



Funded by the
European Union



European Union Network for the Implementation
and Enforcement of Environmental Law

EU LEGISLATION AND IMPLEMENTATION OF THE BASEL CONVENTION FOCUSING ON THE IMPORT/EXPORT OF USED EEE AND PLASTIC WASTE

Allison Townley, IMPEL Waste & TFS Expert Team

Steering Committee Member

Asian Network for Prevention of Illegal Transboundary

Movement of Hazardous Waste 2024

23-25 October 2024 in Vientiane, Lao, PDR

About

- The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)
- An international non-profit organisation of **environmental authorities**
- Founded in **1992**. Legal seat in Brussels; website: <https://www.impel.eu>
- **59 members authorities** from **38 countries** including all EU MS
 - **New Members – State Environmental Inspectorate of Ukraine, EPA of Montenegro**
- **>1250 involved experts**



Albania



Bulgaria



Czech Republic



Finland



Greece



Ireland



Latvia



Malta



Norway



Romania



Slovenia



Switzerland



Montenegro



Austria



Croatia



Denmark



France



Hungary



Italy



Lithuania



Netherlands



Poland



Serbia



Spain



Turkey



Ukraine



Belgium



Cyprus



Estonia



Germany



Iceland



Kosovo*



Luxembourg



North Macedonia



Portugal



Slovak Republic

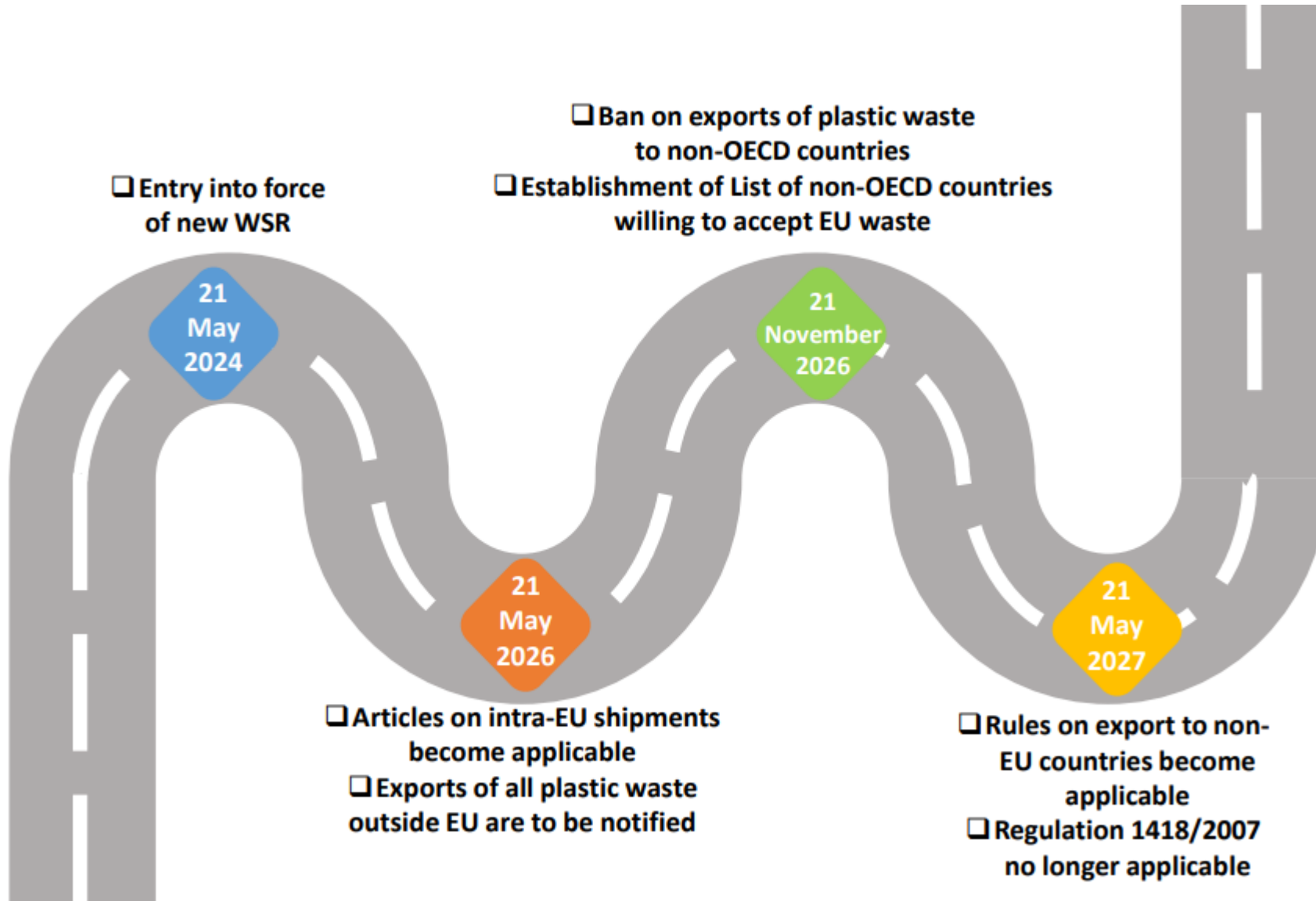


Sweden

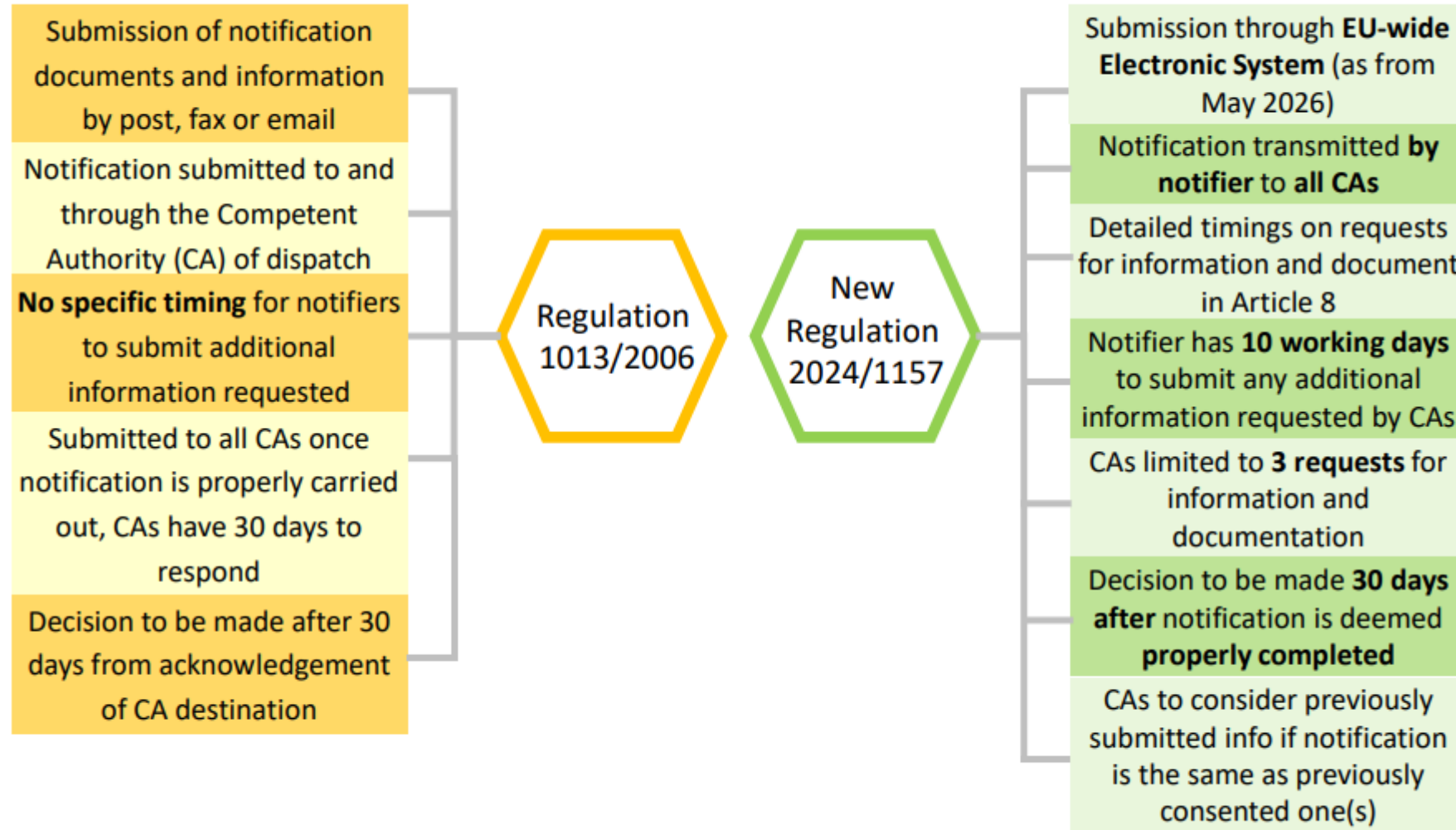


United Kingdom

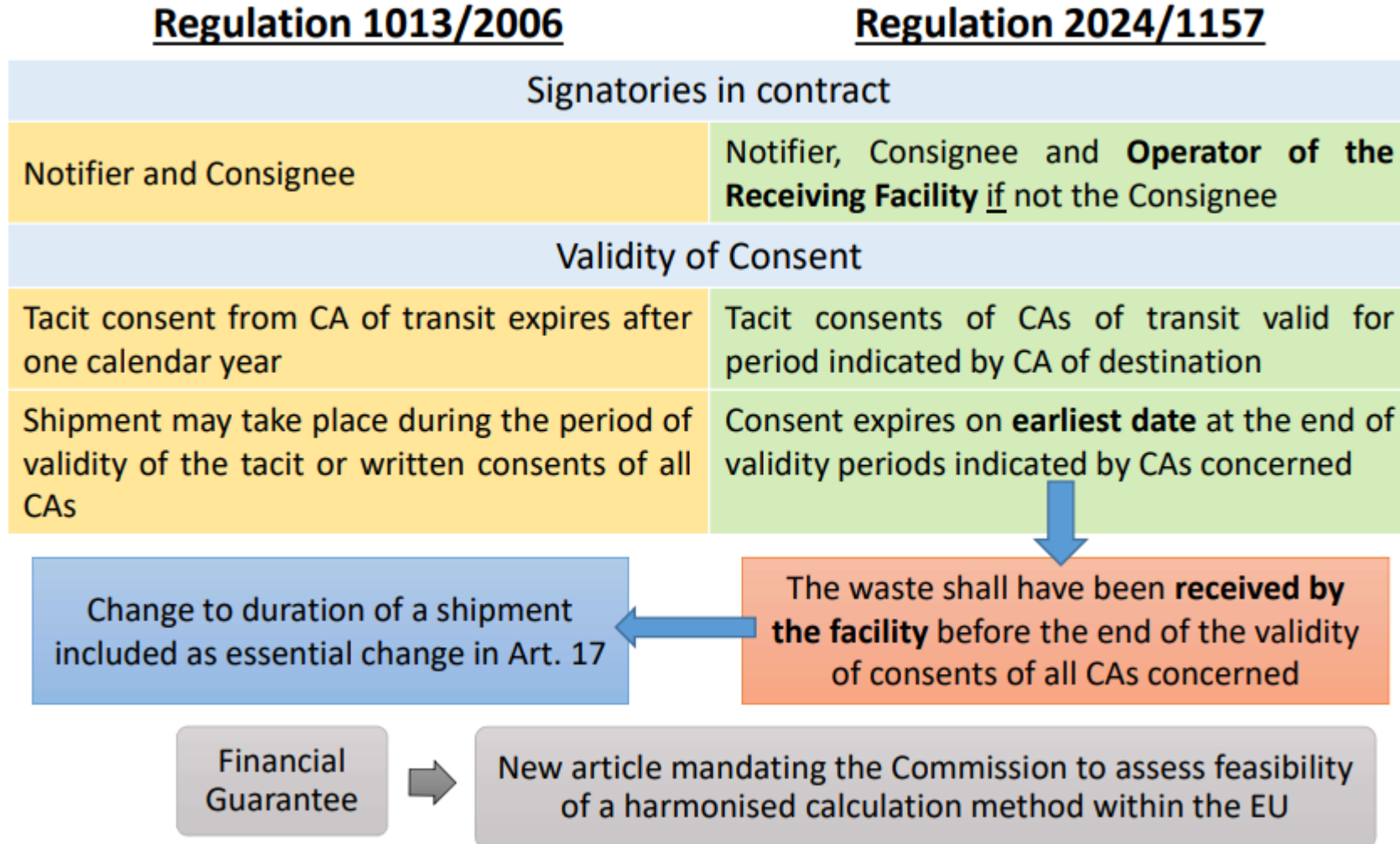
New EU Shipment Regulations Transition Timelines



