

Feasibility Study for the establishment of an Electronic Data Interchange for Waste Shipments

# **Annex 1: Analysis of responses to the Questionnaire**

Final

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# **LIST OF ABBREVIATIONS**

EDI	Electronic Data Interchange
MSCA	Member States Competent Authority
MS	Member State
EFTA	European Free Trade Association
HWA	Hazardous Waste Europe/Association of hazardous waste treatment companies in Europe.
BIR	Bureau of International Recycling
EURITIS	European Association of Hazardous Waste Incinerators
EEB	European Environmental Bureau
IMPEL	EU Network for the Implementation and Enforcement of Environmental Law
ISA	ISA (Interoperability Solutions for European Public Administrations), is a European Union programme (implemented by the Commission) contributing to a European Union free from electronic barriers at national borders. The ISA programme facilitates electronic cross-border and cross-sector interaction between European public administrations.
TE	Technical Expert
TF	Treatment Facility
OECD	Organisation for Economic Cooperation and Development
CN	Combined Nomenclature
TARIC	Customs Tariff online database
WSR	Waste Shipments Regulation

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#### **SUMMARY**

DG Environment launched a study to examine the feasibility of establishing an Electronic Data Interchange (EDI) for Waste Shipments Regulation (WSR). Main project objective is to assess the current status and capture business requirements from a wide audience of stakeholders.

In that context, a structured Questionnaire was sent to the 67stakeholders (institutions)<sup>1</sup> or 93 individual emails. More specifically to: 43 institutions from Member States (MS), 2 European Free Trade Association (EFTA) countries (Norway and Switzerland), 5 customs offices, 4 industry associations, 6 waste companies, 3 NGOs and 4 software companies.

Answers to the Questionnaire were <u>received</u> from 59 stakeholders (or 88%), out of which: 38 institutions from MS authorities, 2 institutions from EFTA countries, 3 Customs offices (Bulgaria, Portugal and Germany)<sup>2</sup>, 4 Industry associations, 6 Private waste companies,<sup>3</sup> 3 NGOs/non-for-profit associations, and 4 Private software/IT companies.

Based on the analysis of the responses, the following key conclusions can be distilled:

**Conclusion 1:** Huge administrative burden on the Competent Authorities and the Industry for preparation, submission, processing and exchange of documents for different WSR processes.

**Conclusion 2:** MS Competent Authorities mainly use post, fax and emails without digital signature followed by the post for exchange of documents for the WSR processes.

**Conclusion 3**: Industry associations and waste companies mainly use post and fax for submitting and exchanging the WSR documents.

**Conclusion 4:** Exchange of the competent authorities' decision between all involved entities, together with sending the acknowledgment as part of the Notification process is of high priority for the MS Competent Authorities.

**Conclusion 5:** Preparation and submission of the Notification and Movement documents, together with movement-related process (shipments) has the highest priority for the Industry.

**Conclusion 6:** Requesting Annex VII information, including a copy of the contract should be covered by an EDI solution.

**Conclusion 7:** It takes between 1-3 months to receive consent. However, there is no specified limit in the WSR and in some cases it takes around 12 months (351 days) or more. This presents red tape for business functioning and growth.

**Conclusion 8:** There is expressed willingness from the Competent Authorities and Industry to financially support project for the establishment of a harmonised solution.

**Conclusion 9:** 14 Member States have provisions on the confidentiality of WSR data in their national legislations.

**Conclusion 10:** There is a strong need for an EU-wide solution with all WSR processes supported.

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<sup>&</sup>lt;sup>1</sup> In the context of this study, a stakeholder is defined as one who is involved in or affected by course of action, including: Member States Competent Authorities, EFTA (Norway and Switzerland), industry associations, waste companies, treatment facilities and NGOs.

<sup>&</sup>lt;sup>2</sup> Customs of Netherlands, Malta and Greece provided answers jointly with their respective competent authority.

<sup>&</sup>lt;sup>3</sup> CINAR S.A., Greece (hazardous waste collector) provided answers for industry-specific questions in a joint response with Greek competent authority

#### 1. INTRODUCTION

# 1.1 Brief overview of the regulation

The Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (hereinafter:  $\underline{\mathbf{W}}$  aste  $\underline{\mathbf{S}}$  hipments  $\underline{\mathbf{R}}$  egulation) specifies the procedures for controlling waste shipments in order to improve environmental protection.

