

# Public Consultation on the Evaluation of the Waste Shipment Regulation

Fields marked with \* are mandatory.

## Public Consultation on the Evaluation of the Waste Shipment Regulation

### INTRODUCTION

#### Background

Article 60(2a) of Regulation (EC) No 1013/2006 on shipments of waste[1] (Waste Shipment Regulation - WSR) calls on the Commission to carry out a review of this Regulation by 31/12/2020. In accordance with the Better Regulation Guidelines, an evaluation is the first step in this process. The Commission is currently carrying out an evaluation to assess whether the WSR, including Regulation (EC) No 1418/2007[2], meets its objectives using the criteria of: (i) effectiveness, (ii) efficiency, (iii) coherence, (iv) relevance and (v) EU added value. In assessing coherence, the evaluation will take into consideration EU waste legislation, the general objectives of EU environmental policy incl. circular economy, as well as other EU policies such as industrial/raw materials and trade policies, the internal market, etc. The evaluation will include an investigation of costs and benefits associated with the implementation of the WSR for stakeholders at local, national and EU level. The results of this evaluation will be used to assess the performance of the WSR so far. Further information in relation to the evaluation can be found in the published evaluation roadmap[3].

[1] Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. (OJ L 190, 12.7.2006, p. 1)

[2] Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply. (OJ L 316, 4.12.2007, p. 6)

[3] [http://ec.europa.eu/smart-regulation/roadmaps/docs/2017\\_env\\_026\\_waste\\_shipment\\_evaluation\\_env.pdf](http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_env_026_waste_shipment_evaluation_env.pdf)

#### About the consultation

The process of evaluation follows the EC guidance for evaluations and considers the relevance, coherence, effectiveness, efficiency and EU added value of the Regulation's provisions and the legislation implementing it.

The consultation will be held between 30 January 2018 and 27 April 2018.

Please make sure to submit your response during this period.

If you would like to address aspects in more detail or to provide information or data which may be of relevance to the evaluation, such information can also be submitted via email until 27 April 2018 at the latest to [WSRevaluation@trinomix.eu](mailto:WSRevaluation@trinomix.eu).

## QUESTIONNAIRE

#### About you

**1. Contributions will be published on the Commission's website, either with or without the personal information of the contributor.** Please state your preference with regard to the publication of your personal information. Please note that regardless of the option chosen, your contribution may be subject to a request for access to documents under Regulation (EC) No 1049/2001 on public access to European Parliament, Council and Commission documents. In this event the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

#### \*Your contribution:

- ☒ can be published with your personal information (I consent to publication of all information in my contribution and I declare that none of it is under copyright restrictions that prevent publication)
- ☐ can be published in an anonymous way (I consent to publication of all information in my contribution except my name/the name of my organisation and I declare that none of it is under copyright restrictions that prevent publication)

**Respondents should not include personal data in documents submitted in the context of consultation if they opt for anonymous publication.**

Please note: regardless of the option chosen, your contribution may be subject to a request for access to documents under Regulation 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

#### \*2. Are you replying as/on behalf of:

- ☐ A citizen
- ☐ A company
- ☒ A European business organisation

- ☐ A national business organisation (/eusesurvey/home/welcome/runner)
- ☐ A trade union
- ☐ A non-governmental organisation
- ☐ A national public authority
- ☐ A regional/local public authority
- ☐ An academic institution/research centre
- ☐ A professional consultancy/law firm
- ☐ Other

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**\*3. Please provide your name if replying as an individual, otherwise give the name of your organisation.**

FEAD - European Federation of Waste Management and Environmental Services

**\*Please provide an e-mail address:**

@ margot.auvray@fead.be

**3.1 If your organisation is registered in the Transparency Register, please provide your Register ID number:**

2157643512-49

**3.2 If your organisation is not registered, you have the opportunity to register now****(<http://ec.europa.eu/transparencyregister/public/homePage.do>).**

In the interests of transparency, organisations, networks, platforms or self-employed individuals engaged in activities aimed at influencing the EU decision making process have been invited to provide the public with relevant information about themselves, by *registering in Transparency Register and subscribing to its Code of Conduct*.

