

1 The proposals and their impacts

1.1 Main proposals

The proposal is for the adoption of additional national legislation necessary for the application of the Waste Shipment Regulation. The Waste Shipment Regulation also allows for some leeway at national level to clarify certain provisions. The most relevant provision proposed for amendment concerns the transfer of waste for disposal. Under the current Waste Act, the import of waste for disposal is permitted only if it is incinerated or treated biologically or physico-chemically. According to the proposed amendment, the import of waste for disposal would be allowed for other disposal options, except for landfilling. At the same time, the provision on the conditions for transfer when waste is transferred to another country for disposal would be repealed. Only the requirements laid down in the Waste Shipment Regulation would be applied to shipments of waste from Finland for disposal in another country.

Other key amendments to the Waste Act proposed as necessary for the implementation of the Waste Shipment Regulation concern, for example, involvement in the waste shipment enforcement group, the prohibition of an international shipment of waste in a specific case, the validity of the financial guarantee provided for a shipment of waste, the submission of data on the shipment of waste and the Finnish Environment Institute's rights to access information.

The Finnish Environment Institute would be given the additional task of acting in the waste shipment enforcement group. The Finnish Environment Institute would now be able to prohibit an international shipment of waste where the notifier has failed to pay the fee for the supervision of consignments related to a previous notification. Under the proposal, the financial guarantee for the shipment of waste should always be indefinitely valid. In addition, it is proposed to add a new provision to the Waste Act, according to which information on international shipments of waste should be sent to the Finnish Environment Agency's waste shipment system, to be forwarded to the EU central system.

The proposal would repeal the sections of the Waste Act as provided in detail in the new Waste Shipment Regulation. The sections proposed for repeal would be that on transfers of green waste and that on the prior consent of a waste recovery facility. The rules on penalties would be clarified due to the new requirements of the Waste Shipment Regulation. New obligations of an administrative kind would be added to the scope of the penalty for negligence. The necessary changes would also be made to the penal provisions in order to bring all export bans laid down in the Waste Shipment Regulation within the scope of the rules on penalties. In addition, four new offences would be added to the penal provision. These would be the general prohibition in Article 4(1) to ship waste for disposal if consent has not been obtained in accordance with Article 11, the prohibition in Article 4(3) to ship mixed municipal waste for disposal, the export of waste to a non-EU facility contrary to Article 46 of the Regulation and the shipment of waste without consent in accordance with Article 9 of the Regulation.

Technical changes to some sections of the Waste Act would be made to refer to Articles in the new Waste Shipment Regulation.

In addition, the section on rights of access to information would be further clarified with regard to the exchange of information between public authorities.

1.2 Principal impacts

Impact on companies

The proposal would reduce the administrative burden for companies carrying out waste shipments in the longer term when they implement the information system for international waste shipments administered by the Finnish Environment Institute. Even today, most of the data are reported directly to the Finnish Environment Institute's system, from which an automatic message regarding information on waste consignments is sent to the other relevant authorities. However, there are still situations and companies where the information is emailed to the Finnish Environment Institute. This is partly due to the fact that the automated message sent from the system is not accepted by the authorities in all countries. When electronic reporting becomes mandatory, email notifications would be discontinued.

The amendment to the national provisions would have an impact on businesses that currently export or import waste for disposal. The new Waste Shipment Regulation lays down the conditions that must be met for waste to be shipped for disposal. The export of waste for disposal would be subject to the conditions laid down in the Regulation. Under the national legislation in force, waste may be imported into Finland for disposal if the hazardous waste is incinerated in a specialised facility or is treated biologically or physico-

chemically. Importation for landfilling is currently not permitted, except for imports based on a cooperative arrangement between local authorities in Finland and Sweden or Finland and Norway. However, after physico-chemical treatment, the waste usually goes to landfill. It would be proposed for the Waste Act that it would not be possible to import waste into Finland for landfilling, so the amendment would put an end to imports for the companies concerned if they could not find an alternative to landfilling. In recent years, there have been fewer than five companies in Finland that have imported waste for physico-chemical treatment, and so this change would obviously have an impact on the business of these companies.

The proposal is that in the future, the financial guarantee for international waste shipments should be valid for an indefinite period, whereas at present a fixed-term guarantee is also permitted. This could lead to a small increase in the costs involved in establishing the guarantee. Some of the companies carrying out shipments of waste already have indefinitely valid financial guarantees in place.

Impact on public authorities

The Finnish Environment Institute is the national authority under the Waste Shipment Regulation. It is responsible for the authorisation of international waste shipments and supervises waste shipments. In the future, the Finnish Environment Agency would act in the new waste shipment enforcement group established under the Waste Shipment Regulation, which would be a new responsibility for it. The impact of the amendments to the Waste Act on the authorities is thought to be minor.

The Waste Shipment Regulation introduces an EU-wide electronic waste shipment information system. In the future, data on waste shipments must be sent to the EU central system (DiWaSS) developed by the Commission. The introduction of an electronic system in the EU will reduce the workload for the authority, as information related to waste shipments will now be reported via the electronic system. The national waste shipment system in use by the Finnish Environment Agency would need to be integrated with the EU central system. The waste transfer authorisation procedure and the amendments regarding the notification of green waste would also need to be contained in the Finnish Environment Institute's system. To make changes to the information system and link the national system to the EU system, the Ministry of the Environment has granted the Finnish Environment Agency the sum of EUR 60 000 to be used in 2025. Following the integration and updating of the system, the Finnish Environment Institute would be responsible for administering it with the funding earmarked for it in its operating expenditure.

The proposed amendment to the section on the right of access to information would make the conditions under which the supervisory authorities of the Waste Act and the Ministry of the Environment could obtain information from other authorities more stringent. However, the change is predicted to be slight.

Environmental impact

The proposed provisions of the Waste Act are not expected to have a direct impact on the environment. A ban on the landfilling of waste would safeguard the adequacy of landfill capacity in the longer term and thus make it less necessary to establish new landfill sites.

The new Waste Shipment Regulation will make monitoring of waste shipments more effective, and it is thought that this will lead to better detection of illegal waste shipments and a reduction in illegal waste trade. Public authorities will also have better access to information on green waste shipments and operators as green shipments become subject to the notification obligation. Better access to information will make it easier to look into suspected illegal shipments of waste and help prevent or reduce the environmental impact of illegal shipments of waste, both within and outside the EU.