This Regulation applies to shipments of waste:

- o between Member States, within the European Union (EU) or with transit through third countries:
- o imported into the EU from third countries;
- o exported from the EU to third countries;
- o in transit through the EU, on the way from and to third countries.

The Regulation concerns almost all types of waste shipped. Only radioactive waste and a few other types of waste do not fall within its application, as they are subject to separate control regimes.

Three key procedures are defined in the Regulation:

- o the Notification procedure applies to shipments of all waste intended for disposal and hazardous waste intended for recovery.
- o the Movement procedure applies to all consented shipments as defined in Article 16.
- o the Annex VII (Article 18) procedure applies to 'Green' listed waste and non-hazardous waste intended for recovery;

The Notification procedure requires that the Competent Authorities of the countries concerned by the shipment (country of dispatch, country of transit and country of destination) give their consent prior to any shipment. This procedure is also known as 'Amber' listed waste procedure.

Waste shipments must be the subject of a contract between the person responsible for shipping the waste, or having it shipped, and the consignee of such waste. Where the waste in question is subject to a notification requirement, the contract must include financial guarantees.

Under the Notification procedure, the notification must be submitted by the notifier only to the competent authority of dispatch which, in turn, will be responsible for passing it on to the competent authorities of destination and transit. The competent authorities must give their consent (with or without conditions) or express their objections within 30 days.

Furthermore, interim recovery and disposal facilities are bound by the similar obligations as final recovery and disposal facilities. The authorisation of a shipment involving interim operations can only be sanctioned if the shipment of the waste in question has also been authorised. If a shipment cannot be completed (including the recovery or disposal of waste), the notifier must take the waste back, normally at its own expense.

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# 1.2 Problem understanding

Article 26 of the Regulation provides information on the submission of documents and information how shipments of waste should be processed. The current process is mainly paper based and requires considerable amount of resources. Most of the work involved in the process is also repeated by each of the involved participants and this makes the process unnecessarily slow and cumbersome.

A number of MS either have started or have developed an IT solution. However, existence of different IT systems among groups of Member States also creates important issues regarding their incompatibility and inconsistency.

# 1.3 Objectives

DG Environment launched a study to examine the feasibility of establishing an Electronic Data Interchange (EDI) for Waste Shipments. Main project objective is to assess the current status and capture business requirements from a wide audience of stakeholders. Project deliverables are Business requirements together with a high-level description of possible architecture scenarios for an EU-wide solution.

In that context, structured Questionnaire was sent to the 67 stakeholders (institutions) or 93 individual emails. More specifically to: 43 institutions from Member States, 2 EFTA countries (Norway and Switzerland), 5 customs offices, 4 industry associations, 6 waste companies, 3 NGOs and 4 software companies.

This document presents an analysis of responses received and draws preliminary conclusions with regard to the WSR implementation and establishment of an EU-wide IT system for WSR. . It serves as a basis for definition of business requirements, i.e. what the system should do for different users.

The Questionnaire aimed answering the following key questions:

- How competent authorities and industry currently carry out its tasks for implementation of the WSR? Which business, organisational and IT-related challenges related to the WSR they are faced with?
- b) Which IT systems are used by the MS Competent Authorities and which by the industry? Are there some projects, studies or initiatives related to the WSR in pipeline?
- Is there a need for an EU-wide solution for the WSR and why? What would be the benefits for using such solution?

#### 1.4 Structure of the document

Document is organised in 6 sections:

Introduction, giving a brief overview of the WSR, problems addressed and Section1:

methodology applied.

Section2: Common questions to all stakeholders, highlighting the issues of concern to the

industry and Member State Competent Authority (MSCA).

Section3: Authorities specific questions, describing current communication channels used

by the authorities for the Notification, Movement and the Annex VII processes.

Section4: Customs specific questions, indicating the issues of concern to the customs

authorities related to the WSR implementation.

Industry specific questions, illustrating how companies submit the Notification Section5:

and Movement -related documents, and if they use any IT system. The business,

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described.

Section 6: an EU-wide IT solution for WSR, presenting opinions of the stakeholders on a

need or not for an EU-wide solution. Furthermore, it describes what would be the benefits of such solution and which WSR processes should be supported.

Section7: Conclusions, drawing a preliminary list of the business requirements from the

MSCA and the industry. It also presents suggestions for improvements in the

implementation of the WSR.

