

3 March 2025

Ref: NEA/WMD/GWDF/03032025

To: All General Waste Disposal Facility licensees,
Traders, Freight Forwarders,
Cargo Agents and Carriers

Dear Sir/Madam

NEW EUROPEAN UNION (EU) REQUIREMENT ON THE EXPORT OF NON-HAZARDOUS 'GREEN-LISTED' WASTE TO NON-ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (NON-OECD) COUNTRIES UNDER EU WASTE SHIPMENTS REGULATION 2024/1157

On 20 May 2024, the new Regulation (“the Regulation”) by European Union (EU) on the current Waste Shipment Regulation (“WSR”) had entered into force. The Regulation aims to enhance the governance of waste movements and prevent illegal shipments of waste within and beyond the EU. One of the key changes is the introduction of new requirements for the transboundary movement of non-hazardous “green-listed” wastes¹ from EU to non-OECD countries.

CONSULTATION ON THE IMPACT OF THE EU WASTE SHIPMENTS REGULATION

2 Under the Regulation, exports of EU waste to non-OECD countries will be allowed only if the country has formally informed the European Commission of their willingness to import waste and demonstrate the ability to manage the waste in a sustainable manner. These new requirements will take effect from 21 May 2027. However, exports of green-listed wastes can be permitted to non-OECD countries that had indicated their willingness to receive specific wastes via a formal application to the EU, i.e. ‘list of countries to which exports are authorised’. Nevertheless, the exports are conditional on the waste being processed at (i) licensed recovery facilities in the country of import or (ii) facilities carrying out interim operations² for further recycling in the same country at licensed recovery facilities or in other EU Authorised countries.

3 In addition, please note that the Regulation provides new rules on the exports of plastic waste. Exporting clean, non-hazardous plastic waste (classified under B3011 of the Basel Convention) will be subject to the “prior notification and consent procedure”, for exports from EU between 21 May 2026 to 20 Nov 2026 (6 months). Following which, there will be a complete ban on such plastic waste exports from the EU to non-OECD countries from 21 Nov 2026 to 21 May 2029. Non-OECD countries can indicate their willingness to continue the import of non-hazardous plastic waste from EU after 21 May 2029. The export of hazardous waste from EU to non-OECD countries remains prohibited.

4 The National Environment Agency (NEA) is seeking your views on the types of waste to be green-listed and the potential impact to your operations if the waste types are banned from export from EU. Please refer to Annex I on the information required to be surfaced to facilitate the consultation.

¹ Refer to Annex III, Annex IIIB and mixtures of non-hazardous waste listed in Annex IIIA of the EU Waste Shipments Regulation: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1157&qid=1739255877904>

² According to Annex II to Directive 2008/98/EC, interim recovery operations refer to (i) Preliminary operations prior to recovery including pre-processing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing, or (ii) temporary storage

- 5 For more information, please refer to Articles 39, 40 and 41 of the Regulation, website:
- <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX%3A32024R1157&qid=1739255877904> and extracted in Annex II below.

CONSULTATION and CLARIFICATION

- 6 Please submit your input and clarification to the following officers by **17 March 2025**: Mr Soh Zhengping (soh_zhengping@nea.gov.sg), Mr Zhang Xiangbin (zhang_xiangbin@nea.gov.sg) or Ms Foo Kai Lin (foo_kai_lin@nea.gov.sg).

Yours faithfully



Sim Jun Hua
Deputy Director/Chief Engineer (Waste Regulation Department)
Waste Management Division
National Environment Agency

Please include the following information when consulting with us, for us to better understand the operations involved and potential impacts:

- i. Name of the company
- ii. Address of the company's operation
- iii. Type(s) and quantities of non-hazardous "green-listed" waste imported from EU for 2024
- iv. Processes involved for the processing of the non-hazardous "green-listed" waste, including how the residual waste is handled
- v. Impacts to the company due to the new EU requirements

Article 39 (extracted from the EU Waste Shipment Regulations)
Prohibition of exports of hazardous and certain other wastes

