



2021/0367(COD)

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AMENDMENTS

107 - 347

Draft report

Pernille Weiss

(PE719.861v01-00)

Shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056

Proposal for a regulation

(COM(2021)0709 – C9-0426/2021 – 2021/0367(COD))

Amendment 107
João Pimenta Lopes

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *Waste treatment and disposal activities have various negative impacts on the environment and on people's quality of life, some of which are difficult to mitigate. Greater information therefore needs to be available on the various waste management operations carried out, in terms of quantities, types, routes and associated destinations, as well as the inspection and monitoring of waste management activities.*

Or. pt

Amendment 108
João Pimenta Lopes

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) *Waste is now being exported (thus outsourcing, without solving, the problems of accumulation and production of waste materials) for the sole reason of the business and profit-making opportunities it offers; this should not serve to promote internal outsourcing within the EU countries and regions on its periphery;*

Or. pt

Amendment 109
João Pimenta Lopes

Proposal for a regulation
Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) *The development of waste treatment systems according to a market-based logic and the liberalisation and privatisation of the sector – thus following the profit motive – does not ensure that people's needs will be met or that the range of waste considered will be broadened, either in the sorting process or in helping effectively reduce the amount of waste that could be recycled or treated but which go directly to landfill;*

Or. pt

Amendment 110
João Pimenta Lopes

Proposal for a regulation
Recital 1 d (new)

Text proposed by the Commission

Amendment

(1d) *The set of measures adopted to improve waste management systems and their operational capacity should not lead to costs being passed on to the population, as is often the case;*

Or. pt

Amendment 111
João Pimenta Lopes

Proposal for a regulation
Recital 1 e (new)

Text proposed by the Commission

Amendment

(1e) *Improving waste management requires public management of the sector, which means reversing privatisation*

processes and restoring public control over the entire sector, so that the necessary measures and investments can be implemented to pursue national waste management objectives, safeguard the environment and people's quality of life and guarantee effective public service provision, rather than the ultimate aim of maximising profits;

Or. pt

Amendment 112
João Pimenta Lopes

Proposal for a regulation
Recital 1 f (new)

Text proposed by the Commission

Amendment

(1f) Progress in improving the effectiveness and efficiency of waste systems does not replace, but rather require, the consideration of waste upstream, in production and consumption, making those producing it responsible for using more sustainable methods and materials, which guarantee better conditions not only for recycling, but for the reuse and more sustainable use of materials, namely by means of concrete measures that combat planned obsolescence;

Or. pt

Amendment 113
Frédérique Ries

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) The European Green Deal³⁴ sets out an ambitious roadmap to transform the

(3) The European Green Deal³⁴ 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 Plan³⁵ 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 Council³⁶ and the European Parliament³⁷ have also called for a revision of the current Union rules on waste shipments established under Regulation (EC) No 1013/2006.

³⁴ 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)

³⁵ 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).

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

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

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 Plan³⁵ 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 **while increasing pressure on the EU's recycling capacity**. Both the Council³⁶ and the European Parliament³⁷ have also called for a revision of the current Union rules on waste shipments established under Regulation (EC) No 1013/2006.

³⁴ 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)

³⁵ 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).

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

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

Or. en

Amendment 114

Linea Søgaard-Lidell, Nils Torvalds, Martin Hojsik, Frédérique Ries, Catherine Chabaud, Asger Christensen

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) This Regulation should enable the Union to ensure the promotion of the circular economy, whilst protecting the environment and human health by preventing the adverse impacts which may result from the shipment of waste.

Or. en

Amendment 115

Sara Matthieu

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(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. *deleted*

Or. en

(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 116

João Pimenta Lopes

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

(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 ***that comply with environmental requirements and are as ambitious as*** those provided for by the Basel Convention.

Or. pt

Amendment 117

César Luena, Lina Gálvez Muñoz

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) If we want the framework for shipments of waste from its place of origin to its best place of treatment to ensure a true transition towards a circular economy, it must take into account the principles of proximity and efficiency and promote the reduction of the waste footprint.

Or. es

Amendment 118

César Luena, Lina Gálvez Muñoz

Proposal for a regulation

Recital 16 a (new)

(16a) In order to ensure legal certainty and the uniform application of Union waste management and shipment legislation, common criteria and assumptions, common nomenclature codes, criteria for distinguishing between used goods and waste, common thresholds for classifying hazardousness according to physical and chemical characteristics, percentages of the weight of the transported load establishing common thresholds for differentiating between hazardousness codes and other waste classification or characterisation systems need to be introduced with a view to avoiding subjective interpretation of rules safeguarding the environment and human health while complying with the principle of non-regression and the precautionary principle. Common criteria for the classification of hazardous waste are also necessary, thereby avoiding discrepancies and contradictions that may arise from gaps or divergences in national regulations.

Or. es

Amendment 119
Pernille Weiss

Proposal for a regulation
Recital 16 a (new)

(16 a) To take account of innovations in waste shipment and treatment technologies, as well as of changes in consumer behaviour with regard to sorting of waste, it is essential that Annex IIIB is continuously updated based on the latest data and research. Thus, the Commission should be required to regularly publish reports which determine the possibilities of including new waste

entries in Annex IIIB, and where appropriate also delegated acts on this topic. Due to the current legal state, it should be a specific priority of the Commission to assess the feasibility of adding entries on used footwear; accessories; toys made from textiles; mixtures of worn clothing, other worn textile articles, used soft toys, and used accessories; as well as mattresses intended for recycling.

Or. en

Amendment 120
César Luena, Lina Gálvez Muñoz

Proposal for a regulation
Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) A well-functioning Union market for waste shipments shall be considered to be one that prioritises proximity, self-sufficiency and the use of the best available techniques in waste management as guiding principles of the circular economy that are essential to ensure a low-carbon, resource-efficient and competitive EU economy that is sustainable in the long run and towards which a fair transition is already under way.

Or. es

Amendment 121
Pietro Fiocchi

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) In order to make the circular

economy effective it is important that a legal framework is introduced that distinguishes between unprocessed waste and raw materials for recycling (RMR), such as scrap metal, which often retain the status of waste, such as scrap metal, despite being in effect goods traded on the global market. Subjecting RMR, which are still classified as non-hazardous waste, to intra EU export restrictions with considerable bureaucratic burdens, could represent a damage for European recyclers, engaged in the intensification of green jobs, especially in absence of mechanisms to stimulate internal demand.

Or. en

Amendment 122
César Luena, Lina Gálvez Muñoz

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Waste disposal at a reception facility located within 2 km of a population centre or health-care, educational or recreational facility in the case of burial below the initial ground level or within 5 km in case of burial above the initial ground level shall not be deemed to be environmentally sound disposal. In the exceptional event a bilateral agreement has been concluded on shipments of waste for disposal, the aforementioned location requirements for the reception facility will not be accepted as environmentally sound disposal either.

Or. es

Amendment 123
Sara Matthieu

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. It is also necessary to ensure that the costs arising from situations where the shipment of waste 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.

Or. en

Justification

Environmentally unsound management can also occur with green listed waste. One major problem of illegal shipments is that they are falsely declared as green listed waste. This is currently "rewarded" by not having to provide a financial guarantee. Requiring a financial guarantee also for green listed waste reduces the incentives for false declarations.

Amendment 124
Pernille Weiss

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) In order to ensure traceability of shipments of waste and not to impair the environmentally sound management of waste shipped across borders, it should be prohibited to mix waste with other waste from the start of the shipment to the receipt of the waste in recovery or disposal

Amendment

(26) In order to ensure traceability of shipments of waste and not to impair the environmentally sound management of waste shipped across borders, it should be prohibited to mix waste with other waste from the start of the shipment to the receipt of the waste in recovery or disposal

operation.

operation, *except in cases of non-hazardous waste shipped to facilities within the EU which have demonstrated an ability to treat waste of the corresponding contamination level.*

Or. en

Amendment 125

Sara Matthieu

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 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

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 status of Directive 2008/98/EC. It is also necessary to ***establish or strengthen 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.

important, especially for their export from the Union.

Or. en

Justification

Fully consistent with amendment 8 by the rapporteur, adding a consequential amendment to the setting of a contamination level for intra EU shipments of plastic waste by the same author.

Amendment 126

Pietro Fiocchi

Proposal for a regulation

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33 a) The Commission clearly distinguishes unprocessed waste from RMR, in order to streamline bureaucratic procedures and facilitate intra-EU shipments of waste destined for recycling and end use in circular value chains, essential for creating a well-functioning recycled raw materials market on equal terms with virgin raw materials.

Or. en

Amendment 127

Sara Matthieu

Proposal for a regulation

Recital 36

Text proposed by the Commission

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

(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.

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 *contaminated plastic waste as well as mixtures of* plastic waste.

Or. en

Amendment 128
Sara Matthieu

Proposal for a regulation
Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) Plastic waste pose particular challenges. There is a wide diversity of polymers, they often contain hazardous additives and numerous contaminants. Measuring the levels of hazardous additives and of contaminants requires costly testing. Recycling levels are very low, and normally creates large amounts of residual waste. In line with the commitment to stop exporting waste challenges to third countries, the Union should therefore prohibit the export of all kinds of plastic waste.

Or. en

Amendment 129
Frédérique Ries, Martin Hojsík

Proposal for a regulation
Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) Some major shipping companies are committed to stop carrying plastic waste to help curb pollution, a key

decision that requires countries producing and exporting plastic waste, including in the Union, to thoroughly rethink the management of their own plastic waste, starting with improving their collection, reuse and recycling.

Or. en

Amendment 130
Frédérique Ries, Martin Hojsík

Proposal for a regulation
Recital 36 b (new)

Text proposed by the Commission

Amendment

(36 b) To ensure an effective enforcement of the ban on the export of plastic waste outside of the Union and EFTA Member States, it is necessary to do more regular monitoring and inspection at checkpoints in order to prevent an ill-intentioned shipper from circumventing regulatory procedures when shipping plastic waste, using HS code 3920, which designates a product as plastic sheeting instead of plastic waste (HS code 3915).

Or. en

Amendment 131
Pascal Canfin

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission

Amendment

(37 a) It is necessary to ensure that the shipment of waste of certain products that are necessary to building strong value chains essential to achieve the Green Deal are facilitated within the European single market and that exports outside the Union

of those products are particularly monitored by the Commission. Strengthening key value chains will accelerate the development of our resilience and ensure strategic autonomy. The scope of relevant products should be aligned with the Raw Material Act presented by the Commission, as it is pertinent for battery recycling, in particular for the black mass obtained either once a battery has been processed for recycling or during the related industrial process.

Or. en

Amendment 132
Sara Matthieu

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,

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 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

if the information is not sufficient to prove that the waste is recovered in an environmentally sound manner, be empowered to suspend such exports.

is not sufficient to prove that the waste is recovered in an environmentally sound manner, be empowered to suspend such exports.

Or. en

Amendment 133
Pernille Weiss

Proposal for a regulation
Recital 49 a (new)

Text proposed by the Commission

Amendment

(49 a) The framework of this legislation shall support reporting by whistleblowers of breaches of Union law, in order to promote detection and prevention, reduction or elimination of risks to public health or to the environment in the waste management sector.

Or. en

Amendment 134
Sara Matthieu

Proposal for a regulation
Recital 50

Text proposed by the Commission

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 **four** years on the implementation of this Regulation, based on the 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

(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 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 shipments of plastic waste and other specific waste streams that are a source of concern.

Or. en

Amendment 135

Pernille Weiss

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 Council⁵³.

⁵³ 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

(55) In order to ensure uniform conditions for the implementation of ***a simple, risk-based and*** harmonised method for calculating the financial guarantee or equivalent insurance ***of the requirements for interoperability between central and national systems, and of a correlation table*** between ***the codes of the combined nomenclature and the entries of*** waste, ***implementing powers should be conferred on the Commission.*** Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵³. ***If the Commission determines that a harmonised calculation method is appropriate, it should consider how the central system can be utilised to enable innovative methods for determining financial guarantees.***

⁵³ 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).

Or. en

Amendment 136
Cyrus Engerer, Milan Brglez, Simona Bonafè

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

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.

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, ***including in third countries, with a particular view on transitioning towards a circular economy by following the proximity principle and reducing the impact that the European Union's waste has on third countries. It contributes to the Union's objective of achieving climate neutrality by 2050 at the latest and to the transition to a fully circular non-toxic economy and*** 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.

Or. en

Justification

The Waste Shipment Regulation is part of the wider strategy laid out by the European Union through the European Green Deal and the Circular Economy Action Plan. Therefore, it should be acknowledged that the Regulation is now embedded in the Circular Economy transition and that it contributes towards it.

