



**COUNCIL OF  
THE EUROPEAN UNION**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	12633/13 ENV 737 MI 666 RELEX 691 CODEC 1809 - COM(2013) 516 final
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipments of waste - Exchange of views

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1. The Commission adopted the proposal for a Regulation of the European Parliament and of the Council amending Regulation 1013/2006 on shipments of waste<sup>1</sup>, and its related impact assessment<sup>2</sup>, on 11 July 2013.
2. The proposal and the impact assessment were presented to the Working Party on the Environment (WPE) on 6 September 2013 and delegations held a preliminary discussion on both documents. On 19 September the WPE further considered the impact assessment followed by a detailed first reading of the Commission proposal on an article-by-article basis. Further discussions in the WPE are envisaged.

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<sup>1</sup> 12633/13

<sup>2</sup> 12633/13 ADD1 + ADD2

3. In this context, the Presidency has prepared two questions, preceded by a short background, to guide the exchange of views which will be held in Council at its meeting on 14 October 2013.
  
  4. The Committee is invited to take note of the above-mentioned questions as contained in the Annex to this note.
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**I. Background**

The Waste Shipment Regulation<sup>3</sup> (WSR) lays down requirements for shipments of waste within the EU and between the EU and third countries. Article 50 of the WSR lays down general provisions on enforcement stipulating that Member States shall provide for inspections for establishments and undertakings in accordance with the Waste Framework Directive<sup>4</sup>. As a result of this general formulation, without specific provisions on how inspections should be carried out, differences exist between Member States with respect to inspection requirements as well as to requirements for national authorities to be able to prove that a waste shipment is illegal. This situation encourages exporters of illegal waste to send their waste through the points with least controls ('port hopping').

It is recalled that the Council, in its Conclusions of 3 June 2010<sup>5</sup>, invited the Commission to, inter alia, consider strengthening the EU requirements on inspections and spot checks carried out under the WSR.

Against this background, the Commission proposal contains measures to better address the problem of illegal waste shipments, having regard to their economic, social and environmental impacts, and aims to ensure a more uniform implementation of the WSR throughout the EU, in particular through introducing:

- requirements for inspection planning for waste shipments, and
- the possibility for the national competent authority to require evidence from suspected illegal waste exporters (reversing the burden of proof) in order to check the legality of waste shipments.

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<sup>3</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste

<sup>4</sup> Directive 2008/98/EC of the European Parliament and of the Council on waste (Waste Framework Directive)

<sup>5</sup> Council Conclusions on the Prevention and Combating of the illegal Trafficking of Waste, particularly in international trafficking (5956/5/10 REV 5).

## **II. Questions for discussion**

In light of the above, the Presidency suggests the following two questions for Ministers:

1. *Do Member States consider that the scope of the proposal is appropriate?*
  
  2. *Do Member States consider that the proposal strikes the right balance between ensuring a minimum level playing field and allowing the necessary flexibility?*
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