time limit **of 60 days**, the notification of that shipment shall cease to be valid and the shipment shall be prohibited in accordance with Article 4(1). In cases where the notifier still intends to carry out the shipment, a new notification shall be submitted, unless all the competent authorities concerned and the notifier agree otherwise.

**Amendment 48**

**Proposal for a regulation**  
**Article 12 – paragraph 1 – point d – point ii**

*Text proposed by the Commission*

(ii) the recovery operation in the country of destination takes place under conditions that are **broadly** equivalent to those prescribed in the national legislation of the country of dispatch;

*Amendment*

(ii) the recovery operation in the country of destination takes place under conditions that are **considered** equivalent to those prescribed in the national legislation of the country of dispatch;

**Amendment 49**

**Proposal for a regulation**  
**Article 12 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) limiting incoming shipments of waste destined for recovery operations **other than recycling and preparing for re-use** is necessary for a Member State in order to protect its waste management network,

*Amendment*

(e) limiting incoming shipments of waste destined for recovery operations is necessary for a Member State in order to protect its waste management network, where it **can be** established that such

where it *is* established that such shipments would result in domestic waste having to be disposed of or treated in a way that is not consistent with their waste management plans;

shipments would result in domestic waste having to be disposed of or treated in a way that is not consistent with their waste management plans;

## Amendment 50

### Proposal for a regulation

#### Article 12 – paragraph 1 – point f

*Text proposed by the Commission*

(f) the notifier or the consignee has previously been convicted of illegal shipment or any other illegal act in relation to environmental protection.

*Amendment*

(f) the notifier or the consignee has previously been convicted of illegal shipment or any other illegal act in relation to environmental **or health** protection.

## Amendment 51

### Proposal for a regulation

#### Article 12 – paragraph 5

*Text proposed by the Commission*

5. Objections raised by competent authorities on the grounds set out in paragraph 1, **points (d) and (e), of** this Article shall be reported by Member States to the Commission in accordance with Article 68.

*Amendment*

5. Objections, **including the specific grounds for objection**, raised by competent authorities on the grounds set out in paragraph **1of** this Article shall be reported by Member States to the Commission in accordance with Article 68.

## Amendment 52

### Proposal for a regulation

#### Article 12 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. The competent authorities shall inform the notifier of the specific grounds for their objection to a planned shipment**

*of waste.*

## Amendment 53

### Proposal for a regulation

#### Article 13 – paragraph 1 – point a

*Text proposed by the Commission*

(a) the waste contained in the different shipments has essentially similar physical and chemical characteristics;

*Amendment*

(a) the waste contained in the different shipments has essentially similar physical and chemical characteristics, ***to be interpreted in accordance with Article 28;***

## Amendment 54

### Proposal for a regulation

#### Article 14 – paragraph 2 – point c

*Text proposed by the Commission*

(c) a description of technologies employed, including R-code(s), for the recovery operation for which the pre-consent is requested;

*Amendment*

(c) a description of technologies employed, including R-code(s), for the recovery operation for which the pre-consent is requested, ***as well as technologies applied for greenhouse gas (GHG) savings, energy generation, material recovery, efficient resource use and other relevant technologies;***

## Amendment 55

### Proposal for a regulation

#### Article 14 – paragraph 2 – point e a (new)

*Text proposed by the Commission*

*Amendment*

***(ea) the quantity of residual waste generated through the recovery operation and the subsequent waste management thereof,***

## Amendment 56

### Proposal for a regulation

#### Article 14 – paragraph 2 – point g

*Text proposed by the Commission*

(g) evidence or attestation that the legal or natural person owning or exercising control over the facility has not been convicted of illegal shipment or any other illegal act in relation to waste management.

*Amendment*

(g) evidence or attestation that the legal or natural person owning or exercising control over the facility has not been convicted of illegal shipment or any other illegal act in relation to waste management ***in particular with regard to the protection of the environment or human health.***

## Amendment 57

### Proposal for a regulation

#### Article 14 – paragraph 9

*Text proposed by the Commission*

9. Unless stated otherwise in the decision to approve the request for pre-consent, the pre-consent of a recovery facility shall be valid for seven years.

*Amendment*

9. Unless stated otherwise in the decision to approve the request for pre-consent, the pre-consent of a recovery facility shall be valid for seven years ***with at least one inspection conducted by the relevant authorities during the validity period in order to verify compliance with the latest applicable regulatory requirements.***

***A pre-consent for a recovery facility issued by the competent authority in one Member State shall be valid in all Member States. However, a competent authority may decide not to accept the pre-consent of the competent authority of destination. That decision and the reasons therefor shall be communicated to the facility and to the competent authority that issued the pre-consent.***

## Amendment 58

**Proposal for a regulation**  
**Article 15 – paragraph 3**

*Text proposed by the Commission*

3. Within **one day** of the receipt of the waste by the facility which carries out the interim recovery operation or interim disposal operation, that facility shall provide confirmation to the notifier that the waste has been received. This confirmation shall be supplied on, or annexed to, the movement document.

*Amendment*

3. Within **two working days** of the receipt of the waste by the facility which carries out the interim recovery operation or interim disposal operation, that facility shall provide confirmation to the notifier that the waste has been received. This confirmation shall be supplied on, or annexed to, the movement document.

**Amendment 59**

**Proposal for a regulation**  
**Article 16 – paragraph 3**

*Text proposed by the Commission*

3. The facility shall, within **one day** of receipt of the waste, provide confirmation to the notifier and the relevant authorities that the waste has been received.

*Amendment*

3. The facility shall, within **two working days** of receipt of the waste, provide confirmation to the notifier and the relevant authorities that the waste has been received.

**Amendment 60**

**Proposal for a regulation**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

3. Where essential changes referred to in paragraph 1 involve competent authorities other than those concerned in the original notification, a new notification shall be submitted.

*Amendment*

3. Where essential changes referred to in paragraph 1 involve competent authorities other than those concerned in the original notification, a new notification shall be submitted, **unless the competent authorities concerned can agree unanimously to waive the need for a new notification.**

## Amendment 61

### Proposal for a regulation Article 18 – paragraph 4

*Text proposed by the Commission*

4. The recovery facility or the laboratory and the consignee or, in case they have no access to a system referred to in Article 26, the person referred to in paragraph 2 shall, within **one day** of receipt of the waste, provide confirmation to the notifier and the relevant authorities that the waste has been received by completing the relevant information contained in Annex VII.

*Amendment*

4. The recovery facility or the laboratory and the consignee or, in case they have no access to a system referred to in Article 26, the person referred to in paragraph 2 shall, within **two working days** of receipt of the waste, provide confirmation to the notifier and the relevant authorities that the waste has been received by completing the relevant information contained in Annex VII.

## Amendment 62

### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

The competent authorities of dispatch **or destination** shall make publicly **available by appropriate means** information on notifications of shipments they have consented or objected to, as well as on shipments of waste subject to the general information requirements, where such information is not confidential under national or Union legislation.

