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FEAD additional comments to the EC questionnaire on the revision of the WSR

FEAD, the European Federation for Waste Management and Environmental Services, represents the private waste and resource management industry across Europe, accounting for more than 320 000 jobs, with investments above 5 Bn EUR/year in the whole waste management chain, for municipal waste and for industrial and commercial waste.

In the context of the revision of the WSR, FEAD would like to express its concern on the rather simplistic approach put forward by the questionnaire, making it difficult for our members to provide responses. To this regard:

- We regret that some questions only call for a systematic and positive answer, which does not bring additional information to the legislator. FEAD strongly supports the circular economy and the waste hierarchy. We believe that most stakeholders will answer positively, so why asking this? As a complement to this strong conviction, FEAD recalls that the circular economy and the waste hierarchy encompass all waste treatments with a priority order, and that waste shipments should be made easier and efficient with regard to the market situation allowing the best treatment at the best cost.
- In the process of drafting a common position, FEAD had to invest significant resources and time in order to reach an agreement between its members. This mainly due to the lack of relevance of many questions. We regret the lack of room for comments in certain sections, which didn't properly allow for practical and/or technical explanations from our side. In particular, some questions do not make the necessary distinction between hazardous waste and non-hazardous waste.

Concerning the content, FEAD would like to stress that the circular economy requires a waste shipment regulation - as a procedural regulation - that succeeds in:

- creating better functioning EU waste markets for recycling as well as for recovery;
- allowing intra-EU waste shipments where the best market solution exists;
- successfully eliminating inconsistencies, while allowing for better harmonisation, increased legal certainty, reduction of delay and bureaucratic burden that affect waste shipments. This is particularly true for recycling, but not exclusively;
- facilitating shipments of green listed waste for re-use and/or recycling, while not undermining the importance of other treatments (i.e. recovery and disposal), since the latter belong to the hierarchy;
- distinguishing between how to ship hazardous waste in a secure and traceable way and non-hazardous waste more easily.

Moreover, the following comments are necessary to complement our answers:

- FEAD's support to the circular economy and to the waste hierarchy must be also read in combination with a significant need to allow for waste shipments within the EU and outside the EU to be carried out under safe environmental conditions. This element is pivotal in truly making our economy more circular. For this reason, the Waste Shipment Regulation should not be an instrument for regulating waste treatment routes, but a procedural instrument allowing efficient, secure and adapted procedures with regard to the nature of waste. FEAD has been continuously demanding for such improvements.
- FEAD supports the introduction of a new simplified procedure for intra-EU waste shipments destined to preparation for reuse or recycling. Yet, we stress the fundamental need to also improve other existing procedures. Shipments for non-hazardous waste must be simplified, while shipments for hazardous waste should also be improved. This must be done for the latter by keeping traceability and environmental safety as crucial elements.
- **Concerning the question on the “Determination of contamination levels at EU level in the context of classifying hazardous waste/mixed waste”**, FEAD believes that the latter should not address hazardous and (non-hazardous) mixed waste simultaneously. For hazardous waste, it is crucial to continue applying the existing EU hazardous waste classification and avoid dilution of HW/NHW. This should be done in correspondence with the introduction of EU rules reducing discrepancies in MS implementation. For non-hazardous mixed waste, there is a need for rules on contamination levels to allow more legal certainty on the meaning of what “contamination” means, and on the acceptable non-hazardous contaminants in non-hazardous waste flows. This issue is crucial in order to grant waste shipments the necessary legal certainty and visibility, while avoiding unpredictably blocked or delayed shipments.
- **For what concerns the “introduction in the waste shipments regulation the principle of mutual recognition of national rules on whether waste is classified hazardous as regards shipments”**, there is definitely a significant problem with the variety of national rules. To some extent, mutual recognition could be envisaged as a solution, under the condition that the EU waste classification applies as a basis, and also under the condition that such a mutual recognition would not lead to “eco-dumping”, facilitating shipments to MS where rules are less stringent. The principle of mutual recognition remains unclear in its functioning; to this regard, FEAD wonders whether mutual recognition would mean exporting MS to recognize importing MS rules or the contrary.