# 1.5 Methodology

#### 1.5.1 Approach

The Questionnaire was prepared in the two subsequent phases:

- In the First phase, draft Questionnaire was prepared together with members of the working group consisting of the Austrian Competent Authority, Dutch Competent Authority, Germany Federal Environment Agency, Swedish Competent Authority, European Federation of Waste management and Environmental Services (FEAD), and Bureau of International Recycling (BIR).
- o In the Second phase, the Questionnaire was finalized and distributed to all identified stakeholders.

The Questionnaire was sent 67 institutions and 30 interviews were conducted. Out of 30 interviews, 6 were organised in-person (in Belgium, France and the Netherlands), while remaining were conducted using phone, Skype, Lync or team viewer.

#### 1.5.2 The Questionnaire

The Questionnaire has 63 questions organised in 5 sections:

- First section, General questions, targeted collection of the basic information about the respondent (s) organisation and contact details.
- Second section, Common questions for all stakeholders, aimed at gathering information on the profile of the WSR relevant entities, their responsibilities, problems faced with the current implementation of the WSR and existence (if any) and features of an IT system used for the WSR.
- Third section, Specific questions for Authorities, addressed the authorities involved in the WSR implementation in the 28 Member States, plus Norway and Switzerland. Also, specific questions for the customs officials were included. Main objective of these questions was to understand how authorities are managing implementation of the WSR and which of these processes should be covered by an electronic means.
- Fourth section, Specific questions for Industry, intended to understand the issues and challenges faced by the industry in relation to the WSR. Which IT systems are used (if any) by the companies and what is their opinion about these solutions.
- Fifth section, Questions about an EU-wide solution for the WSR, sought to find out if there is a need for an EU-wide solution and what is the reasoning behind.

#### 1.5.3 Questionnaire statistics

The Questionnaire was sent to 67 stakeholders (institutions) or to 93 individual email addresses, out of which:

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- 43 institutions from 28 Member States (MS) (see Table 1-1)
- 2 institutions from EFTA countries (Norway & Switzerland)
- 5 Customs offices (Bulgaria, Portugal, Netherlands, Germany and Norway)
- 4 Industry associations
  - o European Federation of Waste Management and Environmental Services (FEAD) (including European Glass Recyclers representative)
  - o Hazardous Waste Europe (HWE);
  - o European Association of Hazardous Waste Incinerators (EURITIS) (represented by company Indaver, Belgium).
  - Norsk Industry Organisation (association of Norwegian industries)
- 6 Private companies
  - o Gemini, Belgium
  - o GeoCycle, BeneLux
  - o Indaver, Ireland
  - o Pack2Pack, Belgium
  - o Rekom, Norway
  - o Remondis, Germany
- 3 Non-governmental agencies (NGOs)/non-for-profit associations
  - o Bureau of International Recycling (BIR)/Federation of the recycling industry
  - o European Environmental Bureau (EEB)/Federation of environmental citizen
  - EU Network for the Implementation and Enforcement of Environmental Law (IMPEL)
- 4 Private software/IT companies
  - o Computer Solutions, Lombardi region, Italy
  - o ZEDAL AG, Germany
  - o Fritz&Macziol, Germany
  - o LZP, Netherlands

The response from the stakeholders was very good with a high level of collaboration displayed. We have <u>received</u> answers from 59 stakeholders (or 88%), out of which

- 37 institutions from MS
- 2 institutions from EFTA countries
- 3 Customs offices (Bulgaria, Portugal and Germany) *Note: Customs of Netherlands, Malta and Greece provided answers jointly with their respective* competent authority.
- 4 Industry associations
- 6 Private waste companies; Note: CINAR S.A., Greece (hazardous waste collector) provided answers for industry-specific questions in a joint response with Greek competent authority
- 3 NGOs/non-for-profit associations
- 4 Private software/IT companies

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**Table 1-1: Member States Institutions responded to the Questionnaire** 