*Amendment*

***Without undue delay and no later than 30 days after giving a consent or making an objection,*** the competent authorities of dispatch shall make publicly ***accessible through the central electronic submission and exchange system referred to in Article 26(2) or the national system referred to in Article 26(3) if applicable,*** information on notifications of shipments they have consented or objected to, as well as on shipments of waste subject to the general information requirements, where such information is not confidential under national or Union legislation ***or personal data protected in accordance with Regulation (EU) 2016/679<sup>1a</sup>.***

***The competent authorities shall make at least the following information publicly accessible :***

*(a) the type of waste designated according to the European Waste Code in the European Waste Catalogue;*

*(b) the total quantity of waste intended to be shipped;*

*(c) the treatment operation the waste will undergo;*

*(d) the name of the facility at the final destination; and*

*(e) whether the notification has been consented to or not.*

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*<sup>1a</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).*

## Amendment 63

### Proposal for a regulation

#### Article 22 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

The take-back obligation set out in paragraph 2 shall not apply if the competent authorities of dispatch, transit and destination involved are satisfied that the waste can be recovered or disposed of in an alternative **way** in the country of destination or elsewhere by the notifier or, if that is not possible, by the competent authority of dispatch or by a natural or legal person on its behalf.

##### *Amendment*

The take-back obligation set out in paragraph 2 shall not apply if the competent authorities of dispatch, transit and destination involved are satisfied that the waste can be recovered or disposed of in an alternative **and environmentally sound manner and without endangering human health** in the country of destination or elsewhere by the notifier or, if that is not possible, by the competent authority of dispatch or by a natural or legal person on its behalf.

## Amendment 64

### Proposal for a regulation Article 24 – paragraph 1

*Text proposed by the Commission*

1. Where a competent authority discovers a shipment that it considers to be an illegal shipment, it shall immediately inform the other competent authorities concerned.

*Amendment*

1. Where a competent authority discovers a shipment that it considers to be an illegal shipment, it shall immediately inform the other competent authorities concerned. ***The competent authorities of dispatch concerned shall increase inspections of subsequent shipments that are similar in terms of notifier, waste producer, collector, dealer or broker or waste holder, in order to prevent any further illegal shipments.***

## Amendment 65

### Proposal for a regulation Article 26 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. The following information and documents shall be submitted and exchanged via electronic means, either via the central system referred to in paragraph 2, or via a national system in accordance with paragraph 3:

*Amendment*

1. The following information, ***data*** and documents shall be submitted and exchanged via electronic means, either via the central system referred to in paragraph 2, or via a national system ***interlinked with the central system*** in accordance with paragraph 3:

## Amendment 66

### Proposal for a regulation Article 26 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

he Commission shall operate a central system that allows for the electronic submission and exchange of information and documents referred to in paragraph 1.

*Amendment*

The Commission shall operate a central system that allows for the electronic submission and exchange of information, ***data*** and documents referred to in

That central system shall provide a hub that shall be used for the exchange in real time of the information and documents referred to in paragraph 1 between existing national systems for electronic data interchange.

paragraph 1. That central system shall provide a hub that shall be used for the exchange in real time of the information and documents referred to in paragraph 1 between existing national systems for electronic data interchange. *The central system shall store data which to make reporting and analysis of, inter alia, the frequency of objections, the time between the submission of the notification and when the decision is taken, and the number of notifications for the different types of recovery operations possible.*

#### **Amendment 67**

##### **Proposal for a regulation**

##### **Article 26 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. Information stored in the central system shall be made publicly available, easily accessible and in an open data format, unless such information is confidential under national or Union legislation.*

#### **Amendment 68**

##### **Proposal for a regulation**

##### **Article 26 – paragraph 4 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) alternative procedures in case of a temporary failure of the central system;*

#### **Amendment 69**

##### **Proposal for a regulation**

##### **Article 26 – paragraph 4 a (new)**

**4a. The functionality of the central system shall be reviewed by the Commission every two years. The findings of these reviews shall be communicated to the European Parliament and the Member States.**

***The review shall take into account, inter alia, comments raised by the correspondents. The review may additionally take into account feedback from other users, such as competent authorities and notifiers.***

## **Amendment 70**

### **Proposal for a regulation Article 27 – paragraph 1**

*Text proposed by the Commission*

1. Any notification, information, documentation or other communication submitted pursuant to the provisions of this Title shall be provided in a language acceptable to the competent authorities concerned.

*Amendment*

1. Any notification, information, documentation or other communication submitted pursuant to the provisions of this Title shall be provided in a language acceptable to the competent authorities concerned. ***English shall in all cases be considered to be an acceptable language unless due justification is provided by the competent authority concerned for not accepting English as a language.***

## **Amendment 71**

### **Proposal for a regulation Article 27 – paragraph 2**

*Text proposed by the Commission*

2. The notifier shall provide the competent authorities concerned with

*Amendment*

2. The notifier shall provide the competent authorities concerned with

authorised translations of the documents referred to in paragraph 1 into a language which is acceptable to them, where they so request.

authorised translations of the documents referred to in paragraph 1 into a language which is acceptable to them, where they so request. ***English shall in all cases be considered to be an acceptable language unless due justification is provided by the competent authority concerned for not accepting English language as a language.***

***The centralised database system established under Article 26 shall facilitate machine translation of any information provided. Where machine translation has been used, the translated information provided shall be accompanied by an indication to that effect.***

## **Amendment 72**

### **Proposal for a regulation**

#### **Article 28 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. In the event of disagreements between competent authorities in relation to classification issues, the question maybe forwarded to the correspondents of the Member States, who may hold meetings to examine the questions raised. Relevant stakeholders shall be invited to such meetings, or parts of such meetings, where appropriate.***

## **Amendment 73**

### **Proposal for a regulation**

#### **Article 28 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

In order to facilitate the harmonised classification of waste listed in Annex III,

In order to facilitate the harmonised classification of waste listed in Annex III,

Annex IIIA, Annex IIIB or Annex IV in the Union, the Commission ***is empowered to*** adopt delegated acts in accordance with Article 76 to supplement this Regulation by establishing criteria, such as contamination thresholds, on the basis of which certain wastes shall be classified in Annex III, IIIA, IIIB or IV.

Annex IIIA, Annex IIIB or Annex IV in the Union, the Commission ***shall*** adopt delegated acts in accordance with Article 76 to supplement ***or amend*** this Regulation by establishing ***or modifying*** criteria, such as contamination thresholds, on the basis of which certain wastes shall be classified in Annex III, IIIA, IIIB or IV, ***and the thresholds for characterising physical and chemical characteristics as being essentially similar.***

#### Amendment 74

##### Proposal for a regulation Article 28 – paragraph 4 – subparagraph 2

###### *Text proposed by the Commission*

The Commission ***is also empowered to*** adopt delegated acts in accordance with Article 76 to supplement this Regulation by establishing criteria to distinguish between used goods and waste, for specific categories of commodities for which this distinction is of particular importance for the export of waste from the Union.