Amendment 137
Sara Matthieu

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

This Regulation lays down measures to protect the environment and human health

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.

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, climate neutrality and zero pollution for a toxic-free environment by applying the principles of proximity and self-sufficiency.***

Or. en

Justification

The EU has pledged to stop exporting its waste challenges. This should be reflected in Article 1. The other overarching objectives of the European Green Deal, namely circular economy, climate neutrality and zero pollution for a toxic-free environment should also be referred to explicitly.

Amendment 138 **João Pimenta Lopes**

Proposal for a regulation **Article 1.º – paragraph 1**

Text proposed by the Commission

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.

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, ***taking into account the transition to a circular economy, following the proximity principle and reducing the impact that Union waste has on 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.

Amendment 139**Rovana Plumb****Proposal for a regulation****Article 1 – paragraph 1***Text proposed by the Commission*

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.

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 **and the treatment of waste at its destination**. 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.

Or. en

Amendment 140**István Ujhelyi****Proposal for a regulation****Article 1 – paragraph 1***Text proposed by the Commission*

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.

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 **and enhancing circular economy**. 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.

Or. en

Amendment 141
Sirpa Pietikäinen

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

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.

Amendment

This Regulation lays down measures to protect the environment and human health **and enhancing circular economy** 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.

Or. en

Amendment 142
Maria Spyraiki

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

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.

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 **and enhancing circular economy**. 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.

Or. en

Amendment 143

César Luena, Javi López, Nicolás González Casares, Estrella Durá Ferrandis

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

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.

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 **and enhancing circular economy**. 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.

Or. en

Justification

Rules on waste shipment must enable and not hinder circular economy. Facilitating intra-EU shipments or restricting the export of waste to third countries must always be thought through the prism of resource preservation, material efficiency and waste treatment in accordance with the waste hierarchy.

Amendment 144

Linea Søgaard-Lidell, Nils Torvalds, Frédérique Ries, Catherine Chabaud, Asger Christensen

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

This Regulation lays down measures to protect the environment, **enhance the circular economy** 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

waste at its destination.

applied to the waste at its destination.

Or. en

Amendment 145

Rovana Plumb

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) shipments of waste in transit through the Union on the way *to or* from third countries.

Amendment

(d) shipments of waste in transit through the Union, on the way from *and to* third countries.

Or. en

Amendment 146

César Luena, Lina Gálvez Muñoz

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall present, no later than three months from entry into force of this Regulation, a delegated act laying down common criteria and assumptions, common nomenclature codes, criteria for distinguishing between used goods and waste, common thresholds for classifying hazardousness according to physical and chemical characteristics, percentages of the weight of the transported load establishing common thresholds for differentiating between hazard codes and other waste classification or characterisation systems, as well as common criteria for the classification of hazardous waste.

Or. es

Justification

In order to ensure legal certainty and the uniform application of Union waste management and shipment legislation, a set of common nomenclature codes and criteria is needed to avoid subjective interpretation of environmental and human health protection rules, while upholding the principle of non-regression and the precautionary principle. This would avoid any discrepancies and contradictions that may arise from gaps or divergences in national regulations.

Amendment 147

Linea Søgaard-Lidell, Frédérique Ries, Catherine Chabaud, Asger Christensen

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 and the environment against adverse effects which may result from such waste, ***to enable the transition to the circular economy and contribute to the 2050 EU carbon neutrality target as laid down in Regulation (EU) 2021/1119 (‘European Climate Law’)***;

Or. en

Amendment 148

Pernille Weiss

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 ***or the treatment thereof in a life-***

cycle perspective;

Or. en

Amendment 149

Mick Wallace, João Pimenta Lopes, Clare Daly

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 **necessary steps, as practicable as possible**, 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;

Or. en

Amendment 150

Rovana Plumb

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

(6) ‘**notifier**’ means:

Amendment

(6) ‘**person who arranges for the shipment**’ means:

Or. en

Amendment 151

Mick Wallace, João Pimenta Lopes, Clare Daly

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point a – introductory part

Text proposed by the Commission

(a) in the case of a shipment

Amendment

(a) in the case of a shipment

originating from a Member State, any natural or legal person under the national jurisdiction of that Member State who plans or carries out a shipment of waste and to whom the duty to notify is assigned, and who is listed below:

originating from a Member State, any natural or legal person under the national jurisdiction of that Member State who plans or carries out a shipment of waste and to whom the duty to notify is assigned, and who is listed ***and in accordance with the ranking*** below:

Or. en

Justification

The hierarchy clarifies who the notifier is.

Amendment 152 **Pernille Weiss**

Proposal for a regulation **Article 3 – paragraph 1 – point 6 – point a – introductory part**

Text proposed by the Commission

(a) in the case of a shipment originating from a Member State, any natural or legal person ***under the national jurisdiction of that Member State*** who plans or carries out a shipment of waste and to whom the duty to notify is assigned, and who is listed below:

Amendment

(a) in the case of a shipment originating from a Member State, any natural or legal person who plans or carries out a shipment of waste and to whom the duty to notify is assigned, and who is listed below:

Or. en

Amendment 153 **Rovana Plumb**

Proposal for a regulation **Article 3 – paragraph 1 – point 6 – point a – introductory part**

Text proposed by the Commission

(a) in the case of a shipment originating from a Member State, any natural or legal person under the national jurisdiction of that Member State who plans or carries out a shipment of waste ***and to whom the duty to notify is***

Amendment

(a) in the case of a shipment originating from a Member State, any natural or legal person under the national jurisdiction of that Member State who plans or carries out a shipment of waste ***or who has had a shipment of waste carried***

assigned, and who is listed below:

out, and who is listed below:

Or. en

Amendment 154

Mick Wallace, Clare Daly

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point a – point iv

Text proposed by the Commission

Amendment

(iv) a dealer or a broker acting on behalf of any of the categories specified in points (i), (ii) or (iii);

(iv) a dealer or a broker acting on behalf of any of the categories specified in points (i), (ii) or (iii) ***who provides written authorisation including the conditions under which articles 22(10) and 24(3) apply;***

Or. en

Amendment 155

Rovana Plumb

Proposal for a regulation

Article 3 – paragraph 1 – point 6 – point b – introductory part

Text proposed by the Commission

Amendment

(b) in the case of import into, or transit through, the Union of waste that does not originate in a Member State, any of the following natural or legal persons under the national jurisdiction of the country of dispatch who plans or carries out a shipment of waste or ***intends to have, or*** who has had, a shipment of waste carried out:

(b) in the case of import into, or transit through, the Union of waste that does not originate in a Member State, any of the following natural or legal persons under the national jurisdiction of the country of dispatch who plans or carries out a shipment of waste or who has had a shipment of waste carried out:

Or. en

Amendment 156

Rovana Plumb

Proposal for a regulation
Article 3 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6 a) ‘notifier’ means any person who arranges the shipment to whom the duty to notify is assigned.

Or. en

Amendment 157
Rovana Plumb

Proposal for a regulation
Article 3 – paragraph 1 – point 24 – introductory part

Text proposed by the Commission

Amendment

(24) ‘shipment’ means the transport of waste destined for recovery or disposal ***from the point of loading until the waste is recovered or disposed of in the country of destination***, which is planned to take place, or takes place:

(24) ‘shipment’ means the transport of waste destined for recovery or disposal, which is planned to take place, or takes place:

Or. en

Amendment 158
Cyrus Engerer, Milan Brglez, Simona Bonafè

Proposal for a regulation
Article 3 – paragraph 1 – point 27 a (new)

Text proposed by the Commission

Amendment

(27 a) ‘facility’ means the individual units involved in the relevant steps of the recovery process and the management of the waste. This shall notably include sites where activities ranging from logistics (collecting, transport, storage), preparation (sorting, shredding), final recycling, recovery and disposal of waste, including residual waste from preparation and/or recycling, are conducted.

Justification

In order to ensure that waste is processed in an environmentally sound manner, throughout the period of shipment and during its recovery and disposal, the independent and accredited third party should undertake the audit not only at an overall level or on average, but also for each relevant unit within the facility, in accordance with a harmonised definition of 'facility' to be provided under Article 3 of the Regulation.

Amendment 159**Marek Pawel Balt, Jytte Guteland****Proposal for a regulation****Article 3 – paragraph 1 – point 27 a (new)***Text proposed by the Commission**Amendment*

(27 a) 'facility' means the individual units involved in the relevant steps of the recovery process and the management of the waste. This shall notably include sites where activities ranging from logistics (collecting, transport, storage), preparation (sorting, shredding), final recycling and disposal of residual waste from preparation and/or recycling are conducted.

Justification

In order to ensure that waste is processed in an environmentally sound manner, throughout the period of shipment and during its recovery and disposal, the independent and accredited third party should undertake the audit not only at an overall level or on average, but also for each relevant unit within the facility, in accordance with a harmonised definition of 'facility' to be provided under Article 3 of the Regulation.

Amendment 160**Massimiliano Salini, Aldo Patriciello, Salvatore De Meo, Fulvio Martusciello****Proposal for a regulation****Article 3 – paragraph 1 – point 27 a (new)***Text proposed by the Commission**Amendment*

(27 a) 'facility' means the individual units involved in the relevant steps of the recovery process and the management of the waste. This includes locations where operations such as logistics (collection, transportation, and storage), preparation (sorting, shredding), final recycling, and disposal of leftover trash from preparation and/or recycling are carried out.

Or. en

Amendment 161

César Luena, Lina Gálvez Muñoz

Proposal for a regulation

Article 3 – paragraph 1 – point 27 a (new)

Text proposed by the Commission

Amendment

27a) 'optimal waste management' shall mean the best available techniques within the Union that are compatible with the protection of the environment and human health.

Or. es

Amendment 162

Linea Sogaard-Lidell, Nils Torvalds, Catherine Chabaud, Asger Christensen

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

(28) 'hazardous material for recovery' means any waste that is classified as hazardous but that qualifies under the definition of 'material for recovery'.

Or. en

Justification

It is important to cover this type of shipment too, as in some cases the waste that is classified

as hazardous will also have the potential to be recycled into no-hazardous products. This way it is emphasized that it is destined for recovery. E.g. the recycling of mineral wool offers solutions by using hazardous waste as secondary raw material in the production process which is further transformed thanks to the production specificities to new products that would be treated as non-hazardous waste once they reach their end of life.

Amendment 163

César Luena, Lina Gálvez Muñoz

Proposal for a regulation

Article 3 – paragraph 1 – point 27 b (new)

Text proposed by the Commission

Amendment

27b) 'Environmentally unsound waste disposal' shall mean waste disposal at a reception facility located within 2 km of a population centre or health-care, educational or recreational facility in the case of burial below the initial ground level or within 5 km in case of burial above the initial ground level. This definition can be extended to exceptional cases where a bilateral agreement has been concluded on shipments of waste for disposal.

Or. es

Amendment 164

Linea Søgaaard-Lidell, Nils Torvalds, Martin Hojsik, Catherine Chabaud, Asger Christensen

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

In addition, the definitions of 'waste', 'hazardous waste', 'treatment', 'disposal', '**recovery**', '**material for 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

apply.

Directive 2008/98/EC shall apply.

Or. en

Justification

Definition of material recovery referenced in the Waste Framework Directive is missing (Article 3, 15a): ‘material recovery’ means any recovery operation, other than energy recovery and the reprocessing into materials that are to be used as fuels or other means to generate energy. It includes, inter alia, preparing for re-use, recycling and backfilling. It is important to differentiate the shipment that is destined to landfill with the ones that are materials for recovery. There should be a level of protection/ promotion for the ones that are material for recovery, as this is higher up the waste hierarchy than landfilling.

Amendment 165

Martin Hojsik, Michal Wiezik

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) Waste contaminated or containing substances listed in Annex IV to the Regulation EU 2019/1021 on Persistent Organic Pollutants if not already covered by other lists mentioned in article 4 paragraph 2.

Or. en

Justification

Article 7 paragraph 6 of the POP Regulation requires that Member States take the necessary measures to ensure the control and traceability, in accordance with Article 17 of Directive 2008/98/EC, of waste containing or contaminated by a substance listed in Annex IV to this Regulation.

Amendment 166

Mick Wallace, João Pimenta Lopes, Clare Daly

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) Waste containing or contaminated with a substance listed in Annex IV to Regulation EU2019/1021 on persistent organic pollutants if not listed elsewhere in article 4 point (2);

Or. en

Amendment 167
Sara Matthieu

Proposal for a regulation
Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

This amendment is necessary to achieve coherence with the provisions of Article 7(6) of Regulation (EU) 2019/1021 on persistent organic pollutants (POPs). Some low-POP level waste are not considered hazardous waste, but according to Article 7(6) of the POPs Regulation should be controlled as such.