Amendments to the Notification Procedure



Amendments to the Notification Procedure continued:

<u>Regulation 1013/2006</u>	<u>Regulation 2024/1157</u>
Signatories in contract	
Notifier and Consignee	Notifier, Consignee and Operator of the Receiving Facility <u>if</u> not the Consignee
Validity of Consent	
Tacit consent from CA of transit expires after one calendar year	Tacit consents of CAs of transit valid for period indicated by CA of destination
Shipment may take place during the period of validity of the tacit or written consents of all CAs	Consent expires on earliest date at the end of validity periods indicated by CAs concerned
	
Change to duration of a shipment included as essential change in Art. 17	The waste shall have been received by the facility before the end of the validity of consents of all CAs concerned
Financial Guarantee	New article mandating the Commission to assess feasibility of a harmonised calculation method within the EU

Conditions for Shipments for Disposal and Recovery (Articles 11 and 12)

- Shipments for **disposal** only allowed if notifier demonstrates that :

- i. the waste cannot be **recovered** in a **technically feasible and economically viable manner**, or must be disposed of due to international legal or EU obligations;
- ii. the waste cannot be **disposed** of in a **technically feasible and economically viable manner** in the country where it was generated;
- 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** level and waste is managed in an environmentally sound manner.

Do not apply to waste produced in such a small quantity per year that makes specialised disposal facilities not economically viable

- Additional ground for objection to a shipment for **recovery**:
 - Member States can **limit** imports for **recovery other than recycling and preparing for re-use**, where such imports would result in domestic waste not being treated according to their waste management plans

Interim recovery and disposal: General notifications

Notifications for Interim Recovery and Disposal:

- Definition of 'interim disposal' amended to also include **D8** and **D9**
- Obligation for **certificate** in the case of interim recovery or interim disposal
 - Commission Delegated Regulation establishing the format of the certificate

General notifications:

Regulation 1013/2006

Route needs to be the same

Regulation 2024/1157

Countries of transit, **routing**, and **starting location** of the shipment is the same

Amendments to Annex II - Information and Documentation
Related to Notification

General Information Procedure (Article 18/Annex VII)

- Annex VII to be submitted electronically, **no later than 2 working days** before shipment starts
 - Information on the quantity, carrier(s), and container identification number (if applicable) may be submitted later, latest before start of shipment
- Original waste producer, new waste producer, collector or waste holder to also **sign** Annex VII document
- Facility receiving and recovering the waste shall **electronically complete** Annex VII to:
 - Confirm **receipt**, no later than 2 working days
 - Confirm **recovery**, no later than 30 days after completion of treatment

