

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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- Size: select
- Publication: can be published with your personal information

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

Feedback:

FEAD, the European Federation of Waste Management and Environmental Services, welcomes the publication of the Roadmap on the Evaluation of Regulation (EC) No 1013/2006 on shipments of waste. This evaluation will be an opportunity to tackle issues faced by the operators with several provisions of the Regulation. FEAD regrets that the Roadmap is limited to the analyses of the problems but does not propose any solutions yet. Therefore, FEAD members have identified several issues they deem essential to be dealt with in the evaluation process.

Classification and clarity

- *The classification of hazardous 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 prior to the shipments with the help of waste professionals. 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. FEAD members suggest the use of different codes for intra-EU shipments and for shipments outside the EU.*

- *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.

- *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; some contamination can be expected.*
- *Guidance to Member States should be developed on several topics in order to be able to reach the objectives of the WSR. For instance, guidance could include the development of simple and harmonized criteria to assess the classification of waste (e.g. contamination levels and limits for non-targeted waste materials), and the distinction between waste/non waste, recovery/disposal, hazardous/non-hazardous waste, as well as a correlation table between OECD, Basel Convention and EU waste lists.*
- *There should be a better harmonisation, qualification and approval of “qualified/accepted” treatment facilities, as well as regular and comprehensive inspections of these facilities.*

Risk based enforcement

- *It is essential to consider that in practice pre-authorisations do not work properly. It seems that there are indeed very few pre-consented facilities existing in the EU-28, concentrated in only ten Member States. The current system of pre-consented facilities is a step towards the right direction to further harmonise the EU waste markets and should therefore be broadened and promoted in all Member States. To fully exploit the potential of this system, it is important to improve its functioning, to implement clear and harmonised (legally binding) criteria for eligible facilities and, for instance, to task a European body to monitor and evaluate the process.*

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.

- *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.*
- *The evaluation of the WSR should also include a country per country analysis, which would allow the Commission to better identify the gaps existing within the EU. The EC must ensure the enforcement of the WSR, which is now made easier with the obligation for Member States to report regularly to the Commission on the implementation of the Regulation.*
- *Art. 3 par. 5 of the WSR on shipments of mixed municipal waste may pose some issues and will have to be part of the discussions in the evaluation process.*

Traceability

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 allow 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.

- Traceability must remain key for hazardous waste. For non-hazardous waste, reporting is requested in order to evaluate the achievement of the recycling targets and these requests will continue to be strengthened. Traceability is also a key tool for the planning of facilities (including of treatment capacities). Moreover, no difference should be made between small and big companies.*

Feedback file: