

Workshop Report- Verifying the scope and key issues for the Waste Shipment Regulation (WSR) evaluation

European Commission,

Centre Albert Borschette (CCAB) Room 1.C, Rue Froissart 36,
1040 Brussels

Thursday 11th January 2018, 09H30-17H30

Agenda

| Indicative time | Activity |
|-----------------|---|
| 09.00 - 09.30 | Registration |
| 09.30 - 10.20 | Introduction <ul style="list-style-type: none">- Background, scene setting and purpose of the day (DG ENV)- Presentation of the WSR evaluation study (Wood)- Other issues- Q&A |
| 10.20 - 11.30 | Session 1 - Overall procedural framework and prior written notification and consent Short presentation (Wood) and participants' discussion, including on: <ul style="list-style-type: none">• Overall procedural framework (Article 3)• Prior written notification and consent (Articles 4-17) |
| 11.30 - 11.40 | Coffee/tea break |
| 11.40 - 12.30 | Session 2 - General information requirements Short presentation (Wood) and participants' discussion, including on: <ul style="list-style-type: none">• Article 18 on waste to be accompanied by certain information• Annex VII on information accompanying shipment of waste |
| 12.30 - 13.30 | Lunch |
| 13.30 - 14.30 | Session 3 - General issues Short presentation (Wood) and participants' discussion, including on: <ul style="list-style-type: none">• Articles 19-21 on prohibition of mixing, keeping of documents and information and public access to notifications• Articles 22-25 covering take-back• Articles 26-30 on general administrative provisions |

| | |
|---------------|---|
| | <ul style="list-style-type: none"> • Article 33 - Shipments exclusively within Member States |
| 14.30 - 15.30 | Session 4 Enforcement and inspection Short presentation (Wood) and participants' discussion, addressing Articles 49-56: <ul style="list-style-type: none"> • Inspection plans • Enforcement gaps • Inspection powers |
| 15.30 - 15.40 | Coffee/tea |
| 15.40 - 16.40 | Session 5 Export, import and transit Short presentation (Wood) and participants' discussion addressing: <ul style="list-style-type: none"> • Articles 31-32 for shipments within the community with transit via third countries • Articles 34-39 concerning exports to Third Countries • Articles 41-46 concerning imports from Third Countries • Articles 47 and 48 concerning transit from and to Third Parties • Regulation 1418/2007 |
| 16.40 - 17.00 | Next steps (Wood) Concluding remarks - DG ENV |

Workshop summary

Introduction by DG Environment:

DG Environment (DG ENV) gave an introduction on the objectives of the Waste Shipment Regulation (WSR) evaluation. It was mentioned that part of the aim of this workshop, and the evaluation, is to identify good and bad practices, and whether the Regulation meets its objectives. The evaluation is an evidence-based exercise, and the workshop will help us collect information to support the evaluation. The evaluation looks at the *status quo* but is not intended to develop or consider amendments of the WSR. If the evaluation concludes that amendments may be beneficial, any amendments would be developed and assessed via an Impact Assessment (IA) of the WSR. This would occur in 2019, followed, if justified by the IA and if appropriate, by a legislative proposal to revise the WSR by 31/12/2020.

Introduction by Wood:

The Project Manager of the evaluation study explained that the agenda has been slightly revised according to the Articles of the WSR. He further presented the project, its objectives, tasks and stakeholder involvement.

The main objective of the project is to perform an evaluation of the application of the WSR in all Member States, including all amendments as well as the existing rules deriving from Regulation (EC) No 1418/2007. The study will analyse the relevance, effectiveness, efficiency, coherence and EU added value of the WSR and aims to collect good as well as bad practices and experiences. The study will cover issues raised by the WSR legislation as well as by its implementation.

First reactions from the stakeholders:

National Reports – A Member State suggested that Member State reports prepared as result of requirements of the WSR and the Basel Convention may provide relevant information for the evaluation.

Outdated objective of WSR – A waste industry representative discussed how the original objective of the WSR was from a defensive standpoint, i.e. to limit transboundary shipments. However, the waste market has evolved and the focus of the WSR should now shift to trying to better enable cooperation on transboundary shipments. This shift of objective implies changes may be required.

Circular economy – One industrial representative asked if external action by non-EU countries would be assessed. They highlighted that the Chinese decision to limit plastic imports has important links to the circular economy. It highlights the lack of an internal EU market for secondary raw materials. Another waste industry representative suggested the use of the literature and jurisprudence on WSR interpretation as this was relevant for the evaluation. They also mentioned how parts of the WSR are hampering the development of the circular economy. Coherence of the WSR with the circular economy was seen as a positive step forward.

Session 1 – Overall procedural framework and prior written notification and consent

This session covered the overall procedural framework (Art 3) and prior written notification and consent (Art 4-17).

The general perception of the notification procedure is that it requires a lot of effort and cost for the economic operators. For certain stakeholders, the notification procedure (or certain elements of it) is perceived as redundant and as such does not add much value. For example:

- *Role of transit countries – tacit consent deadline of 30 days perceived as being burdensome,*
- *Paper based documentation perceived as burdensome,*
- *There are also language issues, and*
- *There is a bureaucratic burden associated with the application procedure for becoming a pre-consented waste treatment facility.*

Reactions from stakeholders:

Importance of considering all interested parties in the evaluation – it was pointed out that the evaluation needs to consider the views of industry representatives but also of those of competent authorities.

Constraints imposed by International Law – Many of the stakeholders noted that certain aspects of the WSR are defined by overarching international law (Basel Convention and OECD Decision C(2001)107/final). One Member State outlined the need to explore the possibility of making changes at Basel or OECD level. However, another noted that the OECD decision and in particular the main text of the Basel Convention are difficult to change. It was noted that Annexes I, III, and IV of the latter are under review and could be changed. The Commission (EC) highlighted that the study was not aimed at

making amendments, yet, and as regards intra-EU shipments of waste, if certain provisions stemming from the Basel Convention are perceived as not contributing to the efficiency of the WSR and could potentially benefit from adjustment, the possibility for such an adjustment is given in Art. 11 of the Basel Convention which enables the conclusion of regional agreements among parties. Examples of such agreements include OECD Decision C(2001)107/final which is already implemented in the WSR.

Notification Issues – Two Member States, an industrial representative, and a waste trade association noted the burdensome nature of the notification procedure for both the Member States and the industry, this burden is mainly administrative. However, they also stated that in general they are happy with having the notification procedure in the WSR, though there are opportunities to improve it. A potential improvement discussed in this regard was to allow the electronic exchange of documents, with one Member State suggesting that it should be made mandatory. Other potential improvements include new notifications with change of transporter, or having a separate procedure for EU shipment only, as 90-95% of shipments are EU based waste. Another industrial expert noted the need for differentiation between first notification and revised notification, as the latter usually has less delays. One Member State pointed out that it is important to keep the notification procedure for unlisted waste in order to know what waste is shipped, and to extend Annex IIIB by adding e.g. composite materials (where these are recoverable in the EU).

A waste industry association mentioned that 99% of notifications are general notifications under Art 13, and due to the original scope of the WSR (transport of waste from A to B), the WSR notification procedure is built on a single movement of waste, but this should be revised to cover multiple loads, and to cover immediately general notifications and not to treat them as a quasi-derogation, as they are treated today. The stakeholder also pointed out the fact that the "procedure of prior-written notification and consent" (notification procedure) is somehow the default shipment procedure under the WSR with the only exception being the transboundary shipment of 'green'-listed wastes for recovery.

Consent Issues – Some of the stakeholders discussed issues with the deadline of 30 days for tacit consent. The fixed time limit was described as shortening the period for shipments and causing issues for industry, by a Member State and industrial representative, respectively. The Member State commented that the provision regarding tacit consent should be reworded in order to better suit both the authorities and the companies concerned. Another Member State noted that the validity period of one year for a tacit consent would always start after the end of the 30 day period, whereas the validity period of one year for a written consent could also start at a later date, with the consequence that the period in which shipment can take place could be shorter than one year. A Member State representative pointed out that the tacit consent for transit countries 30-day limit was set in the Basel convention, so changing it for the EU would not be simple. An industry representative stated that some MS authorities regard the 30-day as the set period, so never do it quicker.