Amendment 168
João Pimenta Lopes

Proposal for a regulation
Article 4.º – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) mixtures of wastes, unless listed in Annex IIIA. ***deleted***

Or. pt

Amendment 169

João Pimenta Lopes

Proposal for a regulation

Article 4.º – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) 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;

Or. pt

Amendment 170

João Pimenta Lopes

Proposal for a regulation

Article 4.º – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Shipments destined for recovery operations other than mechanical recycling, namely energy recovery, chemical recycling or landfill, will be subject to an additional obligation to publish publicly available evidence, which will then be open for consultation at European level for at least four calendar weeks, demonstrating why such waste could not undergo further pre-treatment or sorting to make mechanical recycling a viable treatment option (i.e. a justification setting out implementation of the EU waste hierarchy).

Or. pt

Amendment 171

João Pimenta Lopes

Proposal for a regulation

Article 4.º – paragraph 2 b (new)

2b. Shipments destined for recovery operations other than mechanical recycling which are of the same nature as shipments for which a consultation procedure has already been carried out and have been authorised shall require no consultation procedure or authorisation for a period of three years following the issuance of the initial authorisation.

Or. pt

Amendment 172

Cyrus Engerer, Milan Brglez

Proposal for a regulation

Article 4 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Shipments of the following wastes destined for recovery shall be subject to the general information requirements laid down in Article 18, **if the amount of waste shipped exceeds 20 kg**:

3. Shipments of the following wastes destined for recovery shall be subject to the general information requirements laid down in Article 18:

Or. en

Justification

In order to enhance both traceability and transparency, both of which are critically needed with regard to shipment of waste, all waste shipments (no matter how small) should at an absolute minimum require general information requirements as laid down in Article 18. The exception for waste shipments that are under 20 kg would open up a significant loophole that would be exploited and enable illicit waste trafficking.

Amendment 173

Pernille Weiss

Proposal for a regulation

Article 4 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) mixtures of waste, provided that the

(b) mixtures of waste **listed in Annex**

composition of those mixtures does not impair their environmentally sound recovery and provided that such mixtures *are listed in Annex IIIA*.

III, IIIA or IIIB, provided that the composition of those mixtures does not impair their environmentally sound recovery and, *where appropriate*, provided that *the receiving facility located within the EU has demonstrated an ability to treat such mixtures of waste regardless of their contamination level*.

Or. en

Amendment 174
César Luena, Lina Gálvez Muñoz

Proposal for a regulation
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *Waste management facilities must demonstrate their ability to optimally treat waste or mixtures of waste at the level of contamination corresponding to the operations required to receive such waste.*

Or. es

Amendment 175
César Luena, Lina Gálvez Muñoz

Proposal for a regulation
Article 4 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *The Commission shall present, no later than three months from entry into force of this Regulation, a delegated act laying down criteria for the verification of the best techniques for optimal waste management, identifying the state bodies competent to certify such optimal waste management capacity.*

Or. es

Amendment 176

Ulrike Müller

Proposal for a regulation

Article 4 – paragraph 4 – point b

Text proposed by the Commission

(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.

Amendment

(b) the amount of waste does not exceed 150 kg ***for laboratory analysis, 25 000 kg for experimental treatment trials*** or any higher amount agreed on a case-by-case basis by the competent authorities ***in the countries of dispatch and the country of destination*** concerned and the notifier.

Or. en

Justification

The foreseen quantity of 150 kg is not sufficient for metallurgical test purposes. 25.000 kg equals about one truck-load of steel, which would be more appropriate to facilitate pilot plant scale experiments. Further, it should be clarified that there is no need to obtain the agreement of any country of transit.

Amendment 177

Hildegard Bentele

Proposal for a regulation

Article 4 – paragraph 4 – point b

Text proposed by the Commission

(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.

Amendment

(b) the amount of waste does not exceed 150 kg ***for laboratory analysis, 25 000 kg for experimental treatment trials*** or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier.

Or. en

Amendment 178

Marek Pawel Balt

Proposal for a regulation
Article 4 – paragraph 4 – point b

Text proposed by the Commission

(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.

Amendment

(b) the amount of waste does not exceed 150 kg **for laboratory analysis, 25 000 kg for experimental treatment trials** or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier.

Or. en

Justification

The extension of the exemptions from notification beyond laboratory purposes for transports for experimental tests is expressly desired. The exempted quantity of 150 kg is usually not sufficient for metallurgical test purposes. An increase to 25 t would be desirable for pilot plant and pilot scale experiments. At a minimum, the amount should be increased to 1,000 kg (or at least one big bag). In the alternative, it is to be welcomed that higher quantities are possible by individual decision at the discretion of the authority. We foresee an issue at transnational R&D work on a larger scale. Opening new processes and recycling channels requires the possibility to ship larger quantities (up to 25 t) to determine their suitability for recovery or disposal operations in semi-technical or experimental scale, which do not necessarily have a permit to treat waste (e.g., research institutes, universities etc.). So far, such a shipment is not possible and will not be possible under the new regulation, too, as a lack of authorization prevents notification (see Article 12,1(a)). We would also recommend approach where there would be an exception in connection with the full obligation by the notifier to take back waste and the resulting substances, written in the contract pursuant to Article 6.]

Amendment 179
Pietro Fiocchi

Proposal for a regulation
Article 4 – paragraph 4 – point b

Text proposed by the Commission

(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.

Amendment

(b) the amount of waste does not exceed 150 kg **for laboratory analysis, 25 000 kg for experimental treatment trials** or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier.

Or. en

Amendment 180
Alexander Bernhuber

Proposal for a regulation
Article 4 – paragraph 4 – point b

Text proposed by the Commission

(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.

Amendment

(b) the amount of waste does not exceed **20 000** kg or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier.

Or. en

Amendment 181
César Luena, Lina Gálvez Muñoz

Proposal for a regulation
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. A database of information from industrial facilities carrying out experimental treatment trials, universities and other relevant research institutions, including the scope of waste they operate, should be established to foster the exchange of information and experience. These research or trial operators should necessarily be distinct from the waste industry with a view to ensuring greater efficiency in achieving best practice in waste management at Union level.

Or. es

Amendment 182
Sara Matthieu

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

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 destined for disposal shall be prohibited.

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, ***for example refuse derived fuels***, where such waste is destined for recovery operations. Shipments of such waste destined for disposal shall be prohibited.

Or. en

Justification

It should be clarified explicitly that refuse derived fuels fall under this provision.

Amendment 183
Alexander Bernhuber

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

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 destined for disposal shall be prohibited.***

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.

Or. en

Justification

Even in a recycling economy, waste will be generated that must be disposed of in high-tech treatment plants in an environmentally sound manner. The infrastructure suitable and

geographically close for this can be located just across the border but far away in the same country.

Amendment 184

Cyrus Engerer, Milan Brglez

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

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 destined for disposal shall be prohibited.

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 (*e.g. refuse derived fuels*), where such waste is destined for recovery operations. Shipments of such waste destined for disposal shall be prohibited.

Or. en

Justification

There is potentially a loophole with regard to shipments of “refused-derived-fuels” (RDF) as well as European Waste Catalogue listing 19 12 12 to escape trade controls. These reconstituted wastes, need to be fully controlled at minimum as a Basel Annex II waste subject to prior-informed consent within the EU and an export ban to countries outside of the EU. This material has virtually all the same kinds of constituents and characteristics and problems of Annex II household waste (Y46).

Amendment 185

Marek Paweł Balt, Jytte Guteland

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. **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

Amendment

1. Notifiers that have received a permit or are registered in accordance with Chapter IV of Directive 2008/98/EC **or waste producers or operators of experimental treatment trials** may submit

(‘notification’).

a prior written notification (‘notification’).

Or. en

Justification

A particular strict proposal as only waste treatment plants can submit a notification may cause issues in shipping of waste. The initiation by the waste producer would then no longer be possible, contrary to the previous regulation, which would be extremely counterproductive and ignores reality. It also does not comply with the definition of "notifier" in Article 3(6). Additionally, operators of experimental treatment trials should also be able to initiate a notification process (see also justification on Art.4. No 4). Article 5, paragraph 1, first sentence should be modified accordingly.

Amendment 186 **Pietro Fiocchi**

Proposal for a regulation **Article 5 – paragraph 1 – introductory part**

Text proposed by the Commission

1. **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

1. Notifiers that have received a permit or are registered in accordance with Chapter IV of Directive 2008/98/EC **or waste producers or operators of experimental treatment trials** may submit a prior written notification (‘notification’).

Or. en

Amendment 187 **Ulrike Müller**

Proposal for a regulation **Article 5 – paragraph 1 – introductory part**

Text proposed by the Commission

1. **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

1. Notifiers that have received a permit or are registered in accordance with Chapter IV of Directive 2008/98/EC, **waste producers and operators of experimental treatment trials** may submit a prior written notification (‘notification’).

Justification

To facilitate experimental treatment trials, waste producers and operators of experimental treatment trials should be allowed to submit a prior written notification.

Amendment 188

Sara Matthieu

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. 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

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

Justification

It is important to ensure that all notifiers have a permit AND are registered.

Amendment 189

Mick Wallace, João Pimenta Lopes, Clare Daly

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

When the notifier is one of the persons indicated in article 3 point (6)(a)(iv), the notification includes the written authorisation.

Amendment 190

Alexander Bernhuber

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. A notification shall be considered properly carried out when ***the competent authority of dispatch is satisfied that*** the notification document and movement document have been completed in accordance with paragraph 3.

Amendment

4. A notification shall be considered properly carried out when the notification document and movement document have been completed in accordance with paragraph 3.

Or. en

Amendment 191
César Luena, Lina Gálvez Muñoz

Proposal for a regulation
Article 5 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. When dealing with hazardous waste, any change in the quantity, date of shipment, the points of entry or exit or carrier shall be deemed to be a substantial change affecting the details or conditions of an authorised shipment, and the notifier must therefore inform the competent authorities concerned and the recipient immediately and before the shipment starts.

Or. es

Amendment 192
Pernille Weiss

Proposal for a regulation
Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

3. The contract shall include obligations:

Amendment

3. In order to facilitate harmonization within this area, the Commission shall by [one year after the

date of entry into force of this Regulation]
adopt a delegated act in accordance with
Article 76 to supplement this Regulation
by establishing common criteria for
contracts. The contract shall include
obligations:

Or. en

Amendment 193
Cyrus Engerer, Milan Brglez

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. All shipments of waste ***for which notification is required*** shall be subject to the requirement of a financial guarantee or equivalent insurance, covering all the following costs:

Amendment

1. All shipments of waste shall be subject to the requirement of a financial guarantee or equivalent insurance, covering all the following costs:

Or. en

Justification

Illegal shipments occur through legal trade channels, through misdeclaration of these waste shipments (including them being falsely listed as raw materials or as non-hazardous) or concealment. Such instances occur under the guise of green listed waste shipments, which are subject to a General Information Requirement procedure and not Prior Informed Notification+Consent. The requirement of a financial guarantee only for shipments of waste for which notification is required is a loophole that can be exploited. Thus, financial guarantee should be extended to all shipments of waste.

Amendment 194
Sara Matthieu

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. All shipments of waste ***for which notification is required*** shall be subject to the requirement of a financial guarantee or

Amendment

1. All shipments of waste shall be subject to the requirement of a financial guarantee or equivalent insurance, covering

equivalent insurance, covering all the following costs:

all the following costs:

Or. en

Justification

Environmentally unsound management can also occur with green listed waste. One major problem of illegal shipments is that they are falsely declared as green listed waste. This is currently "rewarded" by not having to provide a financial guarantee. Requiring a financial guarantee also for green listed waste reduces the incentives for false declarations.

Amendment 195 **João Pimenta Lopes**

Proposal for a regulation **Article 7.º – 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.

Or. pt

Justification

Exemptions from the duty to provide the financial guarantee or equivalent insurance should not be granted on the sole basis of a decision taken by the authority of the place of final recovery or disposal. This gives rise to the risk that the country of destination is held liable and does not have access to sufficient funds to ensure proper take-back of the shipment or manage it in an environmentally sustainable manner.

Amendment 196

Cyrus Engerer, Milan Brglez

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 done between two facilities under the control of the same legal entity or unless the*** competent authority of destination is satisfied that such a financial guarantee or equivalent insurance is not required.

Or. en

Justification

The possible exemption to financial guarantee should not be possible based solely on a

decision by the destination authority where the final recovery or disposal operation will take place. Additionally, no certainty can be afforded that the destination country competent authority could effectively ensure that waste leaving an interim recovery operation will not be modified before being shipped to the final disposal operation. Given guarantees are released once the waste is treated as intended, there is little justification as to why this loophole should remain.