###### *Amendment*

The Commission ***shall also*** adopt delegated acts in accordance with Article 76, ***not later than two years after the entry into force of this Regulation,*** to supplement this Regulation by establishing criteria to distinguish between used goods and waste, for specific categories of commodities for which this distinction is of particular importance for the export of waste from the Union, ***including to avoid circumvention of the rules set out in this Regulation. The criteria provided for in those delegated acts shall be the same as those provided for in Directive 2008/98/EC.***

#### Amendment 75

##### Proposal for a regulation Article 30 – title

###### *Text proposed by the Commission*

***Border-area*** agreements

###### *Amendment*

***Multilateral*** agreements

## Amendment 76

### Proposal for a regulation Article 30 – paragraph 1

*Text proposed by the Commission*

1. In exceptional cases, and where the specific geographical or demographical situation warrants such a step, Member States may conclude bilateral agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two Member States concerned.

*Amendment*

1. In exceptional cases, and where the specific geographical or demographical situation warrants such a step, Member States may conclude bilateral **or multilateral** agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two **or more** Member States concerned.

*Such agreements may also be concluded for shipments of waste destined for disposal pursuant to Article 11, if the geographical and demographical situation warrants concluding such agreements. In this regard, the conditions provided for in Article 11 paragraph 1, points (a) to (f) may be made less stringent in respect of cross-border shipments to the nearest suitable facility for disposal, in accordance with Directive 2008/98/EC and the environmentally sound management of waste.*

*Multilateral agreements shall demonstrate that the waste is treated in accordance with the waste hierarchy and the principles of proximity and self-sufficiency at Union and national levels, as laid down in Directive 2008/98/EC; that the waste is treated in accordance with environmental protection standards, in accordance with Union legislation; that, if the facility is covered by Directive 2010/75/EU, the best available techniques as defined in Article 3(10) of that Directive are applied in compliance with the permit for the facility; and that the agreements do not lead to a*

*significant fragmentation of the Union market for shipments of waste.*

#### **Amendment 77**

##### **Proposal for a regulation Article 30 – paragraph 2**

*Text proposed by the Commission*

2. The ***bilateral*** agreements referred to in paragraph 1 may also be concluded where waste is shipped from and treated in the country of dispatch but transits another Member State.

*Amendment*

2. The agreements referred to in paragraph 1 may also be concluded where waste is shipped from and treated in the country of dispatch but transits another Member State.

#### **Amendment 78**

##### **Proposal for a regulation Article 30 – paragraph 3**

*Text proposed by the Commission*

3. Member States may also conclude ***bilateral*** agreements referred to in paragraph 1 with countries that are parties to the Agreement on the European Economic Area.

*Amendment*

3. Member States may also conclude agreements referred to in paragraph 1 with countries that are parties to the Agreement on the European Economic Area.

#### **Amendment 79**

##### **Proposal for a regulation Article 30 – paragraph 4**

*Text proposed by the Commission*

4. The agreements referred to in this Article shall be notified to the Commission before they take effect.

*Amendment*

4. The agreements referred to in this Article shall be notified to the Commission ***and the correspondents*** before they take effect. ***Questions or concerns put to the correspondents in relation to bilateral or multilateral agreements may be raised at meetings of the correspondents. Relevant stakeholders shall be invited to such***

*meetings, or parts of such meetings,  
where appropriate.*

## **Amendment 80**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) Waste containing or contaminated with a substance exceeding the concentration levels provided for in Annex IV to Regulation (EU) 2019/1021 on persistent organic pollutants;***

*Justification*

*All waste containing or contaminated with a substance exceeding the levels in Annex IV to Regulation (EU) 2019/1021 on persistent organic pollutants should be prohibited for export from the Union to non-OECD countries.*

## **Amendment 81**

### **Proposal for a regulation**

#### **Article 37 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Paragraph 1 shall not apply to exports of waste destined for recovery to a country included in the list of countries established in accordance with Article 38 for the waste specified in that list.

Paragraph 1 shall not apply to exports of waste destined for recovery to a country included in the list of countries established in accordance with Article 38 for the waste specified in that list. ***Exports of plastic waste to countries to which the OECD Decision does not apply other than EFTA Member States shall not be covered by Article 38.***

## **Amendment 82**

### **Proposal for a regulation**

#### **Article 38 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. The Commission shall regularly, and at least every **two years** following its establishment, update the list of countries to which exports are authorised, in order to:

*Amendment*

4. The Commission shall regularly, and at least every **year** following its establishment, update the list of countries to which exports are authorised, in order to:

**Amendment 83**

**Proposal for a regulation  
Article 40 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall assess the requests submitted pursuant to Article 39 without undue delay and, if it is satisfied that the requirements set out in that Article are complied with, it shall include the country making the request in the list of countries to which exports are authorised. The assessment shall be based on the information and supporting evidence provided by the country making the request, as well as other relevant information, and **aim to** determine if the country making the request has put in place and implements all necessary measures to ensure that the waste concerned will be managed in an environmentally sound manner as referred to in Article 56. In order to perform this assessment, the Commission shall use, as points of reference, the relevant provisions in the legislation and guidance referred to in Annex IX.

*Amendment*

1. The Commission shall assess the requests submitted pursuant to Article 39 without undue delay and, if it is satisfied that the requirements set out in that Article are complied with, it shall include the country making the request in the list of countries to which exports are authorised. The assessment shall be based on the information and supporting evidence provided by the country making the request, as well as other relevant information, and determine if the country making the request has put in place and implements all necessary measures to ensure that the waste concerned will be managed in an environmentally sound manner as referred to in Article 56. In order to perform this assessment, the Commission shall use, as points of reference, the relevant provisions in the legislation and guidance referred to in Annex IX. ***The Commission shall also consult stakeholders, including national experts, relevant industry representatives and non-governmental organisations, in the assessment.***

**Amendment 84**

**Proposal for a regulation**  
**Article 41 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the export of plastic waste listed in Annex III, IIIA, IIIB or IV, to countries to which the OECD decision applies other than EFTA countries shall be phased out by ... [insert the date four years after the entry into force];***

**Amendment 85**

**Proposal for a regulation**  
**Article 42 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall monitor the ***levels of export*** of waste from the Union to countries to which the OECD Decision applies, with a view to ensuring that such exports ***do not lead to serious environmental or human health damages*** in the country of destination. As part of such monitoring, the Commission shall assess requests from natural or legal persons which are accompanied by relevant information and data showing that export of waste from the Union ***leads to serious environmental or human health damages*** in a country to which the OECD Decision applies.