A Member State level trade association highlighted that not all states are willing to register foreign carriers, so having to acquire registration from their home country, each EU country through which they

pass and the destination country is cumbersome. An industrial expert noted that only the home and final destination country consents were important.

Overall, the consent procedure was seen as burdensome, with reports that some authorities request up to 100 documents, although this figure was regarded as an exaggeration.

Pre-consented facilities - Pre-consented facilities (Article 14) were described as problematic by some waste industry associations, due to a lack of criteria or consistent interpretation, which allows divergence between Member States and the high burden of becoming a pre-consented facility compared to the benefits obtained, in particular the prolonged period of validity (three years) which stems from a provision in the OECD Decision. An industrial representative suggested increasing the number of years for the validity period (i.e. from the current 3 to 5- 7 years), and another industrial representative favoured a fast-track system for pre-consent. One Member State mentioned that pre-consent facilities seem to work in their country, but that there is a lack of guidelines and a divergence between MS, which could be improved.

Varying interpretations and implementation of the WSR provisions – Several stakeholders mentioned that one of the issues with the WSR is the different interpretation of the provisions of the Regulation across Member States. This relates to, for example, waste classifications and differing interpretation of elements of other provisions of the WSR, mentioned by a waste industry association; Art 3.5 and Art 12 of the WSR where different interpretations give many grounds for restricting waste flows (and the free market); port hopping; and the requested amount of documentation (some Member States request more than others). According to a waste industry association, these articles need to be reviewed in order to reduce the grounds for objection, to reflect the desire to achieve a more circular economy and an EU waste market which functions better. It was also mentioned by industry that there is a large variation between Member States with regard to time of consent of shipments (some could take up to one year). To address varying implementation, which according to one MS one of the main issues, additional guidance notes would be helpful.

Necessary Additions – An industrial representative noted the need to include certain defined composite aluminium and plastic window frames in Annex IIIB. A Member State also suggested adding certain defined composite materials to Annex III and IIIB, and in general amending Annex III and IIIB. Another industrial representative questioned the lack of a specific code for solid recovered fuel, which is included in Refuse Derived Fuel, thus preventing its shipment outside of Europe.

Financial guarantees – Financial guarantees were seen as laborious by one industrial representative who suggested a small central fund for this. A Member State requested the limiting (in value) of the financial guarantees, stating that they are not often used.

Interim recovery and disposal operations (Article 15) – Two Member States disagreed over the necessity of Article 15 on the additional provisions regarding interim recovery and disposal operations. One stated that it was an unnecessary bureaucratic procedure from the OECD decision. The other stated it favoured the burdensome bureaucracy which protected the state from illegal waste imports.

Session 2 – General information requirements

Art 18 and Annex VII

The procedure is very useful for inspection and enforcement purposes as it shortens the time of control for industry as the authorities already have the information related to the shipment.

The main issues identified were: use of different transport modes within one shipment, control of shipments – as they are mainly controlled during the shipment phase, sensitive to infringements.

Different interpretations apply – e.g. what is considered as green listed waste not applied in a consistent way.

Reactions from stakeholders:

Green listed wastes – An industrial stakeholder highlighted their satisfaction with the green list procedure and wanted it to remain in place. Another noted that there could be translation issues. A Member State stated that some types of waste for which the shipment for recovery is subject to the notification procedure could be moved to the 'green'-list. One industrial representative raised the point that the problems are not a regulatory issue but an enforcement issue. He gave the example of four grades of wood: A (green listed) to D (hazardous), problems of implementation (inconsistent interpretation of the gradings) means that there are illegal shipments of grade B and C.

Annex VII – A few Member States noted the benefits of Annex VII (and Art 18 in general) for enforcement and reducing inspection times, which is beneficial to industries, and for traceability - seeing what is in the whole load, i.e. what is loaded and where, and where it ends up – as there are many intermediaries. A few industrial stakeholders and Member States noted that an important issue was the need to make Annex VII documentation electronic, stating that this would reduce the divergent practices in Member States (such as where to place the physical copy of the Annex - An industry representative pointed out that different countries have different practices with regard to, for example, where to physically place Annex VII documentation - some MS say on container, others say on top of waste). Electronic data would also help with green listed waste (in terms of an electronic form for Annex VII), and help collecting statistics. The risks to confidentiality were pointed out when using paper-based documentation. However, one Member State would not prefer a mandatory electronic system for the case of shipments falling under the Art 18.