Amendment 197

Sara Matthieu

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 done between two facilities under the control of the same legal entity or 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.

Or. en

Justification

When shipped waste reaches its country of destination, but still requires to be transferred from an interim to a final recovery facility operated under the control of the same legal entity, it is justified to exempt the notifier and consignee from paying a second financial guarantee.

Amendment 198

Linea Søgaard-Lidell, Catherine Chabaud, Asger Christensen

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 takes place between two facilities under the control of 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.

Or. en

Justification

When shipped waste reaches its country of destination, but still requires to be transferred

from an interim to a final recovery facility operated under the control of the same legal entity, it is justified to exempt the notifier and consignee from paying a second financial guarantee. This will help avoid unnecessary additional administrative burden and delays.

Amendment 199

Pernille Weiss

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 done 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.

Or. en

Amendment 200

Pietro Fiocchi

Proposal for a regulation
Article 7 – paragraph 10 – introductory part

Text proposed by the Commission

10. 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 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).

Amendment

10. The Commission shall, at the latest by [OP: Please insert date of **one year** after the date of entry into force of this Regulation], assess **for shipments within the Union** the feasibility of establishing a harmonised **less financially burdensome system to replace conventional** financial guarantees **as established in this Article and** adopt an implementing act to establish such a harmonised **less financially burdensome system for financial guarantees**. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).

Or. en

Amendment 201
Sara Matthieu

Proposal for a regulation
Article 7 – paragraph 10 – introductory part

Text proposed by the Commission

10. 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 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).

Amendment

10. 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 **following a risk-based approach**, and, if appropriate, adopt an implementing act to establish such a harmonised calculation method **no later than [OJ insert three years after the date of entry into force of this Regulation]**. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).

Justification

Financial guarantees or equivalent insurances should be calculated on a risk-based approach, meaning that their amount should be proportional to the potential impact the shipment of the hazardous waste can have on the environment and human health in case accident. A clear date should be set by when the Commission should adopt the harmonised calculation method.

Amendment 202
Pernille Weiss

Proposal for a regulation
Article 7 – paragraph 10 – introductory part

Text proposed by the Commission

10. 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 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).

Amendment

10. 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 equivalent insurances and, if appropriate, ***by ... [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).

Or. en

Amendment 203
Linea Søgaard-Lidell, Catherine Chabaud, Asger Christensen

Proposal for a regulation
Article 7 – paragraph 10 – introductory part

Text proposed by the Commission

10. The Commission shall, at the latest by [OP: Please insert date of two years

Amendment

10. 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 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).

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 ***following a risk-based approach*** and, if appropriate, ***by ... [three years after the date of entry into force of this Regulation*** 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).

Or. en

Justification

Certainty should be given as to when the European Commission should adopt an implementing act to harmonise the calculation method for the financial guarantees. Moreover, such financial guarantees should be calculated on a risk based approach, meaning that their amount should be proportional to the potential impact the shipment of the hazardous waste can have on the environment in the event the shipment cannot be completed.

Amendment 204

Mick Wallace, Clare Daly

Proposal for a regulation

Article 7 – paragraph 10 – introductory part

Text proposed by the Commission

10. 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 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).

Amendment

10. 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 ***different mechanisms and*** a harmonised calculation method for determining the amount of financial guarantees or equivalent insurances and, if 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).

Amendment 205
Sirpa Pietikäinen

Proposal for a regulation
Article 7 – paragraph 10 – introductory part

Text proposed by the Commission

10. 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 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).

Amendment

10. The Commission shall, at the latest by [OP: Please insert date of **one year** 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 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).

Or. en

Amendment 206
Sirpa Pietikäinen

Proposal for a regulation
Article 7 – paragraph 10 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In coordination with relevant stakeholders, the Commission shall, within three years after the date of entry into force of this Regulation, establish a harmonized financially less burdensome insurance-based system to replace financial guarantees or equivalent insurances addressed by this Article. The establishment of a harmonized insurance-based system shall not preclude the possibility for Member States to work with insurance companies to develop mature

insurance systems at national level.

Or. en

Amendment 207
João Pimenta Lopes

Proposal for a regulation
Article 8.º – paragraph 5 – introductory part

Text proposed by the Commission

5. The notifier shall provide the information and documentation referred to in paragraph 4 within seven days after the request by the competent authority concerned.

Amendment

5. The notifier shall provide the information and documentation referred to in paragraph 4 within seven days after the request by the competent authority concerned.

Depending on the type and level of detail of the information requested, the notifier may request an exemption from the 7-day deadline, within the 30-day limit.

Or. pt

Amendment 208
João Pimenta Lopes

Proposal for a regulation
Article 9.º – paragraph 1 – subparagraph 1

Text proposed by the Commission

Tacit consent by the competent authorities of dispatch and transit may be assumed if no objection is lodged within the 30-day time limit referred to in the first subparagraph. That tacit consent shall be valid for the period referred to in the written consent given by the competent authority of destination.

Amendment

deleted

Or. pt

Amendment 209

Pietro Fiocchi

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. The competent authorities of destination, and, where appropriate, dispatch and transit, shall transmit their decision and the reasons thereof to the notifier within the 30-day time limit referred to in paragraph 1. That decision shall be available to all competent authorities concerned.

Amendment

2. The competent authorities of destination, and, where appropriate, dispatch and transit, shall transmit their decision and the reasons thereof to the notifier within the 30-day time limit referred to in paragraph 1. That decision shall be available to all competent authorities concerned. ***The competent authorities of dispatch and destination have the responsibility to complete the notification within 30 days of submission. Once this period has expired, the shipment is considered as approved and tacit approval is granted.***

Or. en

Amendment 210

Pietro Fiocchi

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

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

deleted

Or. en

Amendment 211

Hildegard Bentele

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

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 must be taken within 60 days after submission of the notification.***

Or. en

Amendment 212

Ulrike Müller

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

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

The competent authorities of dispatch and destination have the responsibility to complete the notification within 30 days of submission. 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.

Or. en

Justification

Clarification to avoid undue administrative burden and costs due to administrative delays in notification procedures.

Amendment 213

João Pimenta Lopes

Proposal for a regulation

Article 9.º – 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 ***one calendar year from the date of authorisation by the competent authority of dispatch or destination, whichever is later***, 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.

Or. pt

Amendment 214

Mick Wallace, Clare Daly

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 ***within one calendar year from the date of consent of the competent authority of dispatcher destination who last consented***. 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.

Or. en

Amendment 215

Pernille Weiss

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),

Amendment

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.

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. ***A written or tacit consent may only be withdrawn for the reasons set out in paragraph 6.***

Or. en

Amendment 216
João Pimenta Lopes

Proposal for a regulation
Article 9.º – 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), points (a) and (b), and during the period of validity of the 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.

Or. pt

Amendment 217
César Luena, Lina Gálvez Muñoz

Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Serious concerns relating to the environment or human health shall be sufficient justification for the competent authorities to decide to shorten deadlines

for shipments destined for a facility with prior authorisation; the authorities may outline this in the appropriate justification.

Or. es

Amendment 218
Alexander Bernhuber

Proposal for a regulation
Article 11 – title

Text proposed by the Commission

Amendment

Prohibition of shipments of waste destined for disposal

Authorisation of shipments of waste destined for disposal

Or. en

Amendment 219
Alexander Bernhuber

Proposal for a regulation
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where a notification is submitted regarding a planned shipment of waste destined for disposal in accordance with Article 5, the competent authorities of dispatch and of destination shall **only** give their **written** consent to that shipment, within the 30-day limit referred to in Article 9(1), if all the following conditions are fulfilled:

1. Where a notification is submitted regarding a planned shipment of waste destined for disposal in accordance with Article 5, the competent authorities of dispatch and of destination shall give their consent to that shipment, within the 30-day limit referred to in Article 9(1), if all the following conditions are fulfilled:

Or. en

Justification

Tacit consent is foreseen under Article 9(1) for the authorities of dispatch and transit, which is, according to the title, also applicable for disposal. This clear mentioning of a ‘written consent’ is then contradictory, as it by nature excludes a tacit consent.

Amendment 220
Mick Wallace, Clare Daly

Proposal for a regulation
Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(a) the notifier demonstrates that:

(a) the notifier demonstrates that,
***based on publicly available information
published by the European Commission:***

Or. en

Amendment 221
Alexander Bernhuber

Proposal for a regulation
Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(a) the ***notifier demonstrates that:***

(a) the ***competent authority does not
raise motivated objections based on one or
more of the following grounds:***

Or. en

Justification

The administrative burden due to the reversed burden of proof would be too heavy for the notifier as in practice he cannot prove some of the following grounds. As a resource, waste is subject to the free movement of goods within the single market.

Amendment 222
João Pimenta Lopes

Proposal for a regulation
Article 11.^o – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(a) the notifier demonstrates that:

(a) the notifier demonstrates, ***on the
basis of publicly available information,***

that:

Or. pt

Amendment 223

Cyrus Engerer, Milan Brglez, Simona Bonafè

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 international law;

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 law. **Whereby economic viability is also shown to account for the protection of human health and the environment;**

Or. en

Justification

The full cost of waste disposal must be accounted for, including accounting for potential gains from recovering waste within the Union for the protection of human health and the environment in the spirit of the EU's Circular Economy Action Plan and as outlined within Article 13 of the Waste Framework Directive.

Amendment 224

João Pimenta Lopes

Proposal for a regulation

Article 11.º – 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 international law;

Amendment

(i) the waste cannot be recovered in a technically feasible and economically viable manner, **including as a result of insufficient capacity**, or must be disposed of due to legal obligations in Union or international law;

Or. pt

Amendment 225
Mick Wallace, Clare Daly

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 international law;

Amendment

(i) the waste cannot be recovered in a technically feasible and economically viable manner ***including by lack of capacity***, or must be disposed of due to legal obligations in Union or international law;

Or. en

Amendment 226
Sara Matthieu

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 international law;

Amendment

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

Or. en

Justification

The criteria should not just be technical and economical, but also environmental.

Amendment 227
Alexander Bernhuber

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

Text proposed by the Commission

Amendment

(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 international law;

(i) the waste **can** be recovered in a technically feasible and economically viable manner, **unless disposal is mandated by** legal obligations in Union or international law;

Or. en

Justification

The administrative burden due to the reversed burden of proof would be too heavy for the notifier as in practice he cannot prove some of the following grounds. As a resource, waste is subject to the free movement of goods within the single market.

Amendment 228

Alexander Bernhuber

Proposal for a regulation

Article 11 – paragraph 1 – point a – point ii

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

In practice the notifier cannot prove this because they cannot have the information of all the plants in the respective country. Even in a recycling economy, waste will be generated that must be disposed of in high-tech treatment plants in an environmentally sound manner. The infrastructure suitable and geographically close for this can be located just across the border but far away in the same country. This provision would furthermore be in contradiction with (iii) in those cases where a facility is closer across the Member State border (proximity principle).

Amendment 229

João Pimenta Lopes

Proposal for a regulation

Article 11.^o – paragraph 1 – point a – point ii

Text proposed by the Commission

Amendment

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

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

Or. pt

Amendment 230

Mick Wallace, João Pimenta Lopes, Clare Daly

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 and economically viable manner ***including by lack of capacity***, in the country where it was generated;

Or. en

Amendment 231

Sara Matthieu

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 and economically viable ***and environmentally sound*** manner in the country where it was generated;

Or. en

Justification

The criteria should not just be technical and economical, but also environmental.

Amendment 232

Cyrus Engerer, Milan Brglez, Simona Bonafè

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 and economically viable **and environmentally sound** manner in the country where it was generated;

Or. en

Justification

The criteria must not just be technical and economical, it must also be environmental.

Amendment 233

Alexander Bernhuber

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 **not** 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;

Or. en

Amendment 234

Mick Wallace, Clare Daly

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

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

laid down in Directive 2008/98/EC;

2008/98/EC;

Or. en

Amendment 235

Mick Wallace, Clare Daly

Proposal for a regulation

Article 11 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) If the notifier demonstrates that the planned disposal operation is in accordance with the requirements laid down in Commission Delegated Regulations supplementing Regulation (EU)2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to one of the environmental objectives and for determining whether that economic activity causes no significant harm to any of the other environmental objectives, the demonstration according to points i, ii and iii does not apply.

Or. en

Amendment 236

Alexander Bernhuber

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

(b) the notifier or the consignee has previously been convicted ***by a final criminal judgment of intentional*** illegal shipment or any other illegal act ***that caused serious harm to the environment or human health and the***

penalty has not yet been discharged;

Or. en

Justification

The provision is too broad as administrative errors can happen easily e.g., when filling in a form before the waste shipment. In addition, there is a need for a time limit, because otherwise an infringement that occurred decades ago would also exclude a corresponding shipment of waste, despite a change in the management of a company. In addition, the vague provision in relation to "environmental protection" creates uncertainty and should therefore refer to waste shipments.