1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply shall be prohibited:
 - (a), wastes listed as hazardous in Part 1 of Annex V to this Regulation;
 - (b), wastes listed as hazardous in the list of waste referred to in Article 7 of Directive 2008/98/EC;
 - (c), wastes referred to in Article 4(3) and wastes listed in Part 2 of Annex V to this Regulation;
 - (d), plastic waste classified under entry B3011;
 - (e), wastes listed in Annex III or Annex IIIB and mixtures of wastes listed in Annex IIIA that are contaminated by other materials to an extent which increases the risks associated with the waste sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account the hazardous properties in Annex III to Directive 2008/98/EC, or prevents the recovery of the wastes in an environmentally sound manner;
 - (f), wastes or mixtures of wastes containing or contaminated with POPs in quantities meeting or exceeding a concentration limit indicated in Annex IV to Regulation (EU) 2019/1021;
 - (g), hazardous wastes not classified under one single entry in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC;
 - (h), mixtures of hazardous wastes and mixtures of hazardous wastes with non-hazardous waste not classified under one single entry in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC;
 - (i), wastes notified by the country of destination as hazardous under Article 3 of the Basel Convention;
 - (j), wastes of which the import has been prohibited by the country of destination;
 - (k), wastes which the competent authority of dispatch has reason to believe will not be managed in an environmentally sound manner, as referred to in Article 59, in the country of destination concerned.
2. Paragraph 1 of this Article shall not apply to waste that is subject to a take-back obligation pursuant to Article 22 or 25.
3. Member States may, in exceptional cases, provide, on the basis of documentary evidence provided by the notifier, that a specific hazardous waste listed in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC is excluded from the export prohibition referred to in paragraph 1, where it does not display any of the properties listed in Annex III to Directive 2008/98/EC, taking into account the criteria and applicable cut-off values and concentration limits for the classification of waste as hazardous as specified in that Annex. Where a hazardous property of a waste has been assessed by a test and by using the concentrations of hazardous substances as indicated in Annex III to Directive 2008/98/EC, the results of the test shall prevail.
4. The fact that waste is not listed as hazardous in Annex V or in the list of waste as referred to in Article 7 of Directive 2008/98/EC, or that it is listed in Part 1, List B of Annex V, shall not preclude, in exceptional cases, characterisation of such waste as hazardous and therefore subject to the export prohibition if it displays any of the properties listed in Annex III to Directive 2008/98/EC, taking into account the criteria and applicable cut-off values and concentration limits for the classification of waste as hazardous, specified therein. Where a hazardous property of a waste has been assessed by a test and by using the concentrations of hazardous substances as indicated in Annex III to Directive 2008/98/EC, the results of the test shall prevail.
5. In the cases referred to in paragraphs 3 and 4, the competent authority concerned shall inform the envisaged competent authority of destination prior to taking a decision to consent to planned shipments to that country. Member States shall notify such cases to the Commission before the end of each calendar year. The Commission shall forward that information to all Member States, to the Secretariat of the Basel Convention where the information refers to an entry listed in the Basel Convention and to the OECD Secretariat where the information refers to an entry listed in the OECD Decision. On the basis of the information provided, the Commission may make comments and is empowered to adopt delegated acts in accordance with Article 80 to amend Annex V.

Article 40 (extracted from the EU Waste Shipment Regulations)

Prohibition of exports of non-hazardous waste

1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply shall be prohibited:
 - (a), non-hazardous wastes listed in Annex III or Annex IIIB and mixtures of non-hazardous wastes listed in Annex IIIA;
 - (b), non-hazardous wastes and mixtures of non-hazardous wastes included in the list of waste referred to in Article 7 of Directive 2008/98/EC, when not already listed in Annex III, Annex IIIA or Annex IIIB;
 - (c), non-hazardous wastes and mixtures of non-hazardous wastes not classified under one single entry in Annex III, Annex IIIA or Annex IIIB or in the list of waste referred to in Article 7 of Directive 2008/98/EC;
 - (d), non-hazardous wastes classified under the entry AB130, AC250, AC260 or AC270.

2. Paragraph 1 shall not apply to exports of wastes or mixtures of wastes destined for recovery to a country included in the list of countries established in accordance with Article 41, for the non-hazardous wastes and mixtures of non-hazardous wastes specified in that list.
Such export may only take place on the condition that the waste is:
 - (a), destined for a facility licensed under the domestic legislation of the country concerned to undertake recovery operations for that waste;
 - (b), not destined for interim operations, unless all subsequent non-interim or interim recovery operations would take place in the same country of destination or in other countries for which the related waste is included in the list referred to in Article 41.

3. Exports allowed in accordance with paragraph 2 shall:
 - (a), for wastes listed in Annex IX to the Basel Convention other than classified under entry B3011, be subject to the general information requirements laid down in Article 18 or, where the country concerned so indicates in the request referred to in Article 42, the procedure of prior written notification and consent;
 - (b), for waste classified under entry B3011, be subject to the procedure of prior written notification and consent;
 - (c), for non-hazardous wastes and mixtures of non-hazardous wastes not listed in Annex IX to the Basel Convention, be subject to the procedure of prior written notification and consent.

