



EUROPEAN COMMISSION

080592/EU XXVII.GP
Eingelangt am 18/11/21

4.6.2021

SEC(2021) 402

REGULATORY SCRUTINY BOARD OPINION

Proposal for a Regulation of the European Parliament and of the
Council on shipments of waste and amending Regulations (EU) No
1257/2013 and (EU) No 2020/1056

COM(2021) 709

SWD(2021) 331

SWD(2021) 332



Brussels,
RSB

Opinion

Title: Impact assessment / Waste shipments – revision of EU rules

Overall 2nd opinion: POSITIVE

(A) Policy context

The Waste Shipment Regulation lays down requirements and procedures for transboundary shipments of waste. It aims to ensure that shipments of waste and their treatment are managed in a way that protects the environment and human health. It sets out control mechanisms for the export and import of waste (both intra- and extra-EU). It also lays down export prohibitions for certain categories of waste and certain destinations.

A recent evaluation of the Waste Shipment Regulation identified a number of shortcomings in its functioning. This impact assessment explores alternative solutions to address these. In particular, it examines ways to facilitate re-use and recycling of waste in the EU, simplify and reduce burdens linked to relevant procedures, and restrict exports of waste that have harmful environmental and health impacts in third countries. It also assesses ways to combat illegal shipments of waste.

(B) Summary of findings

The Board notes improvements to the report regarding the problem description, the presentation of options and stakeholder views, and the assessment of impacts.

The Board gives a positive opinion. The Board also considers that the report should further improve with respect to the following aspects:

- (1) The report lacks a clear overview of how the options compare against the assessment criteria, including proportionality. The scoring of the measures is not always clearly justified. The report does not sufficiently demonstrate that the chosen combination of measures in the preferred option is the optimal one.**

(C) What to improve

- (1) The report should introduce an overview table summarising how the different options compare against all assessment criteria, drawing on the annex. It should better justify the scores given to the measures' impacts. The applied scoring method in annex seems to favour measures with some impacts across the assessment criteria over measures that very**

This opinion concerns a draft impact assessment which may differ from the final version.

effectively target only one criterion. The report should explain to what extent this is appropriate.

(2) The report should better argue why the combination of measures in the preferred option is optimal. Under the applied scoring method, it seems possible to construct a combination of measures that would yield a higher average score.

(3) The baseline is based on estimates of waste exports that cannot capture the potential increased reluctance of third countries to receive waste. The report should better take into account these uncertainties in the baseline estimates in the impact analysis.

(4) The trade-offs between business concerns and environmental objectives could be more clearly presented. The report should explain whether any mitigating or transitional measures were considered to address the recycling of waste whose treatment pose particular challenges, such as plastic and textile waste.

The Board notes the estimated costs and benefits of the preferred option(s) in this initiative, as summarised in the attached quantification tables.

(D) Conclusion

The DG may proceed with the initiative.

The DG must take these recommendations into account before launching the interservice consultation.

Full title	Review of Regulation (EC) No 1013/2006 on Shipments of Waste
Reference number	PLAN/2019/5394
Submitted to RSB on	07 May 2021
Date of RSB meeting	Written procedure

ANNEX: Quantification tables extracted from the draft impact assessment report

The following tables contain information on the costs and benefits of the initiative on which the Board has given its opinion, as presented above.

If the draft report has been revised in line with the Board's recommendations, the content of these tables may be different from those in the final version of the impact assessment report, as published by the Commission.

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	Amount	Comments
Direct benefits		
Additional revenue versus cost linked to measures on export of waste	200-510 million euro in 2019 and 1.6 and 4.0 billion euro in 2030	Waste management sector
Reduced administrative costs due to EDI	950 000 euro per year, 450 000 euro per year	Competent authorities, Waste traders
Reduced maintenance costs of current national electronic systems	50 000 euro per year	For each competent authority that decides to replace their current national electronic system and use the EU level system directly
Reduced administrative costs	3-yr default consent validity leads to 1/3 of notifications for pre-consent facilities per year	Competent authorities, Waste traders
Reduced administrative fees	Notification fees divided by 3	Waste traders
Reduced delays to receive consent	Not quantified	Waste traders
Reduced delays during shipments	150 000 euro per delay	Waste traders (mainly due to storage costs)
Indirect benefits		
Reduced transport externalities and GHG emissions	266-666 million euro in 2019 and 275-687 million euro in 2030	Citizens
Additional EU jobs	9000-23000 jobs in the EU	Citizens
Reduced environmental externalities of mismanaged waste and health risks in third countries	Not quantified	Citizens
Promote recycling	Not quantified	Recycling sector
Discourage incineration and landfill	Not quantified	Citizens
Clarify used goods	Not quantified	Waste management sector