No.	Member State	Authority/Institution	Response received	Comments	No. of responses			
1.	Austria	Austrian Federal Ministry for Agriculture, Forestry, Environment and Water Management	Yes		1			
2.	Belgium	VAM, Public Waste Agency of Flanders  Yes						
3.	Belgium	Wallonia Directorate for Environment & Natural resources	Yes		3			
4.	Belgium	Brussels Region Authority	No	No explanation				
5.	Belgium	Federal Ministry of Health, Safety of the food chain and Environment	No	Not responsible				
6.	Belgium	Flemish Environment Inspectorate Division	Yes		4			
7.	Bulgaria	Bulgarian Ministry of the Environment	Yes		5			
8.	Croatia	Ministry of Environmental and Nature Protection	Yes		6			
9.	Cyprus	Ministry of Agriculture, Natural Resources and Environment	Yes		7			
10.	Czech Republic	Czech Environment information agency, CENIA	Yes		8			
11.	Czech Republic	Czech Ministry of the Environment	Yes		9			
12.	Denmark	Danish Environment Ministry	No	Not responsible				
13.	Denmark	Danish Environment Protection Agency	Yes		10			
14.		Estonian Ministry of Environment	Yes		11			
15.		Finnish Environment Institute (SYKE)	Yes		12			
16.	France	French Ministry of Ecology	Yes		13			
17.	Germany	Lower Saxony	Yes	Responded				
18.	Germany	Central waste coordination body (EUDIN representative) on behalf of the Ministry	Yes	jointly to one Questionnaire	14			
19.	Germany	Germany State authority	Yes					
20.	Germany	Federal Environment Protection Agency	Yes		15			
21.	Germany	Ministry of Environment	Yes		16			
22.	Germany	State of Hamburg	No	No explanation				
23.	Greece	Ministry of the Environment	Yes		17			
24.	Hungary	Ministry of Rural Development	Yes		18			
25.	Ireland	National TFS Office, Ireland	Yes		19			

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No.	Member State	Authority/Institution	Response received	Comments	Counted
					responses
26.	Italy	Ministry of Environment	Yes		20
27.	Italy	Lombardia Regional authority	Yes		21
28.	Latvia	State Environmental Service of Latvia	Yes		22
29.	Lithuania	Environmental Protection Agency	Yes		23
30.	Luxembourg	Ministry of Environment (EUDIN representative)	Yes		24
31.	Malta	Malta Environment and Planning Authority	Yes		25
32.	Netherlands	Inspectorate for Environment	Yes		26
33.	Poland	Environmental Inspectorate	Yes		27
34.	Portugal	Environmental Protection Agency	Yes		28
35.	Romania	Ministry of Environment	Yes		29
36.	Slovakia	Ministry of Environment	Yes		30
37.	Slovenia	Environment Protection Agency	Yes		31
38.	Spain	Ministry of Environment	No	No explanation	
39.	Sweden	Environmental Protection Agency	Yes		32
40.	UK	Department of Environment, Northern Ireland	Yes		33
41.	UK	Environment Agency of England	Yes		34
42.	UK	Environment Protection Agency of Scotland	Yes		35
43.	UK	Department for Environment, Food and Rural Affairs	No	Not responsible	
				for WSR	
		TOTAL:	Received= 37		Total
			NOT received= 6		number
					used as a
					baseline
					figure for
					analysis: 35

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Responses were not received from 6 institutions due to various reasons:

- Brussels Regional Authority, Belgium
- Federal Ministry of Health, Safety of food chain and Environment (recently, responsibilities for transit of waste are transferred to the Wallonia and Flanders regions.
- Hamburg, Germany
- Ministry of Environment, Spain
- Ministry of Environmental protection, Denmark, since the Competent Authority is Danish Environmental Protection Agency)
- UK Department for Environment, Food and Rural Affairs, since the responsibility is on the respective regional authorities).

Majority of the MS provided individual responses to the Questionnaire, while in case of Germany some authorities responded jointly. Taking this into account, the baseline figure of 35 responses from the MSCA is used in the analysis. Table 1-2: Summary of responses to the Questionnaire presents the baseline figures also for the customs authorities, industry associations, waste companies and NGOs.

Table 1-2: Summary of responses to the Questionnaire

Stakeholders	No. of institutions Questionnaire was sent	No. of responses received/baseline figures used in the analysis	% of the responses
Member State	43	37* /(35)	86%
authorities*  EFTA countries	2	2	100%
Customs	5	3	60%
Industry associations	4	4	100%
Waste companies	6	6	100%
NGOs	3	3	100%
IT/software	4**	4**	100%
Companies**			
TOTAL:	67/(63)	59/(53)	88%

<sup>\*</sup> Received 37 responses; however, in analysis counted 35 since 3 institutions from Germany provided one joint answer.