There was also confusion over if it was a necessity to have an additional signature on the form.

Correspondents' Guidelines are provided but they are still not clear on some points.

It was also pointed out that Article 18 and Annex VII only apply in the EU, while for shipments outside EU there exist over a hundred other regulations and there are also some prohibitions at national level.

As such, Annex VII should not be seen in a vacuum.

Illegal traffic – An industry association representative stated that there is not much illegal traffic under notification procedure, but a lot of illegal traffic under the Art. 18 procedure. Hence, inspections and controls are necessary. According to the stakeholder, there should be information exchange before the shipment starts. Another industrial representative noted the illegal shipment of woods grade B and C coming down to implementation issues.

Use of multiple transport modes within one shipment – As highlighted in session 1, the WSR has difficulty in addressing a shipment with multiple transport modes. An industrial representative, mentioned that legislation is based on an assumption of a single transport trip, meaning one vehicle and two locations (sending location, and receiving location). This does not work for multiple transport modes (i.e. road, rail, maritime transport). This causes problems with, for example, documentation, as different authorities might have different interpretations of how to deal with the same shipment, and the train and maritime transport companies do not take the annexes of the regulation into account. A recyclers association mentioned that some transport methods are also not considered within Article 18 and Annex VII. One Member State representative also pointed out that the language of the WSR is not clear as regards who should do what at which stage, for example, who should fill in Annex VII in the case of import. This could be solved within the framework of national legislation.

Threshold contamination levels - Another related discussion point was on fixed threshold levels for contamination, which many felt should not be supported as they hinder technical development. A stakeholder pointed out that the threshold levels should be based on the nature of the waste and the contaminant (and their environmental impact). Circular economy goals imply more waste is transported, which requires movement of big volumes to make recycling of some materials viable (as such a need to centralise recycling). This implies more transport. Another Member State representative pointed out that it would be helpful if the EU could set threshold limits of contamination for certain wastes.

On impurity limits – some Member States publish the limits they accept. An industry association representative raised the question of why impurities are refused in case of contamination not having a negative environmental impact, as reducing environmental impact is the main objective of the WSR. In other words, there are some contaminations that can be expected, and which do not have negative environmental impacts because waste operators know how to deal with them (e.g. Glass waste - contamination with wine or metals).

Divergence of practice – it was highlighted that some countries, e.g. France and Slovenia, only allow export for companies established in that country – hence companies need to open a national presence in that country in order to operate. They suggested that consistency between Member States would be useful.

Session 3 – General issues

Covering articles 19- 25, general admin Articles 26-30, and Article 33 on shipments exclusively within Member States.

SMEs were previously surveyed but they did not highlight major administrative difficulties. The main issues pointed out in the literature were:

- *Problems with end of waste – divergent MS definitions. Different waste / non- waste definition*
- *Costs to MS competent authorities, estimated 2500 illegal shipments between 2000-2012,*
- *NGO reports mention that large numbers of illegal shipments to developing world,*
- *Lots of complaints on Art. 28 – from countries of dispatch, and transit countries*
- *Data reported on illegal shipments – reflects detection not reality – led to strengthening inspections (Impel random inspection give a better estimate of illegal.)*

Reactions from stakeholders:

Language barriers – an industry association representative pointed out that there are language barriers in some Member States leading to problems with shipments. An example was given with respect to the rules to calculate energy recovery where in some Member States, the published data on R1 is contested but it is very difficult to translate and prove calculations.

Take-back of illegal shipments – One Member State highlighted that having take-back as the first solution for illegal shipment (Art 24) might not be the best solution as it might be better to treat the illegal shipment in the destination country. Furthermore, they noted that under Art 25(2) cost should be paid by the country of destination, but that sometimes it is not possible to know the country of destination, and sometimes the shipment has not yet reached the country of final destination. Moreover, there was confusion over which country takes the costs, whether it is the final destination country or where the shipment is stopped. Two industry association representatives noted the take-back takes a long time, however, one noted it was not necessarily a negative issue, just time consuming, as take-back procedures are quite normal within a country. The industry association explained that if there are more countries involved in the notification (minimum two), and the shipment is called illegal because of a simple reason, such as for example oversized parts, it still takes time to be organised due to exchange of documents. However, the take-back works well in principle, and the financial guarantee is not used in such cases.