1. The Commission shall monitor the ***exports*** of waste from the Union to countries to which the OECD Decision applies, with a view to ensuring that such exports ***fulfil the requirements of environmentally sound management as referred to in Article 56*** in the country of destination ***and do not cause substantial adverse effects on the management of domestic waste in that country***. As part of such monitoring, the Commission shall assess requests from natural or legal persons which are accompanied by relevant information and data showing that export of waste from the Union ***does not fulfil the requirements of environmentally sound management as referred to in Article 56*** in a country to which the OECD Decision applies ***or cause substantial adverse effects on the management of domestic waste in that country***.

**Amendment 86**

**Proposal for a regulation**  
**Article 42 – paragraph 2**

*Text proposed by the Commission*

2. In cases where ***the export of waste from the Union to a country to which the OECD Decision applies has considerably increased within a short period of time, and*** there is insufficient evidence available demonstrating that the country concerned has the ability to recover this waste in an environmentally sound manner as referred to in Article 56, the Commission shall request the competent authorities of the country concerned to provide, within 60 days, information on the conditions under which the waste in question is recovered and the ability of the country concerned to manage the waste in question. The Commission may grant an extension of this time limit if the country concerned makes a reasoned request for an extension thereof.

*Amendment*

2. In cases where there is insufficient evidence available demonstrating that the country concerned has the ability to recover this waste in an environmentally sound manner as referred to in Article 56, ***or where there is evidence that the country concerned fails to meet the requirements of Article 56 for this waste, or that there are substantial adverse effects on the management of domestic waste in that country due to the importation of waste from the Union,*** the Commission shall request the competent authorities of the country concerned to provide, within 60 days, information on the conditions under which the waste in question is recovered and the ability of the country concerned to manage the waste in question, ***including any domestic waste that may be affected by imports.*** The Commission may grant an extension of this time limit if the country concerned makes a reasoned request for an extension thereof.

**Amendment 87**

**Proposal for a regulation**  
**Article 42 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) put in place and implemented an adequate legal framework for the ***import and*** management of ***the waste concerned,*** as well as adequate measures to ensure the environmentally sound management of the residual waste generated through the recovery of ***the waste concerned;***

*Amendment*

(a) put in place and implemented an adequate legal framework for the management of ***domestic and imported*** waste, as well as adequate measures to ensure the environmentally sound management of the ***waste imported into its territory as well as of the*** residual waste generated through the recovery of ***that***

waste;

## Amendment 88

### Proposal for a regulation

#### Article 42 – paragraph 3 – point b

*Text proposed by the Commission*

(b) sufficient capacity in its territory allowing the waste concerned to be managed in an environmentally sound manner, taking into consideration the increased volume of waste imported into its territory;

*Amendment*

(b) sufficient capacity in its territory allowing the waste concerned to be managed in an environmentally sound manner, taking into consideration the increased volume of waste, ***which may be present due to the waste*** imported into its territory;

## Amendment 89

### Proposal for a regulation

#### Article 42 – paragraph 3 – point c

*Text proposed by the Commission*

(c) put in place ***an*** adequate ***strategy to address the possible negative impact of an increase in*** the import of the waste concerned on the collection and management of the waste generated domestically;

*Amendment*

(c) put in place adequate ***measures, including separate reporting of waste generated domestically and waste imported, to ensure that*** the import of the waste concerned ***has no substantial adverse effect*** on the collection and management of the waste generated domestically;

## Amendment 90

### Proposal for a regulation

#### Article 42 – paragraph 3 – point d

*Text proposed by the Commission*

(d) put in place and implemented adequate enforcement measures to address possible illegal shipments or treatment of

*Amendment*

(d) put in place and implemented adequate enforcement measures to address possible illegal shipments or ***non-environmentally sound*** treatment of the

the waste concerned.

waste concerned.

## Amendment 91

### Proposal for a regulation

#### Article 42 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. For the purpose of the verifications referred to in paragraph 3, the Commission shall, where relevant, consult relevant stakeholders.**

## Amendment 92

### Proposal for a regulation

#### Article 42 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Where, further to the request referred to in paragraph 2, the country concerned does not provide sufficient evidence as referred to in paragraph 3 that the waste is managed in an environmentally sound manner in accordance with Article 56, the Commission is empowered to adopt delegated acts in accordance with Article 76 to supplement this Regulation by prohibiting the export of the waste concerned to this country.

Where, further to the request referred to in paragraph 2, the country concerned does not provide sufficient evidence as referred to in paragraph 3 that the waste is managed in an environmentally sound manner in accordance with Article 56, ***or that there are no substantial adverse effects on the management of domestic waste as a consequence of the waste import***, the Commission is empowered to adopt delegated acts in accordance with Article 76 to supplement this Regulation by prohibiting the export of the waste concerned to this country.

## Amendment 93

### Proposal for a regulation

#### Article 43 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. A natural or legal person exporting waste from the Union shall also ensure that the facility which will manage the waste in the country of destination has set up internal reporting channels, including adequate protection of whistle-blowers.***

## **Amendment 94**

### **Proposal for a regulation**

#### **Article 43 – paragraph 2**

##### *Text proposed by the Commission*

2. In order to fulfil the obligation referred to in paragraph 1, a natural or legal person intending to export waste from the Union shall ensure that the facilities which will manage the waste in the country of destination have been subject to an audit by an independent and accredited third party with appropriate qualifications.

##### *Amendment*

2. In order to fulfil the obligation referred to in paragraph 1, a natural or legal person intending to export waste from the Union shall ensure that the facilities which will manage the waste in the country of destination have been subject to an audit by an independent and accredited third party with appropriate qualifications. ***The third party carrying out the audit shall be certified in accordance with Union or internationally recognised standards, such as ISO 19011:2018, and the exporter shall obtain written confirmation of that certification prior to exporting. In order to safeguard the independence and objectivity of the audit, the natural or legal person that has commissioned it shall not intervene in the execution of the audit in any way.***

## **Amendment 95**

### **Proposal for a regulation**

#### **Article 43 – paragraph 4 – subparagraph 1**

##### *Text proposed by the Commission*

A natural or legal person intending to export waste shall ensure that the facility

##### *Amendment*

A natural or legal person intending to export waste shall ensure that the facility

which will manage the waste in the country of destination has been subject to an audit referred to in paragraph 2 prior to exporting waste to the facility concerned ***and that the audit is repeated at regular intervals, following a risk-based approach, with a minimum frequency of every three years after the first audit.***

which will manage the waste in the country of destination has been subject to an audit referred to in paragraph 2 ***that was carried out no longer than two years*** prior to exporting waste to the facility concerned.

## Amendment 96

### Proposal for a regulation

#### Article 43 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

A natural or legal person exporting waste from the Union shall also carry out ***an*** ad-hoc audit without delay in case it receives ***plausible information*** that a facility no longer complies with the criteria laid down in Annex X.

*Amendment*

A natural or legal person exporting waste from the Union shall also carry out ad-hoc audit without delay in case it receives ***evidence*** that a facility no longer complies with the criteria laid down in Annex X.