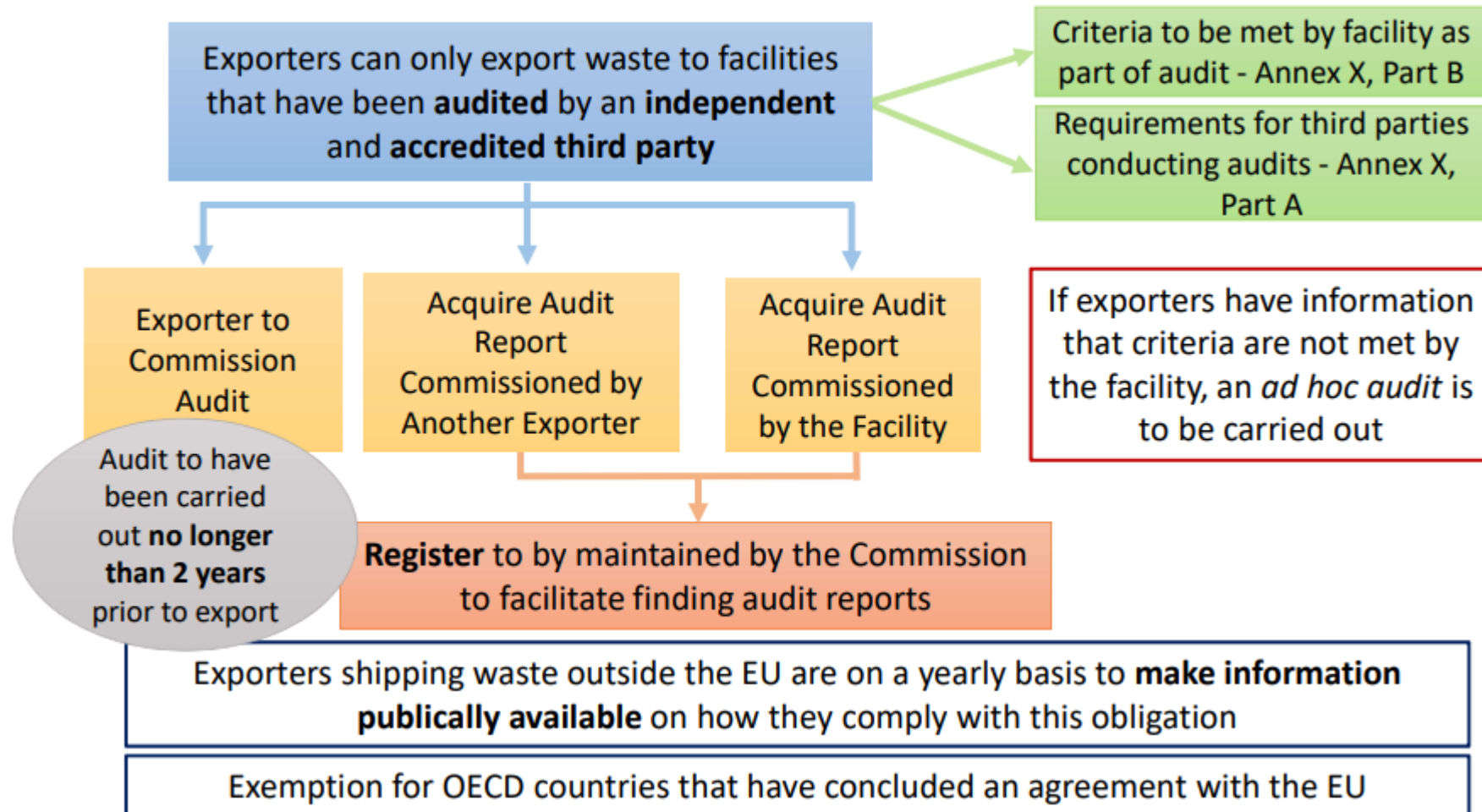
Electronic Submission and exchange of information (Article 27)

- Central **electronic system** to be set up by the Commission **By 21 May 2026**
- Exchange of **information** and **documents** for **notified shipments** and **Article 18/Annex VII** procedure
- Relevant actors will have access
- To be used for intra-EU shipments
- Also allows third-country stakeholder to make use of this system
 - Email (with digital signature), fax, or mail still needs to be used for those third countries actors which are not connected

Disagreement on classification issues (Article 29)

- Inclusion of conditions to distinguish between used goods and waste
- Commission may establish detailed **criteria** to distinguish between **specific used goods** and waste
- Commission empowered to adopt delegated acts to facilitate **harmonised classification of waste**, by establishing criteria, including contamination thresholds, to distinguish how certain wastes shall be classified in Annexes III, IIIA, IIIB or IV

Obligations for exports to third countries (Articles 46 – 47)



Exports to non-OECD countries (Articles 37 – 43)



Exports of plastic waste to third countries

- **21 May 2026: Notification procedure** for exports to third countries
- Exports to OECD countries:
 - 21 May 2026:** Commission to exercise specific scrutiny on management of plastic waste in OECD countries importing large volumes
- Exports to non-OECD countries:

21 November 2026: Ban on exports of plastic waste to non-OECD countries



21 May 2029: Possible reversal upon request of non-OECD country

- Contamination thresholds included in Annexes III, IIIA, and V:
 - B3011 – 2%
 - EU3011 – 6%

Image source: Basel Convention. Governments agree landmark decisions to protect people and planet from hazardous chemicals and waste, including plastic waste. <https://www.brsmeas.org/?tabid=8005>

Enforcement

- **Stronger enforcement and cooperation in fighting waste trafficking complementing the new Environmental Crime Directive**
- **Closer co-operation between Member States**
- **More deterrent sanctions against criminals**
- **Support Member States: direct involvement with European Anti Fraud Office, OLAF**
- **OLAF can carry out inspections on the ground in collaboration with competent authorities**



Thank you!

E-mail: info@impel.eu,
allison.townley@impel.eu

Website: www.impel.eu



Funded by the
European Union