Waste Code – An industrial representative, noted that the waste code – EU list, Basel convention and OECD – was extremely important. They suggested that there needs to be a table of correspondence between the three lists. A Member State questioned this statement by claiming that this is not possible as all three waste code lists are from different systems and cross comparisons are not possible. However, the Commission noted that work is being done to align some of the codes. The EU adopted an implementation table, with alignment between custom codes and waste codes under Regulation 1245/2016. The industry representative also stressed the need to look at the waste hierarchy, which also applies when waste is shipped. In deciding to grant a consent for a transboundary shipment under the notification procedure, competent authorities should take into account the waste hierarchy. Currently the WSR (in particular Art. 12) does not oblige competent authorities to look into this aspect.

End-of-Waste criteria and Issue of Classification – An industry association representative stated that national end-of-waste criteria must be notified to the Commission. In this instance, as noted by an industrial representative, if there are no national criteria for end-of-waste, then it can still be shipped and considered as waste in the country of destination. A Member State added to this by noting that if a Member State exports an item as non-waste to a country that defines it as waste it would only be noticed if inspected. An industrial representative provided the example of exports from Czech Republic, where they classified an item as a product, however it was classified as waste in Germany. This has led to the Czech Republic's refusal to accept the return and created a case in the ECJ.

Regarding disagreement on classification issues, Art. 28, one Member State representative mentioned it is useful to have this article. Two Member State representatives added that they did not think transit

countries should be involved in the decision of whether the shipment is illegal or not as it is an issue mainly between dispatch and destination country. It was also mentioned that a potential solution to the issue of different classification of waste is to agree that the most stringent definition applies (as is already the case under Art 28) or to have an EU wide definition. Another Member State added that classification of materials is a big problem as one country says product material is waste, another that is a product. According to the stakeholder this will not get solved without EU wide standards.

An industry representative queried how to avoid waste-transport to countries with long transition periods to ban landfill according to the forthcoming revised Waste Framework Directive in case Art 28 applies. For some Member States, transition periods to no landfill are in place up to 2040. Furthermore, they cited that some waste destined or labelled for recovery is still shipped to landfills in Member States. However, the Commission highlighted that a ban on the transboundary shipment of waste for disposal is missing from the WSR. An industrial representative outlined that the problem lies in implementation, as a waste notified for landfill can be prohibited by a competent authority. However, another industrial representative stated that in some cases, even landfilling is not solely disposal, for example, this is the case when electricity is produced from the gas produced by the landfill. They stated that if Europe wants to ban certain activities for export within the EU, the definitions have to be very clear (and currently they are not). This applies to export outside of the EU as well.

Hazardous Waste –An industrial representative raised the issue, that hazardous waste is not always shipped to the country where it can be best treated, which causes environmental issues. On the issue of port hopping, they pointed out that when waste was transported by ship, the waste notifiers are not directly in contact with the ship as their contact is with the shipping agent. This means that the waste notifiers don't have information on the ship being rerouted, so they can face illegal shipment claims (because of rerouting) even though they are not responsible for the ship rerouting. This situation has led to a reduction in the number of shipping companies willing to accept shipment of hazardous waste.

Sham Recovery – A Member State noted that sham recovery can be countered through national laws, and queried whether other provisions are in place to address this. It was discussed that Article 11 and its reasons for objection and proximity principles were the main provision already in place.

Other – according to one Member State, with regard to the format of the communication (Art 26), electronic data interchange should be made mandatory.

Session 4 Enforcement and inspection

Covers Art 49-56

The literature review indicates that the WSR has led to increase in inspections because of an increase in joint enforcement activities. This has led to increase in costs for industry. But improved participation of police and customs and more co-operation is seen as a positive development.