## Amendment 97

### Proposal for a regulation

#### Article 43 – paragraph 7 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Natural or legal persons exporting waste outside the Union shall provide an audit report, formulated on the basis of the audit as referred to in paragraph 2, to the Commission prior to exporting that waste.***

## Amendment 98

### Proposal for a regulation

#### Article 43 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***7a. The Commission shall establish and maintain a central, publicly accessible and up-to date register of audited facilities. The register shall contain the names and location of the audited facilities and the date of the most recent audit. The information shall not include confidential business information or information about the person commissioning the audit. Disclosure of personal data protected in accordance with the Regulation (EU) 2016/679 ('GDPR') shall also be prevented.***

## **Amendment 99**

### **Proposal for a regulation Article 43 – paragraph 8**

#### *Text proposed by the Commission*

8. Where an international agreement between the Union and a third country to which the OECD Decision applies recognises that the facilities in that third country will manage waste in an environmentally sound manner, in accordance with the criteria laid down in Annex X, natural and legal persons which intend to export waste to that third country shall be exempted from the obligation in paragraph 2.

#### *Amendment*

8. Where an international agreement between the Union and a third country to which the OECD Decision applies recognises that the facilities in that third country will manage waste in an environmentally sound manner, ***as referred to in Article 56 and*** in accordance with the criteria laid down in Annex X, natural and legal persons which intend to export waste to that third country shall be exempted from the obligation in paragraph 2.

***A natural or legal person exporting waste from the Union to a facility in a third country with which the Union has concluded an international agreement shall carry out ad-hoc audit without delay in the event it receives evidence that a facility no longer complies with the criteria laid down in Annex X. The natural or legal person shall in such a case notify the competent authorities of dispatch of that evidence as well as its***

*plans to carry out an ad-hoc audit.*

## Amendment 100

### Proposal for a regulation

#### Article 43 – paragraph 9 a (new)

*Text proposed by the Commission*

*Amendment*

**9a. The Commission shall adopt guidelines with regard to the application of this Article.**

## Amendment 101

### Proposal for a regulation

#### Article 56 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. For the purposes of export of waste, the waste shipped shall be deemed to be managed in an environmentally sound manner as regards the recovery or disposal operation concerned, where it can be demonstrated that the waste will be managed in accordance with human health and environmental protection requirements that are **broadly** equivalent to the human health and environmental protection requirements laid down in Union legislation. When assessing such **broad** equivalence, full compliance with requirements stemming from Union legislation shall not be required, but it **should** be demonstrated that the requirements applied in the country of destination ensure a similar level of protection of human health and the environment than the requirements stemming from Union legislation.

2. For the purposes of export of waste, the waste shipped shall be deemed to be managed in an environmentally sound manner as regards the recovery or disposal operation concerned, where it can be demonstrated that the waste, **as well as any residual waste generated through the recovery operation**, will be managed in accordance with human health and environmental protection requirements that are **considered** equivalent to the human health and environmental protection requirements laid down in Union legislation, **in particular those referred to in part 1 of Annex IX, and using as points of reference the international guidance as specified in part 2 of that same Annex and respecting the international Conventions on labour rights, as referred to in part 2a of the same Annex**. When assessing such **considered** equivalence, full compliance with requirements stemming from Union legislation shall not be required, but it **shall**

be demonstrated that the requirements applied ***and enforced*** in the country of destination ensure a similar level of protection of human health and the environment than the requirements stemming from Union legislation.

## **Amendment 102**

### **Proposal for a regulation**

#### **Article 56 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. By [insert the date 18 months after the date of publication of this regulation], the Commission shall adopt guidelines clarifying the use of relevant best available techniques with respect to the assessment of equivalence.***

## **Amendment 103**

### **Proposal for a regulation**

#### **Article 56 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. By [insert the date 2 years after the date of entry into force of this Regulation], the Commission shall publish a report on the establishment of mandatory recycled content targets for products, particularly but not limited to, products made out of plastic, if not already applicable under Union legislation. Where appropriate, that report shall be accompanied by legislative proposals.***

## **Amendment 104**

### **Proposal for a regulation**

## **Article 56 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. The Commission shall, by ... [OJ: please insert the date one year after the date of entry into force of this Regulation], publish a report assessing the impacts on environmentally sound management of plastic waste within the Union related to the phase-out of exports of plastic waste outside of the Union and EFTA countries. Where appropriate, it shall be accompanied by measures to mitigate identified adverse impacts on the Union waste management capacity for environmentally sound management of plastic waste and promote innovation and investments in that sector.**

## **Amendment 105**

### **Proposal for a regulation**

#### **Article 57 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(aa) at collection, at storage and at sorting facilities;**

## **Amendment 106**

### **Proposal for a regulation**

#### **Article 57 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall carry out inspections to prevent and detect illegal shipments of waste on the basis of a Union risk-based targeting mechanism.**

**In order to ensure the harmonisation of inspections, the Commission shall**

*adopt implementing acts to define the detailed elements of the Union risk-based targeting mechanism. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 77(2).*

## Amendment 107

### Proposal for a regulation Article 58 – paragraph 1

*Text proposed by the Commission*

1. Inspections of shipments shall include at least verification of documents, confirmation of the identity of the actors involved in those shipments and, **where appropriate**, physical checking of the waste.

*Amendment*

1. Inspections of shipments shall include at least verification of documents, confirmation of the identity of the actors involved in those shipments and physical checking of the waste.

## Amendment 108

### Proposal for a regulation Article 58 – paragraph 2 – subparagraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) as to the audit report pursuant to Article 42;**

## Amendment 109

### Proposal for a regulation Article 58 – paragraph 5

*Text proposed by the Commission*

5. In order to ascertain whether a shipment of waste subject to the general information requirements set out in Article 18 is destined for recovery operations which are in accordance with Article 56, the authorities involved in inspections **may**

*Amendment*

5. In order to ascertain whether a shipment of waste subject to the general information requirements set out in Article 18 is destined for recovery operations which are in accordance with Article 56, the authorities involved in inspections **shall**

require the person who arranges the shipment to submit relevant documentary evidence, provided by the interim and non-interim recovery facility and, if necessary, approved by the competent authority of destination.

require the person who arranges the shipment to submit ***the audit report required in Article 42 as well as, where appropriate*** relevant documentary evidence, provided by the interim and non-interim recovery facility and, if necessary, approved by the competent authority of destination.

## Amendment 110

### Proposal for a regulation Article 58 – paragraph 6

#### *Text proposed by the Commission*

6. Where the evidence referred to in paragraph 4 has not been submitted to the authorities involved in inspections within the period specified by them, or they consider the evidence and information available to them to be insufficient to reach a conclusion, the shipment concerned shall be considered as an illegal shipment and shall be dealt with in accordance with Articles 24 and 25. The authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.