Table 1-3: Number of interviews carried out

Stakeholders group	Number of interviews	
I Member States Competent Authorities	16	
II EFTA countries	2	
III Customs office	1	
IV Industry associations	2	
V Private industry companies	4	
VI NGOs/Associations	1	
VI Private IT companies	4	
TOTAL	30	

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<sup>\*\*</sup> Responses received from IT companies are incorporated in a separate document, Annex 2 on the Review of IT system, studies & projects.

#### 2. COMMON QUESTIONS FOR ALL STAKEHOLDERS

# 2.1 Question 9: Waste Shipments Regulation Relevant entities

The Article 2 of the WSR regulation defines the following relevant terms:

'Correspondent(s) pursuant to Article 54 of the WSR is one or more persons responsible for informing or advising persons or undertakings making enquiries.

'Waste' shall mean any substance or object in the categories set out in Annex I which the holder discards or intends or is required to discard;<sup>4</sup>

'Competent authority of dispatch' means the competent authority for the area from which the shipment is planned to be initiated or is initiated;

'Competent authority of destination' means the competent authority for the area to which the shipment is planned or takes place, or in which waste is loaded prior to recovery or disposal in an area not under the national jurisdiction of any country;

'Competent authority of transit' means the competent authority for any country, other than that of the competent authority of dispatch or destination, through which the shipment is planned or takes place;

*'Customs office of exit from the Community'* shall be the last customs office before the goods leave the customs territory of the Community;<sup>5</sup>

'Customs office of entry into the Community' is the customs office where waste brought into the customs territory of the Community shall be conveyed by the person bringing them into the Community without delay, by the route specified by the customs authorities and in accordance with their instructions;<sup>6</sup>

'Notifier' means in the case of a shipment originating from a Member State, any natural or legal person under the jurisdiction of that Member State who intends to carry out a shipment of waste or intends to have a shipment of waste carried out and to whom the duty to notify is assigned (original producer, licensed producer, licensed collector, registered dealer, registered broker or the holder);<sup>7</sup>

'Consignee' means the person or undertaking under the jurisdiction of the country of destination to whom or to which the waste is shipped for recovery or disposal;

'Disposal' shall mean any of the operations provided for in Annex II A;8

'Recovery' shall mean any of the operations provided for in Annex II B;9

The baseline figures presented in the Table 2-1 below, show that all 35 institutions from Member States responded together with Norway and Switzerland, 3 customs authorities, 4 industry associations, 6 waste companies and 3 NGOs.

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<sup>&</sup>lt;sup>4</sup> Article 1(1)(a) of Directive 2006/12/EC

<sup>&</sup>lt;sup>5</sup> Article 793(2) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

<sup>&</sup>lt;sup>6</sup> Article 38(1) of Regulation (EEC) No 2913/92

<sup>&</sup>lt;sup>7</sup> Article 2(15) of the WSR

<sup>&</sup>lt;sup>8</sup> Article 1(1)(e) of Directive 2006/12/EC

<sup>&</sup>lt;sup>9</sup> Article 1(1)(f) of Directive 2006/12/EC

The largest number of MS institutions have reported their responsibility as Competent Authorities of Dispatch (29 out of 35 or 83%) followed by the Competent Authorities of Destination (27 out of 35 responses of 77%) and of Transit (25 out of 35 responses or 71%).

7 institutions from Member States indicated roles of technical experts, while 4 institutions indicated 'other' roles. The following roles have been specified as 'other': a) planning and implementation of electronic data processing and interchange in the environment sector (Austria); b) inspection authority (Belgium/Flemish environmental inspectorate); c) document evidence (Czech Environmental Information Agency) and d) Focal point to the Basel convention (Germany Federal Environment agency).

Most of the Industry associations and waste companies are Notifiers (9 out of 10 responses or 90%) and companies that act as a person who arranges the transport (6 out of 10 responses or 60%).