*Please note: If the organisation is not registered, the submission will be published separately from the registered organisations. During the analysis of replies to a consultation, contributions from respondents who choose not to register will be treated as individual contributions (unless the contributors are recognised as representative stakeholders through Treaty provisions, European Social Dialogue, Art. 154-155 TFEU).*

**\*4. Your country**

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czech Republic
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ United Kingdom
- ☒ Other

Other country [please specify]:

European Federation based in Brussels

**Evaluation of the Waste Shipment Regulation (WSR)****5. To what extent has the WSR been effective in achieving the following objectives?**

(/eusurvey/home/welcome/runner)	Very effective	Some effective	Neither effective nor ineffective	Some ineffective	Very ineffective	Don't know
* Protecting the environment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Respecting the principle of proximity and priority for recovery and self-sufficiency at EU and national levels	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Keeping waste shipment systems and procedures adapted to technical progress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Achieving consistent waste shipment rules across the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Complying with international obligations such as the Basel Convention and OECD Decision C(2001)107/final	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Preventing and detecting illegal shipments of waste	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**\*6. Is the WSR still relevant?**

- ☐ Yes  
☒ No  
☐ I don't know

**6.1 [if no] Should the objectives be adjusted? please specify:**

500 character(s) maximum

The WSR is certainly relevant for the shipment of hazardous waste but we have doubts on its relevance for the shipment of non-hazardous waste green listed waste from industrial origin shipped for recovery (shipment conform art. 18 using the Annex VII-document)

**\*7. Are you aware of any problems/issues related to waste shipments, including their impact on the environment and human health that the WSR does not adequately address?**

- ☐ Yes  
☒ No  
☐ I don't know

**\*8. Is the application of the WSR consistent across all EU Member States?**

- ☐ Yes  
☒ No  
☐ I don't know

**8.1 [If no] Please specify**

500 character(s) maximum

Lack of consistency on:  
 Use of electronic forms and communication tools, consent for transit countries, waste codes to be considered (EU or Basel Convention), what is the "last day of notification" (day of departure or of arrival), mutual recognition of pre-consented facilities, seat of establishment of the person who arranges the shipment, classification of hazardous waste, evaluation of impurities in green-listed waste, shipments made on different means of transport being treated differently.

**9. Are there any specific requirements in the WSR or Regulation (EC) No 1418/2007 that have led to significant costs for you or your organisation? Please consider both monetary and non-monetary costs.**

**\*Waste Shipment Regulation (WSR)**

- ☒ Yes  
☐ No  
☐ I don't know

**9.1. [If yes] Please provide examples of requirements in the WSR that have led to significant costs:**

500 character(s) maximum

High administrative burdens (time consuming, translation costs, bank guarantee obsolete for intra-EU shipments, flexibility of shipments reduced due to administrative requirements, even when the added value for health and environment of the procedure is not proven),  
 Different interpretation of the WSR,  
 Delays for the notification procedure (between 2 and 10 months) during which operators can loose markets,  
 Few companies in the EU still accepting to take hazardous waste (increase of prices),

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\*Regulation (EC) No 1418/2007

- ☐ Yes  
☒ No  
☐ I don't know

10. What is the impact of the WSR on the following areas:

Waste Shipment Regulation

	Very negative	Negative	Neutral	Positive	Very positive	Don't know
* Human health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Emissions to the environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Climate change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Clean-up costs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Prevalence of illegally shipped waste	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Material recovery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Energy recovery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Creation of jobs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Level-playing field for operators	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Regulation (EC) No 1418/2007

	Very negative	Negative	Neutral	Positive	Very positive	Don't know
* Human health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Emissions to the environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Climate change	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Clean-up costs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Prevalence of illegally shipped waste	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Material recovery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Energy recovery	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Creation of jobs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Level-playing field for operators	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

11. To what extent do you agree with the following statements on the costs and benefits of the WSR and Regulation (EC) No 1418/2007?