- *Some say better cooperation between competent authorities (between and within MS) is needed.*
- *Language remains an issue, it is not clear which languages are acceptable to each competent authority.*

- *Illegal exports to third countries still going on – estimated 22-32% non-compliance.*
- *High frequency of inspection does improve compliance*
- *Lack of harmonised inspection criteria*
- *Port hopping – still an issue?*
- *Register of violators*
- *Resources for enforcement (At MS level): more resources = more inspections.*
- *Sanctions vary between MSs,*
- *Art 49 – protection of environment – relates to facilities in third countries (being ‘broadly equivalent’ to EU facilities. (Other routes to block shipment to low quality facilities in the EU)*

Reactions from stakeholders

Necessity of Notification System – DG ENV questioned the extent to which the notification procedure is currently required in the case of intra-EU shipments of waste, considering that treatment standards within the EU are supposed to be fairly similar as this is implied by the text of Article 49(2). Some Member State representatives stated that the treatment standards are not the same across the EU and therefore, the notification procedure for intra-EU shipments (including the need for competent authorities to provide consents) should be kept. One Member State suggested that the best option would be to renew and extend the WSR annexes (especially Annex IIIB). A Member State representative also suggested a certification system to ensure waste treatment facilities align their environmental standards. An industrial representative raised the possibility for a ‘Schengen area’ for waste. However, this was dismissed by two Member States and an industrial representative, on the basis that the EU system lacks uniformity for waste treatment. Another industrial representative further highlighted that the notification procedure is necessary, especially for hazardous waste. Lastly, a Member State noted that notification is vital to ensure implementation of transportation standards (which are different in different MS), not only of treatment standards. DG ENV responded that the rules on transportation are covered in different legislation and this could in theory continue to exist even if a Schengen area for waste were established. Thus these "other rules" should not be a reason to prevent the idea of a Schengen area but perhaps could co-exist with it.

Enforcement and Inspection – One Member State discussed the 20-32% non-compliance rate and stated that it should be treated with some caution because it was based on inspections usually carried out due to intelligence led suspicion of non-compliance, rather than truly random inspections. If it had been random inspections this figure would be lower. Lastly, another Member State highlighted that IMPEL is not the only source of enforcement action and data. They stated that there are national level examples of cooperation and controls, such as in Germany and Austria.

Session 5 Export, import and transit

This session covered:

- *Articles 31-32 for shipments within the community with transit via third countries*
- *Articles 34-39 concerning exports to Third Countries*
- *Articles 41-46 concerning imports from Third Countries*
- *Articles 47 and 48 concerning transit from and to Third Parties*

- *Regulation 1418/2007*

The literature review was reported to have indicated the following points in this area:

- *There are still issues of illegal exports of waste such as WEEE, batteries and end of life vehicles.*
- *There are some concerns over waste being moved within the EU before export out of the EU, if there are no (or lacking) inspections in the origin country, should the EU transit country be blamed?*
- *There is a lack of alignment between Basel, OECD and EU waste codes. Though work on the correlation tables should help.*

DG ENV raised the following issues relating to Art. 37 and Reg. 1418/2007 that they requested stakeholder views on:

- *According to Art. 37(2) and 37(5), the notification procedure seems to be imposed in certain exports of green-listed waste, but this can be ignored by the country of destination. The result is that exports may get stuck.*
- *The Annex to Regulation 1418/2007 may contain incorrect information; however, it would be illegal to apply the correct rules if this Regulation is not amended in a timely way. Is this efficient?*
- *Art. 37 gives the option to some non-OECD countries to prohibit (or prescribe notification) for the import of green-listed wastes for recovery from the EU; however, the same countries may import the same wastes from other third countries without any controls. When compared to the approach taken on the transboundary movement of non-hazardous waste on a global scale, is the approach taken through the provisions of Art. 37 rather disproportionate and non-pragmatic?*

Reactions from stakeholders:

Regulation (EC) No 1418/2007 – The Commission queried whether the Regulation was the necessary and right instrument for export, or if a simpler system was required. The reason why the Regulation was established, as stated by one Member State, was due to the need for precaution with regard to exports to developing countries. It was therefore still a valid instrument to protect developing countries. However, the last periodic update of Regulation (EC) No 1418/2007 took place in 2014. Another Member State stated that the Regulation (EC) No 1418/2007 should be kept in place. A third noted that if there are mistakes in the Regulation, and updates are necessary, relevant actors need to wait for an update, which can cause frustration.