Amendment 237
João Pimenta Lopes

Proposal for a regulation
Article 11.º – 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, **including** in relation to environmental **or human-health** protection;

Or. pt

Amendment 238
Sara Matthieu

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, **human health or worker** protection;

Or. en

Justification

The notifier or the consignee should also not have been convicted for any illegal shipment or other illegal act in relation to human health and worker protection.

Amendment 239

Cyrus Engerer, Milan Brglez, Simona Bonafè

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 ***including*** to environmental, ***human health*** protection;

Or. en

Justification

The waste trade, in particular the plastic waste trade, has been demonstrated to negatively impact the health of local communities that are within the proximity of illegally disposed of or mismanaged waste. Human health is as important as environmental protection. Additionally, the Waste Shipment Regulation also serves to protect human health, and therefore this should be reflected.

Amendment 240

Mick Wallace, Clare Daly

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 not been convicted of illegal shipment or other illegal ***acts*** in relation to ***the*** protection ***of health and the environment***;

Or. en

Amendment 241

Alexander Bernhuber

Proposal for a regulation

Article 11 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) the waste is not mixed municipal waste (waste code 20 03 01 or 20 03 99) collected from private households, from other waste producers or both, or mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties.

deleted

Or. en

Justification

Even in a recycling economy, waste will be generated that must be disposed of in high-tech treatment plants in an environmentally sound manner. The infrastructure suitable and geographically close for this can be located just across the border but far away in the same country. This provision would furthermore be in contradiction with (iii) in those cases where a facility is closer across the Member State border (proximity principle).

Amendment 242

João Pimenta Lopes

Proposal for a regulation

Article 11.º – paragraph 3

Text proposed by the Commission

Amendment

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.

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) **and shall provide the notifier with a reasoned explanation based only on the grounds set out in paragraph 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 243

Pernille Weiss

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. In accordance with Article 30, Member States may enter into agreements under which, where the specific geographical or demographical situation warrants such a step and for shipments of specific waste streams destined for disposal, the conditions provided for in paragraph 1, points (a) to (f), of this Article 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.

Or. en

Amendment 244

Linea Søgaaard-Lidell, Nils Torvalds, Catherine Chabaud, Asger Christensen

Proposal for a regulation

Article 12 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the planned shipment or recovery would not be in accordance with Directive 2008/98/EC;

(a) the planned shipment or recovery would not be in accordance with Directive 2008/98/EC, **while ensuring an objection to a planned shipment does not harm ‘environmentally sound management’;**

Or. en

Amendment 245

Pernille Weiss

Proposal for a regulation

Article 12 – paragraph 1 – point a

Text proposed by the Commission

(a) the planned shipment or recovery would not be in accordance with Directive 2008/98/EC;

Amendment

(a) the planned shipment or recovery would not be in accordance with **article 4 of the** Directive 2008/98/EC;

Or. en

Amendment 246

Mick Wallace, Clare Daly

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;

Or. en

Justification

Broadly equivalent is far too vague a term here.

Amendment 247

Sara Matthieu

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 equivalent to those prescribed in the national legislation of the country of dispatch;

Justification

The term "broadly" equivalent is far too vague. Shipments of waste should no longer exploit different waste management standards in different countries. It is important to ensure that Member States can object to shipments of waste for recovery that are not taking place under equivalent conditions in the country of dispatch.

Amendment 248
João Pimenta Lopes

Proposal for a regulation
Article 12.^o – 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 equivalent to those prescribed in the national legislation of the country of dispatch;

Or. pt

Amendment 249
Sara Matthieu

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, 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;

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 **there are reasonable grounds to assume** that such shipments **could** result in domestic waste having to be disposed of or treated in a way that is not consistent with their waste management plans;

Or. en

Justification

Shipments for recycling and preparing for reuse might also have negative effects on the national waste management network, for example in cases of lack of capacity. Limitations should thus be possible for all waste destined for recovery. Furthermore, it is not appropriate to have to "establish" that such shipments would result in domestic waste having to be disposed of. Member States should be allowed to object to shipments when there are reasonable grounds that such displacement could happen.

Amendment 250

João Pimenta Lopes

Proposal for a regulation

Article 12.º – 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 **not** been convicted of illegal shipment or any other illegal act, **including** in relation to environmental **or human-health** protection;

Or. pt

Amendment 251

Sara Matthieu

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, **human health or worker** protection.

Or. en

Justification

Convictions of the notifier for any illegal shipment or other illegal act in relation to human health or worker protection should also be a ground to object to a shipment for recovery.

Amendment 252
Cyrus Engerer, Simona Bonafè, Milan Brglez

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 ***including*** to environmental, ***human health or worker*** protection.

Or. en

Justification

The waste trade, in particular the plastic waste trade, has been demonstrated to negatively impact the health of local communities that are within the proximity of illegally disposed of or mismanaged waste. Human health is as important as environmental protection. Additionally, the Waste Shipment Regulation also serves to protect human health, and therefore this should be reflected.

Amendment 253
Mick Wallace, Clare Daly

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 other illegal act in relation to ***the protection of health and the environment.***

Or. en

Amendment 254
Pernille Weiss

Proposal for a regulation
Article 12 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. *No objection to a planned shipment should be to the detriment of ‘environmentally sound management’, namely the shipments of waste to facilities which enable the transition to a circular economy and climate neutrality.*

Or. en

Amendment 255
Alexander Bernhuber

Proposal for a regulation
Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) the routing of the different shipments, *in particular the points of exit from and entry into each country concerned*, as indicated in the notification document *is the same*.

Amendment

(c) the routing of the different shipments as indicated in the notification document.

Or. en

Amendment 256
Pietro Fiocchi

Proposal for a regulation
Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) the routing of the different shipments, *in particular the points of exit from and entry into each country concerned*, as indicated in the notification document is the same.

Amendment

(c) the routing of the different shipments as indicated in the notification document is the same.

Or. en

Amendment 257

Hildegard Bentele

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) the routing of the different shipments, in particular the points of exit from and entry into each country concerned, as indicated in the notification document is the same.

Amendment

(c) the routing of the different shipments, in particular the ***up to three cited*** points of exit from and entry into each country concerned, as indicated in the notification document is the same.

Or. en

Amendment 258

Ulrike Müller

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) the routing of the different shipments, in particular the points of exit from and entry into each country concerned, as indicated in the notification document is the same.

Amendment

(c) the routing of the different shipments, in particular the ***up to three*** points of exit from and entry into each country concerned, as indicated in the notification document is the same.

Or. en

Justification

An extension of the general notification to up to three points of exit would reduce administrative burden for the notifier.

Amendment 259

Pernille Weiss

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-

Amendment

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

consent is requested;

consent is requested *as well as technologies applied for greenhouse gases (GHG) savings, energy generation, raw material recovery, efficient resource use and other relevant technologies;*

Or. en

Amendment 260

Linea Søgaard-Lidell, Martin Hojsík, Frédérique Ries, Catherine Chabaud, Asger Christensen

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) **and the greenhouse gases (GHG) protocol CO2 saving**, for the recovery operation for which the pre-consent is requested;

Or. en

Amendment 261

Sara Matthieu

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

The companies requesting pre-consent should also provide information about the residual waste, as this is an important parameter with regard to the environmentally sound management of waste.

Amendment 262

Cyrus Engerer, Simona Bonafè, Milan Brglez

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, human health or worker protection.***

Or. en

Amendment 263

Sara Matthieu

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, human health or worker protection.***

Or. en

Justification

In order to get pre-consent, it is important that the facility has not been convicted of any illegal activities. Illegal activities with regard to the protection of the environment, human health or worker protection should be particularly highlighted in this regard.

Amendment 264

Mick Wallace, João Pimenta Lopes, Clare Daly

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 other illegal **acts** in relation to waste management **or in relation to the protection of health and the environment.**

Or. en

Amendment 265

Sara Matthieu

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. An independently audited annual mass balances of the pre-consented recovery facility is submitted on an annual basis to the competent authority.

Or. en

Justification

Pre-consented recovery facilities will help foster increased investment in the Union's recovery infrastructure. To ensure this actually improves recovery, an independently audited annual mass balances of pre-consented recovery facilities should be submitted on an annual basis to the competent authority. This should discourage reduction of performance of pre-consented facilities.

Amendment 266

Alexander Bernhuber

Proposal for a regulation

Article 14 – paragraph 7

Text proposed by the Commission

Amendment

7. By way of derogation from paragraph 6, the competent authority may refuse to approve the request for pre-consent when they are not satisfied that issuing the pre-consent will ensure a high quality treatment of the waste concerned.

deleted

Or. en

Amendment 267
Hildegard Bentele

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

Amendment

7. By way of derogation from paragraph 6, the competent authority may refuse to approve the request for pre-consent when they are not satisfied that issuing the pre-consent will ensure a high quality treatment of the waste concerned.

7. By way of derogation from paragraph 6, the competent authority may refuse to approve the request for pre-consent when they are not satisfied that issuing the pre-consent will ensure a high quality treatment of the waste concerned. ***Such refusal to approve the request for pre-consent needs unsolicited explanation since all facilities operating in the Union are approved under relevant Union legislation and therefore must meet the requirements for high-quality treatment per se.***

Or. en

Amendment 268
João Pimenta Lopes

Proposal for a regulation
Article 14.º – paragraph 9

Text proposed by the Commission

Amendment

9. Unless stated otherwise in the decision to approve the request for pre-consent, the pre-consent of a recovery

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.

facility shall be valid for seven years, *with at least one audit conducted by the competent authorities during the period of validity to verify compliance with the latest regulatory requirements, in particular restrictions on hazardous substances and alignment with the best available techniques conclusions adopted for certain activities under the arrangements laid down in Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions, and on the condition that mass balances audited annually by an organisation independent of the pre-authorised recovery facility shall be submitted annually to the competent authorities.*

Or. pt

Amendment 269

Linea Sogaard-Lidell, Catherine Chabaud, Asger Christensen

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 *five* years *with at least one audit conducted by the relevant authorities during the validity period in order to verify compliance with latest 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 revoke the approval for its Member State under the conditions set out in Article 14(10).*

Pre-consent recovery facilities that can treat both non-hazardous and hazardous

waste shall be allowed to have one permit that could cover both types of recovery.

Or. en

Justification

Pre-consented facilities should be valid for a reasonable period of time, however seven years is very long in view of the rapid evolution of waste materials, of waste policy and recovery technology progress. Five years is more appropriate and at least one audit is to take place during the validity period to assess whether Environmentally Sound Management (ESM) standards are maintained and have been upgraded to take into account latest regulatory evolution. As part of the reduction of the administrative process especially for recovery purposes, it would be important to allow in some cases a “one permit for both waste types” for the same recycling facility. This would significantly improve the efforts needed to get this permit and to renew it. Due to different national situations on the classification of Mineral Wool Waste, it is sometimes the case that some shipments are treated as hazardous and some others as non-hazardous waste that are destined to the same recycling facility. There is a negative public perception of hazardous waste permit. The permit is usually foreseen for the recovery of classified waste as hazardous. The recycling of mineral wool offers solutions by using hazardous waste as secondary raw material in the production process which is further transformed thanks to the production specificities to new products that would be treated as non-hazardous waste once they reach their end of life. The perception of hazardous is criticized by the public. The focus should be more on the recovery and not on the hazard treatment.

Amendment 270

Cyrus Engerer, Milan Brglez

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 **five** years **with at least one audit conducted by surveillance authorities during the validity period in order to verify compliance with the latest regulatory requirements, notably on restriction of substances of concern and alignment with the Best Available Techniques conclusions adopted for certain activities under the regime of Directive 2010/75/EU of the European Parliament and of the Council of 24**

Justification

Pre-consented facilities should be valid for a reasonable period of time, however 7 years is too long in view of the rapid evolution of waste materials, of waste policy and recovery technology progress. We suggest that validity length be 5 years in addition to the requirement that at least one audit is to take place during the validity period to assess whether ESM standards are maintained and have been upgraded to take into account latest regulatory evolution.

Amendment 271
Alexander Bernhuber

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 **ten** years.

Justification

A pre-consent period of significantly more than seven years leads to more legal and planning certainty for the companies concerned. Also, plants within the EU are continuously monitored by the competent authorities for compliance with technical standards.

Amendment 272
Sara Matthieu

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

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.

facility shall be valid for **five** years.

Or. en

Justification

The period of pre-consent should be limited to five years. Seven years is too long in light of the rapid developments in the sector.