4. In the case of exports in accordance with paragraph 2, the provisions of Title II shall apply *mutatis mutandis*. Where such exports are subject to the general information requirements laid down in Article 18, the person who arranges the shipment shall ensure that the information to be provided by the facility pursuant to Article 18(8) and (9) is submitted via a system referred to in Article 27, unless the facility is connected to a system referred to in Article 27.
Where such exports are subject to the procedure of prior written notification and consent, the procedures referred to in Article 38 shall apply with the following adaptations:
 - (a) Article 4(5) and Article 14 shall not apply;
 - (b) when the removal from the list referred to in Article 41 of a country or of certain wastes or mixtures of wastes has entered into force, the competent authority of dispatch shall withdraw its written consent for any notification related to such country or to such wastes or mixtures of wastes.

Article 41 (extracted from the EU Waste Shipment Regulations)

List of countries to which exports of non-hazardous waste from the Union for recovery are authorised

1. The Commission is empowered to adopt a delegated act in accordance with Article 80 to supplement this Regulation by establishing a list of countries to which the OECD Decision does not apply and to which exports of non-hazardous wastes and mixtures of non-hazardous wastes from the Union for recovery are authorised ('list of countries to which exports are authorised'). That list shall include countries which have submitted a request pursuant to Article 42(1) and have demonstrated compliance with the requirements set out in Article 42(3), based on an assessment carried out by the Commission pursuant to Article 43, and have agreed to comply with Article 42(5).

2. The list referred to in paragraph 1 shall include the following information:
 - (a), the name of the countries to which export of non-hazardous wastes and mixtures of non-hazardous wastes from the Union for recovery is authorised;

(b), the specific non-hazardous wastes and mixtures of non-hazardous wastes that are authorised for export from the Union to each country referred to in point (a);
(c), information, such as an internet address, allowing access to a list of facilities which are licensed under the domestic legislation of each country referred to in point (a) to carry out the recovery of the waste and mixtures of wastes referred to in point (b);
(d), information on the specific control procedure, if any, applying under the domestic legislation of each country referred to in point (a) to the import of the wastes referred to in point (b), including an indication of whether the import of wastes listed in Annex IX of the Basel Convention is subject to the procedure of prior written notification and consent referred to in Article 38.

3. The list referred to in paragraph 1 shall be adopted by 21 November 2026, unless no country submits a request pursuant to Article 42(1) or no country complies with the requirements set out in Article 42(3) at that time.

By 21 August 2024, the Commission shall contact all countries to which the OECD Decision does not apply, to provide them with the necessary information on the possibility for those countries to be included in the list of countries to which exports are authorised.

In order to be included in the list of countries to which exports are authorised adopted by 21 November 2026, the countries to which the OECD Decision does not apply shall submit their request pursuant to Article 42(1) by 21 February 2025.

4. The Commission shall regularly, and at least every two years following its establishment, update the list of countries to which exports are authorised, in order to:

- (a), add a country that complies with the requirements set out in Article 42;
- (b), remove a country which ceases to comply with the requirements set out in Article 42;
- (c), update the information referred to in paragraph 2 based on a request received from the country concerned and, if that request concerns the addition of new wastes or mixtures of wastes, provided that the country concerned has demonstrated compliance with the requirements set out in Article 42 with respect to the new wastes or mixtures of wastes in question;
- (d), include or remove any other element relevant to ensure that the list contains accurate and updated information.

5. After receiving the information and evidence referred to in Article 42(5), the Commission may request additional information from the country concerned to demonstrate that it continues to comply with the requirements set out in Article 42(3).

6. Where information becomes available which shows in a plausible manner that the requirements set out in Article 42 are no longer fulfilled for a country already included in the list referred to in paragraph 1, the Commission shall invite that country to provide its views on that information, within a maximum period of two months from the invitation, together with relevant supporting evidence demonstrating continued compliance with those requirements. That period may be extended by an additional period of two months where the country concerned makes a reasoned request for such extension.

7. Where the country concerned does not provide its views and the requested supporting evidence within the time limit referred to in paragraph 6 or where the provided evidence is insufficient to demonstrate continued compliance with the requirements set out in Article 42, the Commission shall remove that country from the list without undue delay.

8. The Commission may at any time contact a country included in the list referred to in paragraph 1 to obtain information which is relevant to ensure that that country continues to comply with the requirements set out in Article 42.