

Your Voice In Europe: ROADMAP feedback for Evaluation of Regulation (EC) No 1013/2006 on shipments of waste (Waste Shipment Regulation - WSR)

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Related document: Evaluation of Regulation (EC) No 1013/2006 on shipments of waste (Waste Shipment Regulation - WSR)

Feedback:

BDE welcomes the publication of the Roadmap on the evaluation of the Waste Shipment Regulation.

BDE is a German association representing mainly private companies active in the German waste and waste-water management industries. More precisely, BDE's members are in particular active in the collection, recycling, other recovery and disposal of waste as well as in waste-water treatment.

BDE's members would be happy to use the system of pre-consented waste treatment facilities to a much greater extent. Unfortunately, the bureaucratic burden associated with and the time required for the application procedure for becoming a pre-consented facility in Germany are currently too high. Under the current system it is not worth it for waste treatment facility operators to go through this cumbersome procedure considering that the pre-consent permit is valid for only three years. Aside from that, in order for a fast-track notification procedure on the basis of a better working system of pre-consented facilities to become the much needed improvement, it must be ensured that the maximum time limits for competent authorities to process the files will be significantly reduced in comparison to the normal procedure. The maximum time limits must be very much shorter than 30 days.

BDE suggests that all national waste treatment facility licences would be pooled at an EU office (agency or other) at European level. This office would collect them, check them and provide them with an additional EU certificate or stamp that would confirm the environmentally sound treatment within the meaning of Article 49 WSR for every

waste treatment facility. This would save a lot of time in the review of licences by competent authorities in the country of origin in the framework of notification procedures. It would also provide enhanced legal certainty to everyone involved in a notification procedure, especially when the licence in question has been issued in a language difficult to read (e.g. Greek or Bulgarian). In such cases it would be very helpful if the licence was complemented by an additional certificate issued by an EU office, confirming that the waste treatment facility in question fulfils the requirements of environmentally sound treatment within the meaning of Article 49 WSR.

In general, BDE is of the opinion that guidelines by the European Commission for the issuance of permits/licences for waste treatment facilities by national bodies would be very helpful.

As a matter of fact, competent authorities in many Eastern European countries often request information on the R-criteria in the waste treatment facility licence. In Germany, however, such information is not included in the permits. BDE is of the opinion that every waste treatment facility licence in Europe should indicate information on the R-classification of the facility. Likewise, the validity period of the permit should be clearly evident from the licence itself.

Furthermore, BDE supports the introduction of an internationally coordinated electronic notification procedure. There are currently too many separate national approaches and every Member State tries to promote their own national system as the best. BDE believes it was best if such system would be developed at European level instead.

In addition, BDE deems necessary common and harmonized rules on the following issues in relation to the notification procedure:

- How to deal with a cancelled shipment?
- How to deal with a change in the approved transport company?
- Is the bank guarantee necessary in all cases? If yes, how should it be calculated?

Another issue that should be addressed when evaluating the Waste Shipment Regulation is the list in Annex II of the WSR (Information and documentation related to notification). BDE considers a reduction in number and complexity of the documents and information to be submitted in the notification procedure necessary. There should be no list of information and documentation that MAY be requested by the competent authorities (see Part 3 of Annex II of the WSR). May-clauses only create different processing periods at competent authorities and thereby reduce legal certainty.

Finally, BDE supports English as the official language to be used in waste shipment procedures and to be accepted by all competent authorities in Europe.