Amendment 273

Cyrus Engerer, Milan Brglez

Proposal for a regulation

Article 14 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. 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 on the condition that independently audited annual mass balances of the pre-consented recovery facility are submitted on an annual basis to the competent authority.

Or. en

Justification

Pre-consented recovery facilities will help foster increased investment in the Union's recovery infrastructure. In order to not jeopardise this initiative, and to prevent the exploitation of such an incentive, we suggest that independently audited annual mass balances of pre-consented recovery facilities (which would in any case be recorded) are submitted on an annual basis to the competent authority.

Amendment 274

Sara Matthieu

Proposal for a regulation

Article 14 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. Any pre-consented facility shall be subject to an audit at least once during

the validity of pre-consent by an independent and accredited third party with appropriate qualifications.

Or. en

Justification

A mere paper check that facilities have provided certain information is not enough to ensure the environmentally sound management of waste in such facilities. It is important that this is checked on the ground at least once during the validity of pre-consent.

Amendment 275
Sirpa Pietikäinen

Proposal for a regulation
Article 14 – paragraph 10

Text proposed by the Commission

10. A pre-consent of a recovery facility may be revoked at any time by the competent authority. A decision to revoke a pre-consent shall be duly motivated and communicated to the facility concerned.

Amendment

10. A pre-consent of a recovery facility may be revoked at any time by the competent authority. A decision to revoke a pre-consent shall be duly motivated and communicated to the facility concerned. ***A pre-consent of a recovery facility may be revoked by the competent authority after prior consultation with the person concerned (operator of the recovery facility) if:***

a) The information that led to a pre-consent is subsequently found to be incorrect or has changed;

b) The facility has violated the conditions for prior consent set out in Article 14(6);

c) The facility has been convicted of illegal activities;

d) The facility poses a serious risk to the environment and human health for other reasons.

The operator has 30 days to object to the revocation.

Or. en

Amendment 276

César Luena, Javi López, Nicolás González Casares, Estrella Durá Ferrandis

Proposal for a regulation

Article 14 – paragraph 10

Text proposed by the Commission

10. A pre-consent of a recovery facility may be revoked at any time by the competent authority. A decision to revoke a pre-consent shall be duly motivated and communicated to the facility concerned.

Amendment

10. A pre-consent of a recovery facility may be revoked at any time by the competent authority. ***Prior consultation with the person concerned (operator of the recovery facility) is needed if:***

a) The information that led to a pre-consent is subsequently found to be incorrect or has changed;

b) The facility has violated the conditions for prior consent set out in Article 14(6);

c) The facility has been convicted of illegal activities;

d) The facility poses a serious risk to the environment and human health for other reasons.

A decision to revoke a pre-consent shall be duly motivated and communicated to the facility concerned.

Or. en

Amendment 277

Ulrike Müller

Proposal for a regulation

Article 14 – paragraph 12

Text proposed by the Commission

12. In the case of a general notification submitted in accordance with Article 13 relating to shipments destined to a pre-consented facility, the period of validity of the consent referred to in Article 9(3) and (4) shall be extended to ***three*** years. By way of derogation from this rule, the competent authorities concerned may decide to shorten that period in duly

Amendment

12. In the case of a general notification submitted in accordance with Article 13 relating to shipments destined to a pre-consented facility, the period of validity of the consent referred to in Article 9(3) and (4) shall be extended to ***seven*** years. By way of derogation from this rule, the competent authorities concerned may decide to shorten that period in duly

justified cases.

justified cases.

Or. en

Justification

Alignment of the period of validity of consent for a general notification with the period applicable to pre-consent for recovery facilities in Article 14(9).

Amendment 278
Pietro Fiocchi

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 **7 days and up to 30 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.

Or. en

Amendment 279
João Pimenta Lopes

Proposal for a regulation
Article 15.º – paragraph 7 a (new)

Text proposed by the Commission

7a. the notifier or the consignee has previously not been convicted of illegal shipment or any other illegal act, including in relation to environmental or human-health protection;

Or. pt

Amendment 280
Cyrus Engerer, Milan Brglez

Proposal for a regulation
Article 15 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. the notifier or the consignee has previously not been convicted of illegal shipment or any other illegal act including to environmental protection or human health;

Or. en

Justification

Transshipment, including through interim operations such as storage, are vulnerable to illicit waste trafficking. The waste trade, in particular the plastic waste trade, has been demonstrated to negatively impact the environment and the health of local communities that are within the proximity of illegally disposed of or mismanaged waste. In order to reduce the risk of illegal activity (and subsequent negative impact), safeguarding procedures, such as the new proposed amendment above, are crucial.

Amendment 281
Ulrike Müller

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

Amendment

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.

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

Or. en

Justification

Extension of the requirement for confirmation to reduce administrative burden.

Amendment 282
João Pimenta Lopes

Proposal for a regulation
Article 16.º – paragraph 5

Text proposed by the Commission

5. The certificate referred to in paragraph 4, shall be submitted to the notifier and the relevant authorities, ***either*** by the facility carrying out the operation, ***or, in case it has no access to a system as referred to in Article 26, via the notifier.***

Amendment

5. The certificate referred to in paragraph 4, shall be submitted to the notifier and the relevant authorities by the facility carrying out the operation.

Or. pt

Amendment 283
João Pimenta Lopes

Proposal for a regulation
Article 17.º – paragraph 1

Text proposed by the Commission

1. If any essential change is made to the details and/or conditions of the consented shipment, the notifier shall inform, the competent authorities concerned and the consignee immediately and, where possible, before the shipment starts. Changes in the intended quantity, route, routing, date of shipment or carrier shall constitute essential changes.

Amendment

1. If any essential change is made to the details and/or conditions of the consented shipment, the notifier shall inform, the competent authorities concerned and the consignee immediately and, where possible, before the shipment starts. Changes in the intended quantity, route, routing, date of shipment or carrier shall constitute essential changes. ***If non-essential changes, such as a change of carrier, are made the notifier must immediately inform the competent authorities without the need for explicit approval and, in addition, submit a new notification.***

Or. pt

Amendment 284
Ulrike Müller

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. If any essential change is made to the details and/or conditions of the consented shipment, the notifier shall inform, the competent authorities concerned and the consignee immediately and, where possible, before the shipment starts. Changes in the intended quantity, route, routing, date of shipment or carrier shall constitute essential changes.

Amendment

1. If any essential change is made to the details and/or conditions of the consented shipment, the notifier shall inform, the competent authorities concerned and the consignee immediately and, where possible, before the shipment starts. Changes in the intended quantity **of more than 25 %**, route, routing, date of shipment **by more than two days** or carrier shall constitute essential changes.

Or. en

Justification

Increased flexibility to avoid undue administrative burden.

Amendment 285

Pietro Fiocchi

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Waste referred to in Article 4(3) and (4) that is intended to be **shipped** shall be subject to the general information requirements set out in paragraphs 2 to 7 of this Article.

Amendment

1. Waste referred to in Article 4(3) and (4) that is intended to be **exported out of the Union** shall be subject to the general information requirements set out in paragraphs 2 to 7 of this Article. **For shipments within the Union, paragraphs 3 and 7 – 11 apply accordingly.**

Or. en

Amendment 286

Hildegard Bentele

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. The person under the national

Amendment

2. The person under the national

jurisdiction of the country of dispatch who arranges the shipment shall complete and submit the relevant information contained in Annex VII, **no later than one day** before the shipment takes place.

jurisdiction of the country of dispatch who arranges the shipment shall complete and submit the relevant information contained in Annex VII, before the shipment takes place.

Or. en

Justification

The obligation to report electronically in the simplified procedure at the latest one day before the shipment is a considerable bureaucratic hurdle at the detriment of the overall target to simplify and de-bureaucratize the internal market. In particular, it remains unclear how changed transport details (e.g. weight, carrier, route) are to be taken into account. More flexible reporting requirements are essential.

Amendment 287

István Ujhelyi

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. The person under the national jurisdiction of the country of dispatch who arranges the shipment shall complete and submit the relevant information contained in Annex VII, no later than **one day before the shipment takes place**.

Amendment

2. The person under the national jurisdiction of the country of dispatch who arranges the shipment shall complete and submit the relevant information contained in Annex VII, no later than **the day of** shipment.

Or. en

Amendment 288

Alexander Bernhuber

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. The person under the national jurisdiction of the country of dispatch who arranges the shipment shall complete and submit the relevant information contained in Annex VII, **no later than one day** before

Amendment

2. The person under the national jurisdiction of the country of dispatch who arranges the shipment shall complete and submit the relevant information contained in Annex VII,

the shipment takes place.

before the shipment takes place.

Or. en

Justification

The revision seeks to simplify and de-bureaucratize the internal market. The obligation to report electronically in the simplified procedure at the latest one day before the shipment is a considerable bureaucratic hurdle. In particular, it remains unclear how changed transport details (e.g. weight, carrier, route) are to be taken into account. More flexible reporting requirements are essential.

Amendment 289

Pietro Fiocchi

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. The person referred to in paragraph 2 shall ensure that the information referred to in that paragraph is made electronically available, including during the time of the transport, to the relevant authorities.

Amendment

3. The person referred to in paragraph 2 shall ensure that the information referred to in that paragraph is made electronically available, including during the time of the transport, to the relevant authorities.
Sentence one shall not apply in the case of waste shipments of green listed waste in the Union according to Annex III.

Or. en

Amendment 290

Marek Pawel Balt

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. The person referred to in paragraph 2 shall ensure that the information referred to in that paragraph is made electronically available, including during the time of the transport, to the relevant authorities.

Amendment

3. The person referred to in paragraph 2 shall ensure that the information referred to in that paragraph is made electronically available, including during the time of the transport, to the relevant authorities.
Sentence one shall not apply in the case of waste shipments of green listed waste in

Justification

The new bureaucratic requirements imposed on shipments of Annex III listed waste (Green List) within the EU have increased and must be called into question in principle. This applies in particular to electronic availability of information. For facilitation and reduction of bureaucracy, the requirements should be reduced for waste shipments of green listed waste in the EU.

Amendment 291
Marek Paweł Balt

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 **three 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.

Justification

The new bureaucratic requirements imposed on shipments of Annex III listed waste (Green List) within the EU have increased and must be called into question in principle.

The previous receipt confirmation period from current regulation is shortened from 3 days to 1 day. This includes, if necessary, holidays and weekends and requires a high organizational effort. The previous proven period of 3 days should be retained.

Amendment 292
Ulrike Müller

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 **three 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.

Or. en

Justification

Extension of the requirement for confirmation to reduce administrative burden.

Amendment 293

Pietro Fiocchi

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 **three 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.

Or. en

Amendment 294

Ulrike Müller

Proposal for a regulation

Article 18 – paragraph 5

Text proposed by the Commission

5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery has been completed by completing the relevant information contained in Annex VII.

Amendment

5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery has been completed by completing the relevant information contained in Annex VII.
Where recovery is delayed due to reasons outside the control of the recovery facility, completion of interim recovery shall be certified.

Or. en

Justification

In the event of disposal bottlenecks or other reasons outside control of the recovery facility leading to a temporary delay in recovery and therefore requiring interim storage, a modification in accordance with Article 15(4) should be possible.

Amendment 295
Marek Paweł Balt

Proposal for a regulation
Article 18 – paragraph 5

Text proposed by the Commission

5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery has been completed by completing the relevant information contained in Annex VII.

Amendment

5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery ***or, in case of unintentional delay, an interim recovery*** has been completed by completing the relevant information contained in Annex VII.

Or. en

Justification

In conjunction with Article 15(4), it should be clarified that, in the event of disposal bottlenecks or other reasons leading to a temporary delay in recovery/disposal and therefore

necessary interim storage, which means that recovery/disposal cannot be completed as envisaged, a modification in accordance with Article 15(4) (-> provisional recovery/disposal) should be possible, so that healing of the procedure can take place. Such a delay must not become illegal

Amendment 296
Hildegard Bentele

Proposal for a regulation
Article 18 – paragraph 5

Text proposed by the Commission

5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery has been completed by completing the relevant information contained in Annex VII.

Amendment

5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the **recovery operation or, in case of unintended delay, an interim** recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery has been completed by completing the relevant information contained in Annex VII.

Or. en

Amendment 297
Hildegard Bentele

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. The competent authorities, the notifier, the consignee and the facility which receives the waste shall keep all documents sent to or by the competent authorities in relation to a notified shipment in the Union for at least **five** years from the date when the shipment starts. In the case of general notifications in accordance with Article 13, that obligation shall apply from the date when the last shipment starts.