**Table 2-1: WSR Relevant entities** 

Stakeholders Groups WSR Relevant							TOTAL:
entities	MS Authority	EFTA	Customs	Industry associations	Waste Companies	NGOs	TOTAL.
Baseline/number of responses	35	2	3	4	6	3	53
received							
Correspondent(s)	24	2					26
CA Dispatch	29	2					31
CA Destination	27	2					29
CA Transit	25	2					27
Customs office Exit			1				1
Customs office Entry			1				1
Customs office Transit			1				1
Notifier				4	5		9
Arranges transport				2	4		6
TF Recovery				2	3		5
TF Disposal				2	2		4
TF interim operation				2	3		5
Laboratory Facility					1		1
Technical expert MS	7						7
Technical expert EFTA		2					2
Technical expert Industry				1	1		2
Technical expert NGOs						2	2
Technical expert other organisation						1	1
Other role	4		2		2	0	8

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# 2.2 Question 10: Responsibilities of the stakeholders

The WSR stakeholders are involved in different types of tasks, such as regulatory tasks, handling notifications, handling illegal shipments, enforcement, etc. Main purpose of this question was to illustrate a profile of our respondents and type of tasks they are responsible for.

The majority of MS Competent Authorities are responsible for regulatory tasks (31 out of 34 responses or 91 %), followed by handling of notifications (27 out of 34 responses or 79%), and reporting (28 out of 34 responses or 82%).

The industry sector represented by the industry associations and waste companies, is responsible for regulatory tasks (8 out of 10 responses or 80%), followed by handling of notifications (7 out of 10 responses or 70%), and technical tasks (5 out of 10 responses or 50%).

Table 2-2: WSR Stakeholders responsibilities

Categories of			TOTAL				
tasks	MS Authorities	EFTA	Customs	Industry associations	Waste companies	NGOs	TOTAL
Baseline/number of responses received	34	2	3	4	6	3	52
Regulatory Tasks	31	2	3	4	4	3	47
Handling notifications	27	2		4	3		36
Handling illegal shipments	21	2		1			24
Technical tasks	13	2		2	3	1	21
Enforcement	17		3				20
Communication	23	2		3	2	2	32
Coordination & collaboration with the industry	9	1					10
Coordination & collaboration with Enforcement bodies	15	2					17
Coordination with customs	10	2					12
Reporting	28	2		3	1	1	35
Other	2						2
No response*	1						1

<sup>\*</sup> Estonia

# 2.3 Question 11: Number of people responsible for WSR

Implementation of the WSR requires existence of a team of experts in order to manage large number of documentation received in the WSR processes.

Majority of MS Competent Authorities (20 out of 35 responses of 57%) have between 1 to 5 employees responsible for different tasks of the WSR.

4 countries have more people available for the WSR implementation and these are: Austria with 23 people, UK/England with 25, Hungary has 33 people and the Netherlands 41 people working/or being involved in WSR-related tasks.

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Waste companies usually have between 1 to 5 people working on the WSR implementation. 2 companies have higher number of employees working on the WSR: Rekom Norway with 25 people and Remonids, Germany with a team of 20-50 people.

Table 2-3: Human resources for WSR implementation

No of people	Stakeholders Groups									
	MS institution	EFTA	Customs	Industry associations	Waste companies	NGOs	TOTAL			
Baseline/ number of responses received	35	2	3	3	6	2	51			
1-51	20		3	1	3	2	29			
6-10 <sup>2</sup>	7	2		1	1		11			
11-203	4			1			5			
21-30 <sup>4</sup>	2				1		3			
$30 < x < 50^5$	2				1		3			
No answer <sup>6</sup>	0			1	0	1	2			

#### Notes:

1- Bulgaria, Cyprus, Czech Republic (CENIA), Czech Republic (MoEnv.), Estonia, Finland (SYKE), France, Germany (MoEnv.), Germany (ZKS Waste Agency), Greece, Italy (MoEnv.), Italy (Lombardia Province), Latvia, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Slovenia, Sweden.

Customs: German Federal customs office, Portugal customs state office, Bulgaria customs national office. NGOs: BIR, EEB.

Industry: Indaver Belgium (representing EURITIS), Pack2Pack, GeoCycle, Indaver Ireland.

- 2- Belgium/Flemish Environment Inspectorate division, Belgium/Wallonia, Croatia, Germany/UBA, Romania, UK/Northern Ireland, UK/Scotland EPA. EFTA: Norway, Switzerland. Industry: Norway Industry Organisation, Gemini Belgium.
- 3- Belgium/OVAM, Denmark, Ireland. Poland. Industry: Hazardous Waste Europe
- 4- Austria, UK/England,. Industry: Rekom Norway.
- 5- Hungary, the Netherlands, Industry: Remondis (Germany).
- 6- Industry: FEAD. NGO: IMPEL

# 2.4 Question 12: Prioritisation of types of shipments

21 out of 29 (72%) of MS authorities indicated shipments between the MS as the first priority.

