



**EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD**

Brussels,
D(2012)

Opinion

Title

DG ENV - Impact assessment on a legislative proposal and additional non-legislative measures strengthening the inspections and enforcement of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste

(Resubmitted draft version of 12 October 2012) *

(A) Context

The Waste Shipment Regulation 1013/2006 (WSR) prohibits all exports of hazardous waste to countries outside the OECD and all waste for disposal outside the EU/EFTA. The regulation contains rules for different types of shipments requiring either prior written notification and consent, or fulfilment of general information requirements. It includes specific obligations concerning a duty to take back waste shipments which are found to be illegal or which cannot be completed as envisaged. The WSR transposes the corresponding provisions of the United Nation's Basel Convention on the control of trans-boundary movement of hazardous waste. The WSR requires that all waste exported out of the OECD is treated in an environmentally-sound manner. Article 50 of the WSR sets out certain obligations on the Member States, aiming to ensure that effective inspection systems and spot-checks are put in place but there are no detailed provisions on how these inspections shall be carried out.

(B) Overall assessment

The report has been substantially improved along the lines of the recommendations issued by the Board in its second opinion. Some aspects need to be further strengthened. First, the report should further develop the baseline scenario, by elaborating the expected developments over time in the relevant waste and recycling markets. Second, it should provide greater clarity on the estimates of cost/benefits for option 3 and 4, linking these more explicitly to the various elements from these options. It should assess more explicitly the impacts of the preferred option policy package against the baseline scenario. Finally, the report should clarify the future monitoring and evaluation arrangements.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

(C) Main recommendations for improvements

(1) Further strengthen the baseline scenario. While the presentation of the baseline scenario has been improved, it should elaborate and substantiate the expected developments in the relevant waste and recycling markets, such as the consequences of an increase in the recycling rate and increased inspections in the EU waste destination countries outside of the EU.

(2) Better assess the costs and benefits, particularly for the preferred policy package. The report should provide a more explicit cost analysis for the various elements of options 3 and 4, including estimates of total costs and benefits. It should be clearer on the underlying methodologies and assumptions throughout the analysis, and should provide a broader discussion of the impacts of reversing the burden of proof (from public authorities to business), including a presentation of the experience gained from it under the WEEE and the ELV Directives. The report should be more specific on the employment potential and impacts, and provide quantified estimates where possible. The report should more explicitly assess and compare the impacts of the preferred option package against the baseline scenario. In particular, the synergy effects of legal obligations and corresponding guidance should be better corroborated. The comparison of options section should be improved by setting the impacts of the baseline to zero and by making sure that all other options are assessed taking the baseline as a reference.

(3) Clarify monitoring and evaluation arrangements. The report should provide a more detailed set of concrete indicators related to inspections and illegal shipments and clarify concrete operational future evaluation arrangements.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

A glossary of technical terms and abbreviations should be provided and the technical language should be streamlined to the extent possible to make it more accessible for the non-expert reader. The report should include a table of contents.

(E) IAB scrutiny process

Reference number	2011/ENV/012
External expertise used	No
Date of Board Meeting	Written procedure The present opinion concerns a resubmitted draft IA report. The first opinion was issued on 8 July 2011 and the second opinion was issued on 30 March 2012.