Amendment

1. The competent authorities, the notifier, the consignee and the facility which receives the waste shall keep all documents sent to or by the competent authorities in relation to a notified shipment in the Union for at least **four** years from the date when the shipment starts. In the case of general notifications in accordance with Article 13, that obligation shall apply from the date when the last shipment starts.

Amendment 298**Sara Matthieu****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

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. ***The minimum information that shall be made publicly available are the name of the waste producer, the name of the notifier if different from the waste producer, the name of the consignee, the name of the facility of final destination, the type of waste designated by its code, the total quantity of waste intended to be shipped, the treatment operation the waste will undergo and whether the notification has been consented to or not. The Commission shall grant access for the public to such information in the central system referred to in Article 26. Member States that operate their own national system shall grant access for the public to such information in their national system referred to in Article 26(3). Access shall be given in real time and free of charge.***

Or. en

Justification

A large proportion of waste shipments is illegal. An important measure to combat illegal shipments is transparency. The public should have access to the notifications as well as consent or objections thereto in the central system and in the national systems. Such access should be granted in real time, as that is the only way how third parties can provide important information to the competent authorities in case of potentially problematic waste

shipments.

Amendment 299

Frédérique Ries, Martin Hojsík

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

The competent authorities of dispatch or destination shall make publicly available **on the internet and free of charge, preferably with standardised and streamlined online reporting process**, 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.

The establishment of a harmonised electronic system for shipments subject to Prior Informed Consent (PIC) and General Information Requirement (GIR) procedures will avoid the burden of paper-based documentation. Such a system should build upon the recent proposal for a Union Single Window Environment for Customs amending Regulation (EU) No 952/2013.

Or. en

Amendment 300

Marek Paweł Balt

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

Amendment

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.

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. ***Sentence one shall not apply in the case of waste shipments in the Union or shipments of green listed waste in accordance to Annex III.***

Or. en

Justification

Publication of rejected notification applications should be excluded for shipments of green waste as well as for shipments within the EU to decrease the bureaucratic burden.

Amendment 301

Pietro Fiocchi

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

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. ***Sentence one shall not apply in the case of waste shipments in the Union or shipments of green listed waste in accordance to Annex III.***

Or. en

Amendment 302

João Pimenta Lopes

Proposal for a regulation

Article 21.º – 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

The competent authorities of dispatch *and* destination shall make publicly available, *by the* appropriate means *that must be available free of charge on the Internet*, 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. pt

Amendment 303

Mick Wallace, Clare Daly

**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

Not more than 30 days after a consent, the competent authorities of dispatch *and* destination shall make publicly available by *online publication, as well as any other* 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.

Or. en

Justification

It will not be till three years after the entry into force of the Regulation that the electronic system will be in place. It makes sense to make it publicly available on the Internet.

Amendment 304

Linea Søgaard-Lidell, Martin Hojsík, Frédérique Ries, Catherine Chabaud, Asger Christensen

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

Not more than 30 working days after a consent, the competent authorities of dispatch **and** destination shall make publicly **accessible the** 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. en

Amendment 305
Cyrus Engerer, Simona Bonafè, Milan Brglez

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

The competent authorities of dispatch **and** destination shall make publicly available **through the electronic exchange system** 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. en

Justification

Public access to information on all shipments should be made by both the country of dispatch and destination. In the spirit of Article 42 of the Charter of Fundamental Rights, Member States should make publicly available information on consented or objected shipments, as well as shipments of waste subject to the general information requirements, where such information is not confidential under national or Union legislation, either when they are the destination or dispatch country (and thus receiving consent or an objection). Such information should be accessible through the EDI.

Amendment 306

Mick Wallace, João Pimenta Lopes, Clare Daly

Proposal for a regulation

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The minimum information on notifications the competent authorities of dispatch and destination shall make publicly accessible are, the name of the producer, the name of the notifier if different from the producer, the name of the consignee, including the name of the facility of final destination in case of interim disposal or recovery operation, the type of waste designated by its code in the European List of Waste, the total quantity of waste intended to be shipped, the treatment operation the waste will undergo and whether the notification has been consented or not.

Or. en

Justification

It is necessary to specify what kind of information should be made public.

Amendment 307

César Luena, Lina Gálvez Muñoz

Proposal for a regulation

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Personal data identifying the authorities and staff working for the public authorities responsible for processing waste shipment and management procedures shall not be considered protected personal data for the purposes of this Regulation.

Amendment 308

César Luena, Lina Gálvez Muñoz

Proposal for a regulation

Article 21 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The electronic information systems used for the exchange of information and data on individual waste shipments within the Union between competent authorities and economic operators shall, for data which are not expressly business secrets, be accessible for consultation by the public by means of searchable tables, in the interests of active transparency and responsible citizen participation with a view to fostering more efficient public administration.

Or. es

Amendment 309

Cyrus Engerer, Milan Brglez

Proposal for a regulation

Article 22 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. 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.

3. 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, ***and providing evidence is produced and made publicly available in the country of dispatch, in the country of destination, in the country of***

transit and in the potential new country of transit and destination that the recovery or disposal of the waste will not lead to increased risks on human health and the environment.

The take-back obligation set out in paragraph 2 shall not apply if the waste shipped has, in the course of the operation at the facility concerned, been irreversibly mixed with other waste before a competent authority concerned has become aware of the fact that the notified shipment cannot be completed as referred to in paragraph 1. Such mixture shall be recovered or disposed of in an alternative way in accordance with the first subparagraph of this paragraph.

Or. en

Justification

The take-back obligations shall not be derogated if there are risks that the arrangements to avoid the said take back obligation leads to additional environmental or human health risks compared to initial shipment plan.

Amendment 310 **João Pimenta Lopes**

Proposal for a regulation **Article 22.º – paragraph 3 – introductory part**

Text proposed by the Commission

3. 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

3. 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. ***Evidence shall be produced and made available to the public in the country of dispatch, the country of destination, the country of transit and the potential new country of***

transit and destination that the recovery or disposal of the waste will not lead to increased risks for human health and the environment.

Or. pt

Amendment 311
João Pimenta Lopes

Proposal for a regulation
Article 26.º – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The information stored in the central system shall be made public, provided that such information is not confidential under national or Union legislation, in particular the type of recovery operations carried out for each shipment of waste requiring a notification procedure or a simple general information procedure and the respective rate of waste material recycling to energy recovery operations.

Or. pt

Amendment 312
Sara Matthieu

Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Information stored on the central system shall be made publicly available, whenever such information is not confidential under national or Union legislation, in particular the type of recovery operations undertaken for each waste shipment requiring a notification procedure or a simple general information procedure and the related rate of material recycling operations

versus energy recovery operations.

Or. en

Justification

It is important to ensure real time transparency and access to non confidential information for all waste shipments taking place whatever their procedural regime. The ability to access the type of recovery operations being performed is essential to inform stakeholders on what forms of recovery are taking place and better distinguish the rate of recycling operations compared to other forms of recovery. Right now there is no provision to enable a good distinction between the type of operations. This will help authorities and the general public to know whether the operations performed on shipped waste align or not with the waste treatment hierarchy.

Amendment 313

Linea Sogaard-Lidell, Martin Hojsik, Frédérique Ries, Catherine Chabaud, Asger Christensen

Proposal for a regulation

Article 26 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Information stored on the central system shall be made publicly available, where such information is not confidential under national or Union legislation, notably the type of recovery operations undertaken for each waste shipment being a shipment requiring a notification procedure or a simple general information procedure and the related rate of material recycling operations versus energy recovery operations;

Or. en

Justification

It is important to ensure real time transparency and publicity of non confidential information for all waste shipments taking place whatever their procedural regime. The ability to access the type of recovery operations being performed is essential to inform stakeholders on what forms of recovery are taking place and better distinguish the rate of recycling operations compared to other lower forms of recovery. There is no provision enabling to differentiate between the type of operations and helping the public to know how the operations performed on shipped waste align or not with the waste treatment hierarchy.

Amendment 314

Cyrus Engerer, Simona Bonafè, Milan Brglez

Proposal for a regulation

Article 26 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Information stored on the central system shall be made publicly available, where such information is not confidential under national or Union legislation, notably the type of recovery operations undertaken for each waste shipment being a shipment requiring a notification procedure or a simple general information procedure and the related rate of material recycling operations versus energy recovery operations

Or. en

Justification

The ability to access the type of recovery operations being performed is essential to inform stakeholders on what forms of recovery are taking place and better distinguish the rate of recycling operations compared to other lower forms of recovery. There is no provision, for the moment enabling to better differentiate between the type of operations and helping the public to know how the operations performed on shipped waste align or not with the waste treatment hierarchy.

Amendment 315

Pernille Weiss

Proposal for a regulation

Article 26 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. From the entry into force of this Regulation until the implementation of the central system or relevant national systems, competent authorities shall accept electronic documentation, such as digitally signed documents or scans of signed documents in PDF format, as a

transitional measure.

Or. en

Amendment 316
Sirpa Pietikäinen

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 language shall always be accepted by competent authorities concerned.***

Or. en

Amendment 317
Linea Søgaard-Lidell, Catherine Chabaud, Asger Christensen

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 language shall always be accepted by competent authorities concerned.***

Or. en

Amendment 318
Pietro Fiocchi

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, ***as well as in English.***

Or. en

Amendment 319
Linea Søgaard-Lidell, Catherine Chabaud, Asger Christensen

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

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.

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. ***English language shall always be accepted by competent authorities concerned.***

Or. en

Amendment 320
Pietro Fiocchi

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

2. ***The notifier shall provide the competent authorities concerned with authorised translations of the documents referred to in paragraph 1 into a language***

Amendment

2. ***Any information provided should be machine translated by the centralized database system established in Article 26 of this Regulation.***

which is acceptable to them, where they so request.

Or. en

Amendment 321
Sirpa Pietikäinen

Proposal for a regulation
Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the object or substance shall be treated as if it were waste for the purpose of the shipment. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Union or international law.

Amendment

If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the object or substance shall be treated as if it were waste for the purpose of the shipment. ***However, in the absence of harmonized end-of-waste criteria under Union legislation, where objects or substances meet national end-of-waste criteria in the country of dispatch or of destination in accordance with Article 6(3) of Directive 2008/98/EC, or meet the criteria on a case-by-case basis in the country of dispatch or of destination in accordance with Article 6(4) of Directive 2008/98/EC, the classification as end-of-waste shall prevail. This classification shall also prevail for authorities in the country of transit.*** This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Union or international law.

Or. en

Amendment 322
Pietro Fiocchi

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the object or substance shall be treated as if it were waste for the purpose of the shipment. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Union or international law.

Amendment

If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the object or substance shall be treated as if it were waste for the purpose of the shipment. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its ***national legislation***, following arrival of the shipped material and where ***such legislation*** is in accordance with Union or international law.

Where the distinction between waste and non-waste results in a risk of circumvention of the requirements under Article 56, the object or substance shall be treated as if it were waste for the purpose of the shipment, and in particular be subject to the audit requirement under Article 43.

Or. en

Amendment 323

Massimiliano Salini, Aldo Patriciello, Salvatore De Meo, Fulvio Martusciello

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the object or substance shall be treated as if it were waste for the purpose of the shipment. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Union or

Amendment

If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the object or substance shall be treated as if it were waste for the purpose of the shipment. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Union or

international law.

international law.

When the distinction between waste and non-waste creates a danger of circumvention of Article 56 criteria, the object or substance must be classified as waste for the purposes of transportation, and must be subject to the audit requirement under Article 43.

Or. en

**Amendment 324
Hildegard Bentele**

**Proposal for a regulation
Article 28 – paragraph 4 – introductory part**

Text proposed by the Commission

4. 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.

Amendment

4. 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 ***shall*** adopt delegated acts in accordance with Article 76, ***not later than two years after entry into force of this Regulation***, 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 ***and the thresholds for characterising physical and chemical characteristics as being essentially similar. Contamination thresholds shall be based on weight of the transported load.***

Or. en

Justification

It is necessary to establish criteria to classify specific waste in the Annexes as well as criteria to distinguish waste from used goods

**Amendment 325
Cyrus Engerer, Milan Brglez**

Proposal for a regulation
Article 28 – paragraph 4 – introductory part

Text proposed by the Commission

4. 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.

Amendment

4. 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. ***The adoption of new delegated acts establishing contamination thresholds shall only serve to strengthen, not weaken, previous or current guidelines or delegated acts.***

Or. en

Justification

The current EU Correspondent's Guidelines No 12 outlines that Member States can apply a total maximum level of 2% contamination for extra-European plastic waste shipments, and a total maximum level of 6% contamination for intra-European plastic waste shipments. The objective for adopting such thresholds is to increase the quality of recycling and lower the risk from mismanagement of contaminants and recycling rejects. This provides the right incentive for much needed action to move recycling upwards in the waste hierarchy through better waste collection and sorting systems.