#### *Amendment*

6. Where the evidence referred to in paragraph 4 ***or paragraph 5*** has not been submitted to the authorities involved in inspections within the period specified by them, or they consider the evidence and information available to them to be insufficient to reach a conclusion, the shipment concerned shall be considered as an illegal shipment and shall be dealt with in accordance with Articles 24 and 25. The authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.

## Amendment 111

### Proposal for a regulation Article 59 – paragraph 2 – introductory part

#### *Text proposed by the Commission*

2. Inspection plans shall include, at least, the following elements:

#### *Amendment*

2. ***Inspection plans shall include the minimum number of physical checks of facilities and waste shipments in line with the risk assessment conducted pursuant to article 59, paragraph 1. The plans shall***

***not contain any details about operational programming. The*** inspection plans shall include, at least, the following elements:

#### **Amendment 112**

##### **Proposal for a regulation**

##### **Article 59 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) information on planned inspections, including on physical checks;

*Amendment*

(c) information on ***the number and types of*** planned inspections, including on physical checks;

#### **Amendment 113**

##### **Proposal for a regulation**

##### **Article 59 – paragraph 2 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) information as to how concerns or irregularities can be reported to a prescribed organisation, as provided for in the relevant Union legislation on whistleblowing.***

#### **Amendment 114**

##### **Proposal for a regulation**

##### **Article 59 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that the outcome of the inspections carried out pursuant to the plans referred to in this Article, any remedial actions taken by the relevant authorities as a follow up to those inspections, the names of the operators involved in illegal shipments, and the penalties imposed are available to the***

*public, including electronically.*

#### *Justification*

*It is important to know the success or failure of the inspection plans, therefore the results of the inspections carried out need to be made public. Moreover, Member States should inform about the remedial action taken, the names of those caught with illegal shipments, and the penalties applied. Such public reporting is likely to have a major deterrent effect.*

### **Amendment 115**

#### **Proposal for a regulation Article 59 – paragraph 5**

##### *Text proposed by the Commission*

5. The Commission shall review the inspection plans notified by the Member States in accordance with paragraph 4 and, ***if appropriate***, draw up reports, based on the review of these plans, on the implementation of this Article. Such reports may include, inter alia, recommendations on priorities of inspections and on enforcement cooperation and coordination between the relevant authorities involved in inspections. Such reports may also be presented, where appropriate, in the meetings of the waste shipment enforcement group established under Article 63.

##### *Amendment*

5. The Commission shall review the inspection plans notified by the Member States in accordance with paragraph 4 and draw up reports, based on the review of these plans, on the implementation of this Article ***within 1 year of the reception of the inspection plans. Such reports shall take into account the flows, tonnage and value of waste to third countries to identify relevant priorities.*** Such reports may include, inter alia, recommendations on priorities of inspections and on enforcement cooperation and coordination between the relevant authorities involved in inspections. Such reports may also be presented, where appropriate, in the meetings of the waste shipment enforcement group established under Article 63, ***and shall be made available to the European Parliament and the European Council.***

### **Amendment 116**

#### **Proposal for a regulation Article 63 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The waste shipment enforcement group shall publish an annual report on trends in illegal shipments and best practices to tackle such shipments, as recommended by Member State competent authorities.**

## **Amendment 117**

### **Proposal for a regulation**

#### **Article 63 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. Within two years of its establishment, the waste shipment enforcement group shall propose to the Commission an action plan to tackle illegal shipments of waste. The proposal for an action plan shall be updated at least every four years based on new or persistent trends in illegal shipments and enforcement activities.**

## **Amendment 118**

### **Proposal for a regulation**

#### **Article 63 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The waste shipment enforcement group shall meet at least twice a year. In addition to the members referred to in paragraph 2, the chairperson may invite to the meetings, where appropriate, representatives of other relevant institutions, bodies, offices, agencies **or** networks.

4. The waste shipment enforcement group shall meet at least twice a year. In addition to the members referred to in paragraph 2, the chairperson may invite to the meetings, where appropriate, representatives of other relevant institutions, bodies, offices, agencies networks **or other stakeholders.**

## Amendment 119

### Proposal for a regulation

#### Article 64 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the powers conferred onto the Commission or the European Anti-Fraud Office (OLAF), respectively, in other legal acts, in particular in Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council<sup>65</sup>, Council Regulation 515/97<sup>66</sup>, or Council Regulation 2185/96<sup>67</sup>.

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<sup>65</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1)

<sup>66</sup> Council Regulation 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82 of 22.3.1997, p. 1).

<sup>67</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292 of 15.11.1996, p. 2).

*Amendment*

(b) the powers conferred onto the Commission, **the European Prosecutor's Office** or the European Anti-Fraud Office (OLAF), respectively, in other legal acts, in particular in **Council Regulation (EU) 2017/1939<sup>la</sup>**, Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council<sup>65</sup>, Council Regulation 515/97<sup>66</sup>, or Council Regulation 2185/96<sup>67</sup>.

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<sup>65</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1)

<sup>66</sup> Council Regulation 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82 of 22.3.1997, p. 1).

<sup>67</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292 of 15.11.1996, p. 2).

## Amendment 120

### Proposal for a regulation

#### Article 69 – paragraph 4 – subparagraph 3

*Text proposed by the Commission*

The report mentioned in the first subparagraph shall be drawn up for the first time by [OP: Please insert date of the end of the **fifth** year after the date of entry into force of this Regulation] and every **four** years thereafter.

*Amendment*

The report mentioned in the first subparagraph shall be drawn up for the first time by [OP: Please insert date of the end of the **third** year after the date of entry into force of this Regulation] and every **three** years thereafter.

## Amendment 121

### Proposal for a regulation

#### Article 69 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. The Commission shall assess and present a report to the Council and the European Parliament on how the financial obligations under-extended producer responsibility should apply to used goods or waste shipped from the Union.**

## Amendment 122

### Proposal for a regulation

#### Article 69 – paragraph 4 b (new)

*Text proposed by the Commission*

*Amendment*

**4b. Using data from the central system, as well as data from reports by relevant EU agencies, this report shall present an analysis of shipments and treatment of specific waste streams, identified as illegal practices in this regard, of implementation of this Regulation, including compliance by**

*competent authorities with deadlines set out in this Regulation, and of the contribution by the sector towards the transition to a circular economy and climate neutrality by 2050 in accordance with Regulation (EU) 2021/1119 of the European Parliament and of the Council (the ‘European Climate Law’).*

#### **Amendment 123**

##### **Proposal for a regulation**

##### **Article 69 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**4c. The waste shipment enforcement group, the correspondents and the sector-specific climate dialogues and partnerships within the waste sector shall be invited to review and give comments on the report ahead of its publication.**

