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

NG Nordic urges a harmonised and predictable implementation of Article 11 of the Waste Shipment Regulation to ensure efficient and environmentally sound waste treatment across Europe. Transboundary movements of waste are a routine part of industrial operations, making clarity in the implementing act essential for enabling a clean, competitive, and resilient European industry. NG Nordic fully supports the objectives of the Waste Shipment Regulation; harmonised application is essential to ensure that industry can maintain continuity of operations, uphold the highest environmental standards, and thrive. To ensure predictability for notifiers and operators, the implementing act should set transparent decision criteria, common evidence requirements and indicative decision timelines for competent authorities.

Policy Ask 1: Recovery with decontamination first; otherwise disposal by environmental performance

While the waste hierarchy prioritises recovery, recovery must not re-introduce harmful substances into material cycles; where decontamination is not achieved, high-performing disposal must be prioritised. Disposal operations are not environmentally equivalent; the implementing act must distinguish high-performing (e.g., D10 high-temperature incineration) from lower-performing options (e.g., D1 landfilling). Environmental performance should be the primary basis for shipment consent

Policy Ask 2: Keep the mandate to consent cross-border shipments when safer or when capacity is lacking

Member States must retain the authority to approve shipments for disposal in high-performing facilities when these offer superior environmental protection or when the country of origin lacks appropriate capacity; restricting shipments to inferior domestic options undermines environmental goals and competitiveness

Justification for Policy Ask 1

High-performing disposal operations such as D10 high-temperature incineration and D5 engineered landfills prevent pollutants from entering the environment and must be preferred over lower-performing methods like D1 landfilling. Not all disposal operations are environmentally equivalent. The regulation must recognise that some methods destroy pollutants more effectively and prevent re-entry into material cycles.

While the waste hierarchy prioritises recovery, recovery must not reintroduce harmful substances into material cycles. Recovery should only be pursued when it includes effective decontamination; otherwise, high-performing disposal is necessary to ensure a non-toxic environment.

The implementing act must ensure that facilities using Best Available Techniques (BAT) under the Industrial Emissions Directive are prioritised over lower-performing domestic facilities, particularly when cross-border transfer reduces environmental impact or carbon footprint. Interruptions to transboundary movements threaten the continuity of EU industrial operations and risk undermining

the EU's zero-pollution ambition by 2050.

Justification for Policy Ask 2

Competent authorities must retain the mandate to consent shipments for disposal and derogate from the default prohibition when the country of origin lacks appropriate capacity or when the receiving installation achieves better environmental performance.
For many hazardous wastes, domestic facilities may not meet the environmental performance needed to ensure safe treatment. For example, certain inorganic wastes cannot be destroyed by incineration and require engineered landfills (D5), which may not exist in every Member State. Cross-border shipments must therefore remain permitted. Harmonised interpretation of "technical feasibility" and "economic viability" is essential to avoid fragmentation, ensure continuity of treatment solutions, and maintain EU industrial resilience.

NG Nordic's facilities play a critical role in removing hazardous substances, enabling access to circular raw materials, and supplying district heating from energy recovered during waste destruction. Disruptions in cross-border shipments would negatively impact environmental protection, circularity, and community heat supply. In an annex to this position paper, we enclose a proposal for a decision tree for the assessment of when disposal vs recovery should be preferred from technical and environmental preferences.

Glossary

D1 — Deposit into or on land (Landfilling): Deposit of waste into or onto land, including traditional landfill operations. This includes disposal in sites where waste is placed into the ground without engineered isolation beyond basic regulatory requirements.

D5 — Specially Engineered Landfill: Placement of waste into lined, engineered, discrete landfill cells that are capped and isolated from one another and from the environment. Includes advanced containment systems designed to prevent leakage and protect soil, groundwater, and air.

D10 — Incineration on Land (High-Temperature Incineration) High-temperature incineration in dedicated hazardous waste incineration plants, ensuring destruction of hazardous substances and preventing harmful pollutants from entering the environment. Considered a high-performing disposal method due to strong environmental and health protections.

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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 helping protect natural ecosystems. With a 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 tons of waste annually through 90 facilities and sites.