

## Article 11 in the Waste Shipment Regulation and the Commission`s upcoming implementing act

**NG Nordics urges for common practice enabling efficient and sound waste treatment services for the European Industry to be clean, competitive and thrive.**

Transboundary movements of waste are part of the daily business, that is why the upcoming implementation and practice of the new Waste Shipment Regulation article 11 is of particular interest for NG Nordic.

NG Nordic supports the objectives of the Waste Shipment Regulation<sup>1</sup> therefore harmonized application must be ensured so that the purpose of the regulation will realize, and that the EU's economy and industry can maintain continuity of operations, be productive and thrive.

The Competent Authorities must continue to have mandate to consent shipments of waste for disposal and derogate from the default prohibition when the country of origin lack appropriate capacity to treat the waste, considering that the different disposal operations referred to in the regulation are not equivalent in terms of environmental performance. Even if sufficient capacity in the country of origin exists, cross-border shipments of waste for disposal should be allowed in cases where the notifier can demonstrate that the waste is treated in a more environmentally sound manner than in the country of origin i.e. the environmental performance of that receiving installation is better than in the country of dispatch.

Waste treatment operations preventing the pollutants in waste from entering the environment, such as D 10<sup>2</sup> and D 5<sup>3</sup>, must be preferred compared to disposal such as landfilling determined as D 1<sup>4</sup>. Interruptions in transboundary movements for the sound management of waste risk the continuity for EU's industry competitiveness, as well as the EU goal of achieving zero pollution for a non-toxic environment by 2050.

<sup>1</sup>Ensure EU does not export its waste challenges to third countries and contributes to environmentally sound management of waste. Prevent illegal shipments of waste. Increase traceability of shipments of waste within EU and facilitate recycling and reuse.

<sup>2</sup>Incineration on land. D 10 typically refers to high-temperature incineration in dedicated hazardous waste incineration plants.

<sup>3</sup>Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)

<sup>4</sup>Deposit into or on to land (e.g. landfill, etc.).

## NG Nordic key messages:

1. NG Nordic agree recovery should always be given priority, unless the lack of decontamination in the recovery process would result in exposure of harmful substances to human health and environment.
2. The implementing act should enable the Member States to consent notifications for shipments of Hazardous waste for disposal in high performing environmentally sound treatment installations. This is of utmost importance for EU industry to maintain competitiveness and for the EU to reach the goal of non-toxic environment by 2050.
3. The different disposal operations in Annex I to Waste Framework Directive<sup>5</sup> are not equivalent in environmental performance. Environmental performance should be recognized, and high performing treatment should be prioritized in the consent procedure.
4. Interpreting the Waste Shipment Regulation on a national level should be harmonized to secure the level-playing-field on the market. Well-functioning waste market supports EU's self-sufficiency, competitiveness and resilience, which is important especially in the current geopolitical situation.

<sup>5</sup>Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste.

## Background

In the Waste Shipment Regulation, shipments of waste for disposal within the EU are prohibited, except when the waste or cannot be disposed of in a technically feasible and economically viable manner in the country where it was generated. This prohibition applies to transboundary movements of all waste to disposal operations, however, the disposal techniques referred to are not equivalent. For example, disposal in High Temperature incineration allows for safe and complete destruction of hazardous substances. For most hazardous wastes High Temperature incineration is preferable to landfilling – this is not recognized in the new Waste Shipment regulation.

Inorganic waste with substances that would not be possible to destroy, e.g. by incineration, and consists of substances that should not be returned into recycled materials, or environment must be safely disposed of. In such cases disposal in D5 Specially engineered landfill would be the best option to prevent hazardous substances from reaching human health or environment. I.e. disposal in D5 would be preferred to landfilling D1, notwithstanding if the waste thereby must cross the border, if the alternative in the country of origin lack the conditions for such specially engineered installation.

Article 11 of the Waste Shipment Regulation introduces the requirement for the Commission to adopt an implementing act to specify how “technical feasibility and economic viability” should be assessed by competent authorities. This implementing act will be important to mitigate expected disruptions and challenges in implementing the revised Waste Shipment Regulation.

When preparing the criteria for assessment of when recovery of the waste could be considered not to be economically viable, it is relevant to find out if there is enough demand and acceptability for the recycled raw material. If there is enough demand and acceptability for the recycled raw material, will there be continuity to provide community/industry with treatment solution? Predictability is critical for the competitiveness of the European market.

When preparing the criteria for technically feasible it is highly relevant to conclude whether the waste consists of pollutants which would require a decontamination step if it should be recycled. Does the

recycling operation enhance the value/quality of the material, or does it only allow to circumvent disposal of the waste as sham recovery.

Transitioning to a clean circular economy implies that the presence of substances of concern must be limited in virgin and recycled materials and that polluted waste is sorted and decontaminated. The best way to achieve the transition is via a legal framework, which enables cross-border shipments of waste to facilities with the highest environmental performance.

In an annex to this position paper, we enclose a proposal for a decision tree for the assessment when disposal vs recovery should be preferred from technical and environmental preferences.

### **Arguments behind our key messages**

The competitiveness of the EU industry relies on continuity to access waste treatment services. Certain industry essential to the prosperity of society would not be able to operate if there are no access to environmental sound disposal of their wastes. NG Nordic provides environmentally sound treatment of waste, enabling clean circular economy by removing hazardous substances from the cycles, and recover valuable materials back into circular economy. Without access to decontamination of waste streams, unwanted hazardous substances risk ending up in recycled materials and products, in the environment and where least wanted, in food and feed.

The implementation of article 11 should reflect environmental performance between the different disposal operations. Disposal operations performing Best Available technique under the Industrial emission directive should be preferred before low performing domestic disposal alternatives such as D1.