#### **Amendment 124**

##### **Proposal for a regulation**

##### **Article 69 – paragraph 4 d (new)**

*Text proposed by the Commission*

*Amendment*

**4d. In accordance with Regulation (EU) 2021/1119 of the European Parliament and of the Council, the Commission shall facilitate sector-specific climate dialogues and partnerships within the waste sector of the economy.**

#### **Amendment 125**

##### **Proposal for a regulation**

##### **Article 72 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*The Commission shall, if requested by Member States or if otherwise appropriate, periodically hold a meeting of the correspondents. During those meetings, correspondents shall examine the questions raised by the implementation of this Regulation, and may also discuss other relevant topics related to the implementation of this Regulation. Particular attention may be given to discussions on the monitoring the state of the Union market for shipments of waste, to enabling the exchange of best practices, information and facilitating cooperation between competent authorities, with the aim of removing barriers to the harmonisation of practices of shipments of waste between Member States and the implementation of environmentally sound techniques for waste management.*

*Relevant stakeholders shall be invited to the meetings of the correspondents, or parts of those meetings, where appropriate.*

#### **Amendment 126**

##### **Proposal for a regulation Article 72 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*Relevant stakeholders shall be invited to the meetings of the correspondents, or parts of those meetings, where appropriate.*

#### **Amendment 127**

##### **Proposal for a regulation Article 75 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex III, in particular Part I, paragraph 2, point (fa) in order to modify contamination thresholds.***

## **Amendment 128**

### **Proposal for a regulation Article 75 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. By ... [insert the date 12 months after the date of publication of this regulation], the Commission shall assess adding entries on mixtures of waste such as used footwear, clothing and other textile products, including the mixtures of these, mineral wool, as well as mattresses to Annex IIIB. Where appropriate, that assessment shall be accompanied by a delegated act in accordance with Article 76 to amend Annex IIIB.***

## **Amendment 129**

### **Proposal for a regulation Article 80 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

By 31 December **2035**, the Commission shall, taking into account, inter alia, the reports drawn up in accordance with Article 69, and the review referred to in Article 59(5), carry out a review of this Regulation and submit a report on the results thereof to the European Parliament and to the Council, accompanied, if the Commission deems it appropriate, by a

By 31 December **2030**, the Commission shall, taking into account, inter alia, the reports drawn up in accordance with Article 69, and the review referred to in Article 59(5), carry out a review of this Regulation and submit a report on the results thereof to the European Parliament and to the Council, accompanied, if the Commission deems it appropriate, by a

legislative proposal.

legislative proposal.

### **Amendment 130**

#### **Proposal for a regulation**

#### **Article 80 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***By 31 December [2038], the Commission shall review the data and justifications underpinning the decision to restrict the export of plastic waste outside of the Union and EFTA countries, with a view to assessing the proportionality of that measure.***

### **Amendment 131**

#### **Proposal for a regulation**

#### **Annex IA – Block 7**

*Text proposed by the Commission*

*Amendment*

#### **PACKAGING TYPES (Block 7)**

- 1.Drum
- 2.Wooden barrel
- 3.Jerrican
- 4.Box
- 5.Bag
- 6.Composite packaging
- 7.Pressure receptacle
- 8.Bulk
- 9.Other (specify)**

#### **PACKAGING TYPES (Block 7)**

- 1.Drum
- 2.Wooden barrel
- 3.Jerrican
- 4.Box
- 5.Bag
- 6.Composite packaging
- 7.Pressure receptacle
- 8.Bulk
- 9. Bale**
- 10. Other (specify)**

### **Amendment 132**

#### **Proposal for a regulation**

## Annex IB – Block 7

### *Text proposed by the Commission*

#### PACKAGING TYPES (Block 7)

1. Drum
2. Wooden barrel
3. Jerrican
4. Box
5. Bag
6. Composite packaging
7. Pressure receptacle
8. Bulk
- 9. Other (specify)**

### *Amendment*

#### PACKAGING TYPES (Block 7)

1. Drum
2. Wooden barrel
3. Jerrican
4. Box
5. Bag
6. Composite packaging
7. Pressure receptacle
8. Bulk
- 9. Bale**
- 10. Other (specify)**

## Amendment 133

### Proposal for a regulation

#### Annex IC – Part V – point 46 – subparagraph 1

### *Text proposed by the Commission*

Block 18: This block is to be completed by the authorised representative of the disposal or recovery facility upon receipt of the waste consignment. Tick the box of the appropriate type of facility. With regard to the quantity received, please refer to the specific instructions on block 5 (paragraph 36). A signed copy of the movement document is given to the last carrier. If the shipment is rejected for any reason, the representative of the disposal or recovery facility must immediately contact his or her competent authority. According to Article 16(3) or, if appropriate, 15(3) of this Regulation and the OECD Decision, confirmation to the notifier and the relevant authorities that the waste has been received must be provided within **one day**

### *Amendment*

Block 18: This block is to be completed by the authorised representative of the disposal or recovery facility upon receipt of the waste consignment. Tick the box of the appropriate type of facility. With regard to the quantity received, please refer to the specific instructions on block 5 (paragraph 36). A signed copy of the movement document is given to the last carrier. If the shipment is rejected for any reason, the representative of the disposal or recovery facility must immediately contact his or her competent authority. According to Article 16(3) or, if appropriate, 15(3) of this Regulation and the OECD Decision, confirmation to the notifier and the relevant authorities that the waste has been received must be

(with the exception of those OECD transit countries which have informed the OECD Secretariat that they do not wish to receive such copies of the movement document). The original movement document shall be retained by the disposal or recovery facility.

provided within **two working days** (with the exception of those OECD transit countries which have informed the OECD Secretariat that they do not wish to receive such copies of the movement document). The original movement document shall be retained by the disposal or recovery facility.

#### **Amendment 134**

##### **Proposal for a regulation**

##### **Annex III – Part I – paragraph 2 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) for waste shipped within the Union, the reference to "almost free from contamination and other types of waste" [in Basel entry B3011/ EU3011] shall be understood to mean that the content of contamination does not exceed in total a maximum of 6% of the consignment.***

#### **Amendment 135**

##### **Proposal for a regulation**

##### **Annex III – Part I – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

***(g) For waste shipped within the Union, Basel entry B3011 does not apply and the following entry applies instead:  
[...]***

***deleted***

*(This amendment applies throughout the text. If adopted, references to EU3011 shall be replaced by references to Basel entry B3011.)*

##### *Justification*

*The EU should fully adhere to the provisions of the Basel Convention. It should therefore*

*maintain the Basel entry B3011 of Annex IX of the Basel Convention with regard to non-hazardous plastic waste. Only those waste fall under the green list procedure in the EU. The entry EU3011 would deviate from Basel entry B3011 by unduly adding problematic PTFE and PVC waste to the green listed waste. Such waste are listed under Basel Annex II for good reasons due to the problems they create and shipments thereof in the EU should therefore be controlled. This is necessary to ensure that Member States who do not wish to receive PTFE and PVC waste can object to such shipments.*

