

FEAD's Position on the Evaluation of the Waste Shipment Regulation

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Open waste markets for recycling and recovery

Achieving a circular economy and a more resource efficient economy will require major changes in the way secondary resources are perceived by manufacturers, retailers and consumers, but also policy makers and regulators. Facilitating waste transfers for recycling and recovery through strong harmonised rules guaranteeing market based conditions and fair competition, along the entire value chain, should incentivise all actors to choose the best economic option, while guaranteeing environment and health protection, in particular, when it comes to cross-border movements of hazardous waste. By doing so, recycled resources would be made more competitive against virgin equivalents, if the rules are well understood and enforced properly by the national authorities. The rewards for this systems change towards a more circular economy are potentially enormous not only from an environmental point of view but also for the economy through better resource productivity and resource efficiency.

In this regard, cutting the huge administrative burden for trading high quality secondary raw materials and recoverable waste in the EU is key. **Simplification** and **harmonisation** of the EU laws governing waste markets, such as the Waste Shipment Regulation (WSR), are very much needed. Waste shipments should give us the opportunity to treat waste in line with the waste hierarchy, thereby helping some Member States in attaining the new recycling targets. Waste shipments for recovery contribute to the reduction of landfilling, hence they can be a temporary solution to tackle the lack of waste management capacity faced by some countries.

In this context, FEAD welcomes the ongoing evaluation of the Waste Shipment Regulation which will give the opportunity to make shipments of waste more efficient and adapted to the objectives of the circular economy and environment protection.

Distinguishing Hazardous Waste / Non Hazardous Waste procedures:

Distinguishing hazardous waste / non-hazardous waste procedures is key for allowing simplification on non-hazardous waste as requested in the next paragraphs.

Provisions on hazardous waste have to be clearly distinguished from non-hazardous waste. A distinction should always be made in order to avoid a single approach covering at the same time hazardous waste and non-hazardous waste for health, safety and environmental reasons. Finally, there is a need for a harmonised understanding of what is considered as green-listed waste in the different EU countries. For example, two "green listed" wastes should not necessarily be considered as "amber-listed" waste

The classification of waste should be more harmonised. The Commission has to make sure that national authorities take more responsibility to ensure a better harmonisation of the classification system and foster efficient communication with the waste professionals prior to the shipments. Inspections and controls are key and will be the main driver for better implementation and

enforcement of the WSR. Moreover, the existence of different waste codes (EU, OECD or nationals) makes harmonisation even more difficult.

High administrative burden:

The implementation of the Waste Shipment Regulation by the EU member states needs to be further harmonised and some provisions of the WSR need to be clarified. Different interpretation of the WSR creates costs for the operators and increases logistic burdens. Some provisions of the WSR lead to high administrative burdens such as translation costs, follow-up, financial guarantee, etc. therefore reducing the flexibility of shipments and hindering the well-functioning of the waste market. Moreover, this high administrative burden does not help improving environmental protection but on the contrary disincentives the use of the notification procedure. The financial guarantee, for instance, is not in proportion with the risk and seems to be obsolete for shipments inside the EU. Finally, there should be more clarity regarding the rules applying for the different means of transport. It is not clear which papers are needed and who is responsible for the shipment when a large shipment is transferred to multi-modals transports.

Notification procedure:

Waste operators face a lack of consistency when being confronted with the notification requirements of the member states. For instance, different EU member states ask for different documentation to be provided and do not respect the same timelines. Some countries require totally unexpected documents generating additional delays for the approval. This results in heavy administrative burden for the waste operators. The type and number of documents required by the notification procedure should be fixed. Moreover, the frequent delays (between 2 and 10 month in average) for the notification procedure are very costly for the operators because of storage costs, extra administrative burden chasing approval and for potentially losing customers in member states made less competitive due to long delays.

Pre-consented facilities:

Regrettably, pre-authorisations for waste shipments within the EU do not work properly in practice. It seems that there are indeed very few pre-consented facilities existing in the EU-28. The current system of pre-consented facilities is a step in the right direction to further harmonise the EU waste markets but should be broadened and promoted in all Member States. To fully exploit the potential of this system, it is important to improve its functioning by implementing clear and harmonised (legally binding) criteria for eligible facilities and, for instance, to task a European body to monitor and evaluate the process. There should be a stronger willingness from the member states to manage the demands for preconsented facilities and to approve notifications for more than one year. Finally, member states should better recognise other member states' pre-consented facilities.

At the moment, it is often not worth becoming a pre-consented facility, particularly because of the heavy bureaucratic burden. FEAD members suggest to have a lighter notification procedure for shipments to pre-consented facilities whilst ensuring an efficient traceability. There should also be more incentives for facilities to become pre-consented. Finally, in order to ensure a better development of a fast track notification, the authorities should be obliged to answer within a very short time period.



Finally, the list of pre-consented installations provided by the OECD¹ should also be available on the website of the European Commission.

Illegal shipments:

Filling in Annex VII incorrectly should not automatically make it an “illegal” shipment. There is a need for risk based enforcement of Annex VII with proportionate measures taken by the regulators depending on the level of non-compliance. A clear distinction between administrative mistakes and illegal shipments is needed in terms of enforcement action, while at the same time scrutinising the administrative errors to ensure that waste criminals are not using misclassification to knowingly export waste illegally.

The procedure for sending back shipments between member states should be simplified while the normal procedure applied today (new notification to be introduced by the notifier) should become the exception.

Communication tools:

The Commission should accelerate the development of a simplified and electronic notification procedure. In general, there should be a greater use of electronic documentation, provided it is a pan European system (or at least systems which are compatible), which allows the WSR application and subsequent shipment notifications to be entered into one system that is then automatically shared with the other relevant competent authorities. Moreover, an EDI solution including also the information procedure (Annex VII) should be examined. An interface between existing national electronic systems should also be developed. The use of digital means will increase the speed, the efficiency and the transparency of the information and notification procedures. While awaiting for a unified electronic system to be implemented within the EU, the European Commission could request that all documents required for the notification procedure are exchanged electronically (via email). This would enable a better traceability regarding the date and destination of the sent documents. Finally, there needs to be harmonised information requirements and use of communication tools by the national authorities.

FEAD is the European federation representing the European waste and resource management industry. FEAD's members are national waste management associations covering 18 Member States, Norway and Serbia. They have an approximate 60% share in the household waste market and handle more than 75% of industrial and commercial waste in Europe. Their combined annual turnover is approximately € 75 billion. FEAD represents about 3,000 companies with activities in all forms of waste management. These companies employ over 320,000 people who operate around 2,400 recycling and sorting centres, 1,100 composting sites, 260 waste-to-energy plants and 900 controlled landfills.

They play a key role in the transition to a circular economy by producing resources which can be re-injected in the economy and by supplying energy. Our companies add value through innovative and cost-efficient collection, sorting, and recycling of secondary raw materials. Our members' companies also determine the best environmental option for non-recyclable waste streams.

¹ <http://www.oecd.org/env/waste/theoecdcontrolsystemforwasterecovery.htm>