In cases where the nearest disposal facility is situated across member states borders, and where the environmental performance of that installation is equal to the installation in the country of dispatch, the shipment to the nearest should be an option if demonstrated less carbon footprint from the transport.

NG Nordic provides the cities in the vicinities with residual heat from the treatment of hazardous waste to the local district heating operators, heating up buildings and providing citizens with warm water. The residual heat is recovered for useful purposes, even where the main purpose of the disposal of the waste is to destroy harmful substances, and by doing so prevent them from entering recycled materials. For NG Nordic disruptions in the transboundary movements of waste for disposal in the Hazardous Waste Incineration facilities, may result in less residual/waste heat to the district heating operators, which would force the DH operator to increase the use of virgin fuels to maintain supply of heat for the cities.

For the resilience and prosperity of Europe the prohibition in article 11 must be applied targeting the major problem with inappropriate dumping of waste and enabling the environmentally sound treatment of waste, clean material cycles and the zero pollution and non-toxic environment by 2050.

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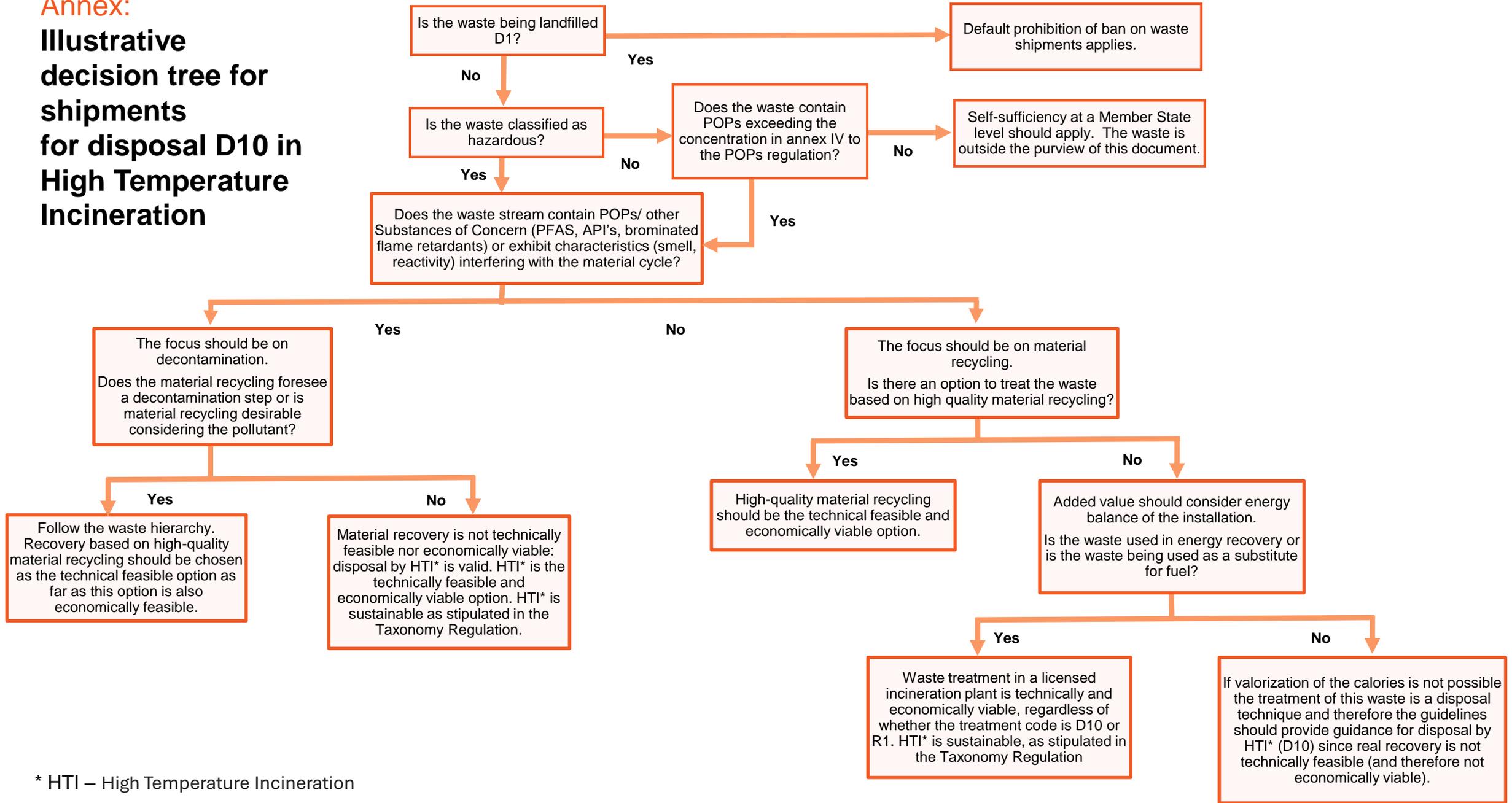
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**About NG Nordic:**

NG Nordic is a leading provider of circular solutions and environmental services, tackling the urgent challenges of climate change and resource scarcity. Through reuse, collection, recycling, and depollution NG Nordic transforms waste into valuable resources and removes hazardous substances from circulation – scaling access to circular raw materials, decarbonize society and help protect natural ecosystems. With strong presence across the Nordics, and in Poland and the UK, NG Nordic is a vital part of the Nordic industrial infrastructure handling 4.4 million of waste annually through 90 facilities and sites.

**Annex:**  
**Illustrative**  
**decision tree for**  
**shipments**  
**for disposal D10 in**  
**High Temperature**  
**Incineration**



\* HTI – High Temperature Incineration