#### **Amendment 136**

##### **Proposal for a regulation Annex IIIA – point 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) mixtures of wastes classified under  
Basel entries B1010 and B2020;***

#### **Amendment 137**

##### **Proposal for a regulation Annex IIIA – point 2 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

***(eb) mixtures of waste classified under  
EU3011 and Basel entry B3040 and  
B1010 limited to waste from window and  
door frames.***

#### **Amendment 138**

##### **Proposal for a regulation Annex IV – Part I – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Waste classified as hazardous in the list of  
waste established pursuant to Article 7 of  
Directive 2008/98/EC.***

#### **Amendment 139**

**Proposal for a regulation**  
**Annex IV – Part I – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) For waste shipped within the Union, Basel entry Y48 does not apply and the following entry applies instead:**

**deleted**

**[...]**

*(This amendment applies throughout the text. If adopted, references to EU48 shall be replaced by references to Basel entry Y48.)*

*Justification*

*The EU should fully adhere to the provisions of the Basel Convention. It should therefore maintain the Basel entry Y48 with regard to contaminated plastic waste and mixtures of plastic waste. The entry EU48 would be more lenient on certain mixtures of plastic waste, which is not appropriate.*

**Amendment 140**

**Proposal for a regulation**  
**Annex V – point 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

This Annex consists of two parts. Article 36 further refers to the list of waste as referred to in Article 7 of Directive 2008/98/EC. For the purposes of this Regulation and to determine whether a specific waste is listed as referred to in Art. 36 of this Regulation, the list of waste as referred to in Article 7 of Directive 2008/98/EC applies only when Part 1 of this Annex is not applicable. If a waste is not listed in Part 1 of this Annex **or** in the list of waste as referred to in Article 7 of Directive 2008/98/EC, only then it should be checked if it is listed in Part 2 of this Annex.

This Annex consists of two parts. Article 36 further refers to the list of waste as referred to in Article 7 of Directive 2008/98/EC. For the purposes of this Regulation and to determine whether a specific waste is listed as referred to in Art. 36 of this Regulation, the list of waste as referred to in Article 7 of Directive 2008/98/EC applies only when Part 1 of this Annex is not applicable. If a waste is not listed in Part 1 of this Annex, **and not listed as a hazardous waste** in the list of waste as referred to in Article 7 of Directive 2008/98/EC, **namely types of waste marked with an asterisk**, only then it should be checked if it is listed in Part 2 of

this Annex.

## **Amendment 141**

### **Proposal for a regulation**

#### **Annex VIII – Part 2 – point 7 a (new)**

*Text proposed by the Commission*

#### *Amendment*

**(7a) Fundamental ILO Conventions**

**Signed:** yes ☐ no ☐

**Ratified:** yes ☐ no ☐

#### *Justification*

*Countries who would like to be included in the list of countries to which the export of non-hazardous waste destined for recovery from the European Union are authorised should also provide information about the status with regard to membership in the Fundamental ILO Conventions, as respecting workers' legislation is a prerequisite for environmentally sound management of waste.*

## **Amendment 142**

### **Proposal for a regulation**

#### **Annex VIII – Part 2 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Part 2a (new)**

***Commitment to ensure that waste(s) received from the European Union is managed and treated in accordance with Article 56.***

***Hereby, [name and contact details of competent authority], on behalf of [country] (hereafter 'the country') declares that the country ensures that any waste shipped to its territory is managed without endangering human health and***

***in an environmentally sound manner in accordance with Article 56 of this Regulation.***

*Justification*

*Countries who would like to be included in the list of countries to which the export of non-hazardous waste destined for recovery from the European Union are authorised should sign a commitment to ensuring environmentally sound management of the imported waste.*

**Amendment 143**

**Proposal for a regulation**

**Annex IX – Part 1 – point 2 – point b**

*Text proposed by the Commission*

(b) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions.

*Amendment*

(b) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions, ***including adopted best available techniques.***

**Amendment 144**

**Proposal for a regulation**

**Annex IX – Part 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a International Conventions on labour rights***

***The eight fundamental ILO Conventions as defined under the ILO Declaration on Fundamental Principles and Rights at work<sup>1a</sup>***

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<sup>1a</sup> [https://www.ilo.org/declaration/lang--en/index.htm](https://www.ilo.org/declaration/lang-en/index.htm)

**Amendment 145**

**Proposal for a regulation**

## Annex X – point 1

### *Text proposed by the Commission*

1. The audit referred in Article 43(2) verifies that the facility managing the waste in the country of destination complies with the following conditions:

### *Amendment*

1. The audit referred in Article 43(2) verifies that ***the actual performance of all activities of*** the facility managing the waste in the country of destination comply with the following conditions, ***where relevant***:

## Amendment 146

### Proposal for a regulation Annex X – point 1 – point b

#### *Text proposed by the Commission*

(b) it is designed, constructed and operated in a safe and environmentally sound manner and, in particular, it has the required processes, organisation and infrastructure in place to treat the waste in question, and insurances covering potential risks and liabilities. To this end, as a minimum, information on the waste treatment methods, including how they deal with residual waste, notably through downstream traceability, must be checked;

#### *Amendment*

(b) it is designed, constructed and operated in a safe and environmentally sound manner and, in particular, it has the required processes, ***appropriate recycling technology***, organisation and infrastructure in place to treat the waste in question, and insurances covering potential risks and liabilities. To this end, as a minimum, information on the waste treatment methods, including how they deal with residual waste, notably through downstream traceability, must be checked;

## Amendment 147

### Proposal for a regulation Annex X – point 1 – point c – introductory part

#### *Text proposed by the Commission*

(c) it establishes management and monitoring systems, procedures and techniques that have the purpose of preventing, reducing, minimising and to the extent practicable eliminating:

#### *Amendment*

(c) it establishes ***and operates*** management and monitoring systems, procedures and techniques that have the purpose of preventing, reducing, minimising and to the extent practicable eliminating:

## Amendment 148

### Proposal for a regulation Annex X – point 1 – point f

*Text proposed by the Commission*

(f) it establishes and is able to provide records of its waste management and waste shipment activities for the last five years;

*Amendment*

(f) it establishes and is able to provide records of its waste management and waste shipment activities for the last five years; ***if a plant has operated for less than five years, it establishes and is able to provide records of its waste management and waste shipment activities for the time it has operated;***

## Amendment 149

### Proposal for a regulation Annex X – point 2 – introductory part

*Text proposed by the Commission*

2. Upon verifying compliance of a facility against the above criteria, the independent third party performing the audit must in particular take into account, as a point of reference and where relevant:

*Amendment*

2. Upon verifying compliance ***of all relevant activities*** of a facility against the above criteria, the independent third party performing the audit must in particular take into account, as a point of reference and where relevant:

## Amendment 150

### Proposal for a regulation Annex X – point 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) other Union legislation as referred to in Part 1 of Annex IX.***