Waste Shipment Regulation

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
* It has reduced costs for the sector (e.g. through harmonisation of rules)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The costs involved in implementing the Regulation are justified given the benefits	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Regulation (EC) No 1418/2007

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
* It has provided greater legal certainty for exporters of 'green'-listed waste	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* The costs involved in implementing the Regulation are justified given the benefits that have already been achieved	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The costs involved in implementing the Regulation are justified given the benefits that will be achieved in the longer term	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## 12. To what extent do you agree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
* The WSR is an effective tool to the combating of illicit trafficking of waste across borders through increased transparency of waste shipments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR is well adapted to technical and scientific progress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR is well adapted to new political priorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR is well adapted to EU and global market developments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR is relevant in the context of the EU's international obligations resulting from <i>inter alia</i> the Basel Convention and OECD Decision C(2001)107/final	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR supports the EU internal market and the creation of a level playing field for economic operators, including SMEs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR promotes industrial innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR provides additional employment opportunities	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR contributes to the circular economy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR helps mitigate climate change	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The effectiveness of the WSR is enhanced by some Member States taking stricter measures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There is a need for more common and harmonised rules under the WSR across Member States	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Definitions and classifications included in the WSR are clear and non-ambiguous	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Inspection plans are effective means to achieve the objectives	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regulation 1418/2007 is effective in regulating the export of 'green'-listed wastes for recovery to non-OECD countries	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regulation 1418/2007 is well adapted to technical and scientific progress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regulation 1418/2007 is well adapted to new political priorities	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regulation 1418/2007 is well adapted to EU and global market developments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regulation 1418/2007 contributes to the circular economy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## \*13. Are there any provisions of the WSR and/or Regulation (EC) No 1418/2007 that could be simplified without compromising the objectives of the WSR?

- ☒ Yes  
☐ No  
☐ I don't know

### 13.1 [If yes] Please specify [max. 500 char]

500 character(s) maximum

Two green-listed waste that are mixed should still be considered as green-listed in many cases and not be subjected to notification.  
 Article 18 procedure for shipments destined for laboratory analysis: it should be up to 1000 kg instead of 25 kg.  
 EC to provide a list of pre-consented facilities  
 Increase use of electronic forms  
 Tacit consent for all transits within the EU  
 Definition of a close list of documents that can be required by the CAs  
 Electronic systems  
 Acknowledgment of receipt

## 14. Please indicate if there are gaps, overlaps, inconsistencies or discrepancies in the provisions of the Waste Shipment Regulation and/or between the Regulation, other EU or national legislation or policy and/or international law.

	Gaps	Overlaps	Inconsistencies/ discrepancies	No gaps, no overlaps, no inconsistencies/ discrepancies	Don't know
* Within the provisions of the WSR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Between the provisions of the WSR and Regulation 1418/2007	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Between the WSR Regulation (1418/2007) and other legislation (national or international)

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14.1 Where you have indicated specific gaps, overlaps and/or inconsistencies, please indicate the specific piece(s) of legislation and explain their impact

1000 character(s) maximum

Within the provisions of the WSR:  
Different interpretations of existing terms in the WSR  
Impurity threshold for green-listed waste  
Implementation of Article 28 WSR  
Different procedures for pre-consented facilities among the member states

Between the WSR and other legislation:  
Waste classification  
Different end of waste criteria in the member states  
Waste codes  
No equal access to data

Help Language

15. Without the Waste Shipment Regulation (and Regulation (EC) No 1418/2007), i.e. if measures had been taken at national level only, what would it be like in your country(ies) in terms of:

	Much better	Better	The same	Worse	Much worse	Don't know
* Protecting the environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Respecting the principle of proximity and priority for recovery and self-sufficiency at EU and national levels	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Keeping waste shipment systems and procedures adapted to technical progress, scientific progress, new political priorities and EU and global market developments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Enforcing take-back obligations for illegal shipments of waste (at least within the EU)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Facilitating an EU market for secondary raw materials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

16. If Regulation (EC) No 1418/2007 did not exist, please specify what impacts there would be in the EU and in third countries (non-OECD members).

500 character(s) maximum

- Increase of illegal shipments  
- Increase of difficulties to organize legal shipments and return of shipments refused at arrival  
- Risks for where the Regulation is not application

17. Do you have any other views which have not been covered in the consultation?

Please specify:

500 character(s) maximum

Better harmonization for: waste classification, what is considered as green-listed waste, recovery and disposal definitions, information and communication tools requirements

Foster efficient communication prior to the shipments.

Problems of implementation: notification procedure (regular delays and unexpected documents required), system of pre-consented facilities to be broadened, clear distinction between administrative shortcomings and illegal shipments, lack of human resources

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