Article 18 and Annex VII – An industrial representative highlighted from their experience the issues involved with getting a third country to sign Annex VII (especially field 5). As they are not bound by Article 18 or the Annex they do not want to sign it. Clarity on the matter of who fills in what stage regarding annex VII was a pivotal requirement for one of the Member States.

Exports outside EU – One industry representative mentioned how the export of mixed plastic waste to Malaysia should not take place – if this waste cannot be recycled in the EU it should not be sent elsewhere. The problem was said to stem from waste collection systems (mixing plastics with food contamination). This point was expanded by another stakeholder who made the point that Art. 34 and

Art 49. Call for protecting the environment so exporting of plastic scrap to a third country (when much of the scrap is not recyclable), should not be allowed.

Another industry stakeholder highlighted that the DG Trade website has been good at showing the transparency of the system, (on third countries responses). Thailand accepting plastics from US but not from EU which does not seem correct. Plastic waste is generally classified as non-hazardous, so is generally not covered by Basel. The EU is setting a stricter standard on itself, which other waste exporting countries do not seem to meet, e.g. some countries accept waste from (e.g.) USA but not EU.

Next steps

- Stakeholders can send information (especially any data that confirms the points raised in this paper) to the WSR evaluation email, WSRevaluation@trinomics.eu
- The Commission evaluation report is expected to be adopted (and published) around spring 2019.

Workshop attendees:

| | Organisation |
|-------|--|
| | Invited stakeholder |
| 1 | Aurubis AG |
| 2 | Austrian Ministry for Agriculture, Forestry Environment and Water Management |
| 3 | BDE e.V. |
| 4 | Bureau of International Recycling |
| 5-6 | CEWEP |
| 7 | Czech Ministry of the Environment, Waste management depart. |
| 8 | Danish Chamber of Commerce |
| 9-10 | Danish Environmental Protection Agency |
| 11 | DEFRA (Department for Environment, Food and Rural Affairs) |
| 12 | Dutch Waste Management Association |
| 13 | Environmental Services Association (ESA) |
| 14 | Estonian Environmental Inspectorate |
| 15 | Estonian Ministry of the Environment |
| 16-17 | EUCOPRO |
| 18 | Eurometaux |
| 19-20 | EURITS |
| 21 | European Aluminium Association |
| 22 | European Recycling Industries' Confederation (EuRIC) |
| 23-24 | FEAD |
| 25 | Federal Environment Ministry, Germany |
| 26 | FERVER |
| 27 | FNADE - French Federation of Waste Management |
| 28 | GEMINI CORPORATION NV |
| 29 | German Federal Environment Agency |
| 30-32 | HAZARDOUS WASTE EUROPE (HWE) |
| 33 | Inspectie Leefomgeving en Transport; Ministerie Infrastructuur en Waterstaat |
| 34 | Kuehne + Nagel (AG & Co.) KG, Hamburg |
| 35 | Leefmilieu Brussel |
| 36 | Lithuanian Environmental Protection Agency |
| 37 | Miljøstyrelsen, Miljø- og Fødevareministeriet |
| 38 | Ministère de l'Environnement/DGPR/PNTTD |
| 39 | Ministry of Environment and Energy Hamburg |
| 40 | Müller-Guttenbrunn GmbH |
| 41 | Norwegian Environment Agency |
| 42 | Secretariat of the Basel Convention |

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| 43 | Stena Metall AB |
| 44-45 | SUEZ |
| 46 | Suez Trading Europe |
| 47 | Umicore |
| 48 | UNEP (Secretariat of the Basel Convention) |
| 49 | Veolia |
| 50 | Wirtschaftsvereinigung Metalle |
| | |
| | Consultant |
| 51-52 | Wood |
| 53-54 | BiPRO (part of Ramboll) |
| 55-56 | Technopolis Group |
| 57-58 | Trinomics |
| | |
| | Commission representatives |
| 59-60 | DG Environment |
| 61 | DG TAXUD |
| 62 | DG GROW |
| 63 | DG TRADE |