Amendment 326
Sara Matthieu

Proposal for a regulation
Article 28 – paragraph 4 – introductory part

Text proposed by the Commission

4. 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

Amendment

4. 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 ***shall*** adopt delegated acts in accordance with Article 76 to supplement ***or amend*** this Regulation by establishing ***or strengthening*** criteria, such as contamination thresholds, on the

which certain wastes shall be classified in Annex III, IIIA, IIIB or IV.

basis of which certain wastes shall be classified in Annex III, IIIA, IIIB or IV.

Or. en

Justification

The Commission should not only be empowered to adopt delegated acts with regard to contamination thresholds, but it should be obliged to adopt them. Moreover, the author suggests setting certain contamination thresholds already in the context of the legislative procedure. The empowerment in this Article therefore needs to be amended to also allow the strengthening of such contamination thresholds.

Amendment 327

Marek Paweł Balt, Jytte Guteland

Proposal for a regulation

Article 28 – paragraph 4 – subparagraph 1

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 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.

Where the distinction between waste and non-waste results in a risk of circumvention of the requirements under Article 56, the object or substance shall be treated as if it were waste for the purpose of the shipment, and in particular be subject to the audit requirement under Article 43.

Or. en

Justification

A particular strict control of the classification issues may arise if exporters of waste attempt to reclassify their current waste export as end-of-waste export. Such a risk could completely undermine the entire reform proposed by the Commission for the export of waste. Such a risk would be particularly material for the export of metal scrap. Therefore, the review of the Waste Shipment regulation should provide not only for a revised mechanism in case of divergence regarding the classification of export, but also for a requirement that the export

must be treated as if it were waste for the purpose of the Environmentally Sound Management (ESM) test and be subject to the audit requirement.

Amendment 328
Hildegard Bentele

Proposal for a regulation
Article 28 – paragraph 4 – subparagraph 1

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 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. ***The criteria provided for in those delegated acts and those provided for in Directive 2008/98/EC and other relevant Union legislation shall be uniform.***

Or. en

Justification

The need to establish criteria to classify specific waste in the Annexes as well as criteria to distinguish waste from used goods.

Amendment 329
Cyrus Engerer, Simona Bonafè, Milan Brglez

Proposal for a regulation
Article 28 – paragraph 4 – subparagraph 1

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

Amendment

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 ***and to set rules with regard to how the financial***

distinction is of particular importance for the export of waste from the Union.

obligations under extended producer responsibility are to apply to used goods shipped from the Union, for specific categories of commodities for which this distinction is of particular importance for the export of waste ***or used goods*** from the Union.

Or. en

Justification

It is unethical for receiving countries to have to deal with the end-of-life treatment of shipped used goods without benefiting from the financial obligations that are deemed essential in the Union to ensure a sound collection and treatment of waste of products covered by EPR obligations. It also risks incentivising and skewing the shipment of used goods to outside of the Union. Given the financial obligations are internalised in the price of these products, EU consumers are in fact paying to ensure proper waste management regardless of where it takes place.

Amendment 330

Linea Sogaard-Lidell, Nils Torvalds, Catherine Chabaud, Asger Christensen

Proposal for a regulation

Article 28 – paragraph 4 – subparagraph 1

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 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 ***and to set rules with regard to how the financial obligations under extended producer responsibility are to apply to used goods shipped from the Union***, for specific categories of commodities for which this distinction is of particular importance for the export of waste ***or used goods*** from the Union.

Or. en

Justification

Beyond the distinction between used goods and waste, it is also important that the EU Commission can adopt delegated acts with regards to the financial obligations set under EPR

schemes required at EU level for shipped used goods outside of the Union. It is unethical for receiving countries to have to deal with the end-of-life treatment of shipped used goods without benefiting from the financial obligations that are deemed essential in the Union to ensure a sound collection and treatment of waste of products covered by EPR obligations. It also risks incentivising and skewing the shipment of used goods to outside of the Union. Given the financial obligations are internalised in the price of these products, EU consumers are in fact paying to ensure proper waste management regardless of where it takes place.

Amendment 331
Sara Matthieu

Proposal for a regulation
Article 28 – paragraph 4 – subparagraph 1

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 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, **and to set rules with regard to how financial obligations under extended producer responsibility are applied to used goods shipped from the Union**, for specific categories of commodities for which this distinction is of particular importance for the export of waste **or used goods** from the Union.

Or. en

Justification

In the near future, we will see an increase in the trade of used items (for example electronic devices) due to better and more circular design, many of these to third countries. In the EU, many of these are covered by EPR schemes: they apply financial obligations to ensure a sound collection and treatment of waste products. These obligations are internalized in the price of these products, meaning that EU consumers paying to ensure proper waste management regardless of where it takes place. Receiving third countries should benefit from these financial obligations. Therefore the EU Commission should be able to adopt delegated acts with regards to the fate of financial obligations set under EPR schemes required at EU level for shipped used goods outside of the Union.

Amendment 332
Pernille Weiss

Proposal for a regulation
Article 28 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In this regard, the Commission should assess how these criteria may support solutions for companies to take back products, which may be considered as used goods or waste, for the purpose of inter alia recycling, repairing, or gathering knowledge about use of the product.

Or. en

Amendment 333
Pernille Weiss

Proposal for a regulation
Article 28 – paragraph 4 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

The delegated acts referred to in the second subparagraph shall be updated regularly to ensure that criteria and classifications take into account inter alia new technologies for waste processing, under the condition that these technologies contribute to the environmentally sound management of waste.

Or. en

Amendment 334
Linea Søgaard-Lidell, Catherine Chabaud, Asger Christensen

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

Amendment

1. *In exceptional cases, and* where

1. Where the specific geographical or

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.

demographical situation warrants such a step, Member States may conclude *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 Member States concerned.

Multilateral agreements may also be concluded for shipments of waste destined for disposal pursuant to Article 11, if the geographical and demographical situation warrants such a step.

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 harmful fragmentation of the Union market for shipments of waste.

Or. en

Justification

Multilateral agreements may bring benefits such as reduced administrative burdens, and thus should be considered in cases where the geographical and demographical situation warrants such a step. In some cases, it may be justified to conclude these agreements multilaterally rather than bilaterally. It may not be feasible for individual countries to have individual national capacity for all waste fractions, neither financially, technologically nor environmentally. Hence, multilateral cooperation is a condition for efficient and sound handling of waste within the Union. Such cooperation will also contribute to more robust waste treatment in cases of emergency (i.e. lockdowns). It is of utmost importance that activities under such agreements are carried out in respect of Union legislation and the principles contained therein. Article 11 provides that shipments of waste for disposal are prohibited, except if certain conditions are met, in which case shipments of waste can be approved. In respect of the principle of self-sufficiency at Union and national levels, and that not all Member States may be in possession of sufficient waste disposal facilities for all

specific waste streams, multilateral cooperation as regards waste disposal should be possible as part of multilateral agreements. To facilitate compliance with the regulation, concepts that are unclear, such as "in exceptional cases" should be avoided. It is also unclear how the concept of "border areas" shall be understood in practice. The condition that facilities must be located in border areas between two members is in any case redundant, as there is already a condition that the waste shall be transported to the nearest suitable facility. In addition, the nearest suitable facility for treatment of specific waste flows may in fact not be located in border areas.

Amendment 335
Pietro Fiocchi

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. 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 ***a*** suitable facility located in the border area between the two ***or more*** Member States concerned.

Or. en

Amendment 336
István Ujhelyi

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

Amendment

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.

shipments to the nearest suitable facility located in the border area between the two Member States concerned ***if it establishes and is able to provide records of its waste management and waste shipment activities for the last five years, or, where constructed less than five years prior to the audit, it establishes and is able to provide records of its waste management and waste shipment activities for the time operating;***

Or. en

Amendment 337

Pernille Weiss

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. Where the specific geographical or demographical situation warrants such a step, Member States may conclude ***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 Member States concerned.

Or. en

Amendment 338

Pernille Weiss

Proposal for a regulation

Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Multilateral agreements may also be concluded for shipments of waste destined for disposal pursuant to Article

11, if the geographical and demographical situation warrants such a step.

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 harmful fragmentation of the Union market for shipments of waste.

Or. en

Amendment 339
Pietro Fiocchi

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.

Or. en

Amendment 340
Pietro Fiocchi

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.

Or. en

Amendment 341

Cyrus Engerer, Simona Bonafè, Milan Brglez

Proposal for a regulation

Article 36 – paragraph 1 – introductory part

Text proposed by the Commission

1. Exports from the Union of the following wastes destined for recovery **in countries to which the OECD Decision does not apply** are prohibited:

Amendment

1. Exports from the Union of the following wastes destined for recovery are prohibited:

Or. en

Justification

Tightening the rules - as proposed in the regulation - but omitting OECD countries from the scope would only serve to perpetuate and worsen this pattern, with the potential for new destination countries to be targeted. Given the current situation in an OECD country, like Turkey, where waste is illegally landfilled, burned, dumped or incinerated, thus impacting the environment and health of the surrounding communities, the use of the provisions is particularly justified.

Amendment 342

Sara Matthieu

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) 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;

Or. en

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 343

Sara Matthieu

Proposal for a regulation

Article 36 – paragraph 1 – point g

Text proposed by the Commission

(g) wastes the import of which has been prohibited by the country of destination;

Amendment

(g) wastes the import of which has been prohibited by the country of destination, ***including by virtue of being party to a regional agreement;***

Or. en

Justification

There are numerous regional agreements with regard to waste shipments, e.g. the Bamako Convention, the Waigani Convention, the Central American Agreement, the Izmir Protocol. Any prohibitions adopted in the context of these agreements should also be respected.

Amendment 344

Frédérique Ries, Martin Hojsik

Proposal for a regulation

Title IV – Chapter 2 – Section 2 – title

Text proposed by the Commission

2 Exports of non-hazardous waste ***to countries to which the OECD Decision does not apply***

Amendment

2 Exports of non-hazardous waste ***outside of the Union and EFTA Member States***

Or. en

Justification

With regards to EU waste shipments, the same rules should apply to all non-EU countries and non-EFTA countries as the current distinction between OECD and non-OECD countries proposed does not account for several instances of illegal and problematic shipments to OECD countries, notably Turkey, whereby illicit waste trafficking is currently a reality. Tightening the rules with an export ban, as proposed in the regulation, but omitting OECD countries from the scope would only serve to perpetuate this pattern, with the potential for new destination countries to be targeted.

Amendment 345

Cyrus Engerer, Simona Bonafè, Milan Brglez

Proposal for a regulation

Title IV – Chapter 2 – Section 2 – title

Text proposed by the Commission

2 Exports of non-hazardous waste **to** countries **to which the OECD Decision does not apply**

Amendment

2 Exports of non-hazardous waste **outside of the Union and EFTA** countries

Or. en

Justification

Omitting OECD countries outside of the Union (excluding EFTA countries) from the scope of this Chapter would only serve to perpetuate and displace instances of illegal waste shipments and mismanagement causing environmental and human health harm in countries that are not responsible for the generation of said waste. This is particularly the case for plastic waste shipments. A ban by default to non-OECD countries without adequate measures for OECD countries will not limit environmental and human health harm, simply displace them elsewhere.

Amendment 346

Frédérique Ries, Martin Hojsík

Proposal for a regulation

Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

1. Exports from the Union of the following wastes destined for recovery **in countries to which the OECD Decision does not apply** are prohibited:

Amendment

1. Exports from the Union of the following wastes destined for recovery **outside of the Union and EFTA Member States** are prohibited:

Justification

As Parties to the Basel Convention, EU countries have a general obligation to be self-sufficient in waste management and to minimise transboundary movements of waste. Certainly, most industrialised countries of the EU should be among the first to achieve this goal. Therefore, plastic waste shipments outside of the Union and of the four EFTA Member States should no longer be permitted.

Amendment 347

Cyrus Engerer, Simona Bonafè, Milan Brglez

Proposal for a regulation**Article 37 – paragraph 1 – introductory part***Text proposed by the Commission*

1. Exports from the Union of the following wastes destined for recovery *in* countries ***to which the OECD Decision does not apply*** are prohibited:

Amendment

1. Exports from the Union of the following wastes destined for recovery ***outside of the Union and EFTA*** countries are prohibited:

Justification

Omitting OECD countries outside of the Union (excluding EFTA countries) from the scope of this Chapter would only serve to perpetuate and displace instances of illegal waste shipments and mismanagement causing environmental and human health harm in countries that are not responsible for the generation of said waste. This is particularly the case for plastic waste shipments. A ban by default to non-OECD countries without adequate measures for OECD countries will not limit environmental and human health harm, simply displace them elsewhere.