versus waste, end of waste criteria, and contamination thresholds		
Avoided clean-up and repatriation costs	Not quantified	Member States, waste management sector
More legitimate income	Not quantified	Waste management sector
Increased tax revenue	Not quantified	Member States

II. Overview of costs – Preferred option							
		Citizens/Consumers		Businesses		Administrations ¹	
		One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
Setting up and running of a system for Electronic Data Interchange (EDI)						Maintenance: 50k – 80k euro	20k euro per year following years
Measure directed to exporting companies to ensure sustainable management of waste by facilities in third countries (auditing)	Direct costs			5k-35k euro per audited facility	5k-15k euro/year		
	Indirect costs						
New framework for export of waste outside the OECD	Direct costs						
	Indirect costs			Possible economic losses for companies that currently export waste			

¹ For specific impacts on Commission resources, please see Annex 12

Enforcement cooperation	Direct costs						Resource needs for inspection, investigation and prosecution
	Indirect costs						



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Opinion

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Overall opinion: NEGATIVE

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A recent evaluation of the Waste Shipment Regulation identified a number of shortcomings in its functioning. This impact assessment explores alternative solutions to address these. In particular, it examines ways to facilitate re-use and recycling of waste in the EU, simplify and reduce burdens linked to relevant procedures, and restrict exports of waste that have harmful environmental and health impacts in third countries. It also assesses ways to combat illegal shipments of waste.

(B) Summary of findings

The Board notes the useful additional information provided in advance of the meeting.

However, the Board gives a negative opinion, because the report contains the following significant shortcomings:

- (1) The construction of the options is unclear and does not sufficiently bring out the main policy choices and trade-offs. The report does not assess or compare the options, including the preferred one, against the standard assessment criteria.**
- (2) The report does not sufficiently analyse to what extent the preferred option is proportionate. It is not clear enough about the impacts on economic actors in the sector and how they balance against the environmental objectives.**
- (3) The report does not adequately explain how it addresses stakeholders' main concerns.**

(C) What to improve

(1) The report should strengthen the analysis of the most significant problems, bringing in selected evidence from the annex. It should not consider profit-maximising behaviour by economic agents active in waste shipment as a problem driver. The reinforced problem analysis should permit a clearer link to be established with the various proposed measures and a strengthened intervention logic.

(2) The report should restructure the options in a clearer way. This could be done either by a) turning the various measures into (sets of) options that would be structured around the three main problems, or b) keeping the current two 'high level' options, while adding the preferred set of measures as an alternative option upfront, making it an integral part of the impact analysis. The report should clarify in the options which measures are complementary and which are exclusive, what trade-offs they contain, and what the fundamental policy choices for the policy makers are.

(3) The report should better justify the expected increase of waste exports under the baseline scenario, taking into account recent declining trends and the increasing reluctance of third countries to import waste.

(4) Each option should be impact assessed and compared against the standard assessment criteria (effectiveness, efficiency, coherence). The report should be clearer about the foreseen impacts on waste shipping operators, on supply chains and on the treatment sector. It should specify the impacts across Member States and on SMEs. Trade-offs between business concerns and environmental objectives should be made more transparent. The report should further clarify the impacts on public authorities and how effective enforcement will be ensured. The proportionality of the preferred option should be assessed in light of the scale of the problem and the expected costs and benefits.

(5) The report should clarify stakeholders' positions on the preferred option and explain how concerns have been addressed.

Some more technical comments have been sent directly to the author DG.

(D) Conclusion

The DG must revise the report in accordance with the Board's findings and resubmit it for a final RSB opinion.

Full title	Review of Regulation (EC) No 1013/2006 on Shipments of Waste
Reference number	PLAN/2019/5394
Submitted to RSB on	08 March 2021
Date of RSB meeting	07 April 2021