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**Table 2-4: Prioritisation of shipments** 

Types of Shipments	Priority	MS Authorities	EFTA	Customs	Industry associations	Waste companies	TOTAL
Exclusively	1st	4	1		2	3	10
within Member	2 <sup>nd</sup>	2			1	2	5
States	3 <sup>rd</sup>	1				1	2
	4th	11				0	11
	no answer	17	1	3	1	0	22
Baseline		18	1	0	3	6	28
Between	1st	21	1		3	4	29
Member States	2 <sup>nd</sup>	4			1	1	6
States	$3^{\rm rd}$	2				1	3
	4th	3				0	3
	no answer	5	1	3		0	9
Baseline		30	1	0	4	6	41
Import into	1st	1			0	1	2
the EU from third	2 <sup>nd</sup>	13	1	1	2	0	17
countries	3 <sup>rd</sup>	9	1		1	0	11
	4th	5			1	1	7
	no answer	7		2		4	13
Baseline		28	2	1	4	2	37
Export from	1st	5		1	0	1	7
EU to third countries	2 <sup>nd</sup>	6	1		1	0	8
	3 <sup>rd</sup>	11			1	0	12
	4th	7	1		2	1	11
	no answer	6		2		4	12
Baseline		29	2	1	4	2	38
	1st	1			0	0	1
Transit	2 <sup>nd</sup>	3			1	1	5
through EU	3 <sup>rd</sup>	7	1		1	0	9
	4th	13	1	1	1	3	19
	no answer	11		2	1	2	16
Baseline		24	2	1	3	4	34

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Table 2-4: Number of Notifications/year & approx. number of shipments/year per country

No.	Member State	Authority/Institution	Response received	No. of Notifications/year	Approx. No of Shipments between MS/year
1.	Austria	Austrian Federal Ministry for Agriculture, Forestry, Environment and Water Management	Yes	1284	150 000
2.	Belgium	OVAM, Public Waste Agency of Flanders	Yes	1200	65 257
3.	Belgium	Wallonia Directorate for Environment & Natural resources	Yes	720	
4.	Belgium	Flemish Environment Inspectorate Division	Yes	120 (enforcement cases)	
5.	Bulgaria	Bulgarian Ministry of the Environment	Yes	216	
6.	Croatia	Ministry of Environmental and Nature Protection	Yes	180	
7.	Cyprus	Ministry of Agriculture, Natural Resources and Environment	Yes	12-24	
8.	Czech Republic	Czech Environment information agency, CENIA	Yes	-	21 305
9.	Czech Republic	Czech Ministry of the Environment	Yes	204	-
10.	Denmark	Danish Environment Protection Agency	Yes	240-600	
11.	Estonia	Estonian Ministry of Environment	Yes	60	
12.	Finland	Finnish Environment Institute (SYKE)	Yes	204	
13.	France	French Ministry of Ecology	No	Not available	
14.	Germany	Central waste coordination body (EUDIN representative) on behalf of the Ministry	Yes	4200	360 000
15.	Germany	Federal Environment Protection Agency	Yes	480-540	
16.	Germany	Ministry of Environment	No	Not available	
17.	Greece	Ministry of the Environment	Yes	240	
18.	Hungary	Ministry of Rural Development	Yes	312	80 000
19.	Ireland	National TFS Office, Ireland	Yes	1080-1200	15 000 of amber waste
20.	Italy	Ministry of Environment	Yes	96	
21.	Italy	Lombardia Regional authority	Yes	300	30 000

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No.	Member State	Authority/Institution	Response received	No. of Notifications/year	Approx. No of Shipments between MS/year
22.	Latvia	State Environmental Service of Latvia	Yes	120	
23.	Lithuania	Environmental Protection Agency	Yes	120	
24.	Luxembourg	Ministry of Environment (EUDIN representative)	Yes	684	
25.	Malta	Malta Environment and Planning Authority	Yes	72	
26.	Netherlands	Inspectorate for Environment	Yes	3108	170 000
27.	Poland	Environmental Inspectorate	Yes	360	
28.	Portugal	Environmental Protection Agency	Yes	108	
29.	Romania	Ministry of Environment	Yes	240	
30.	Slovakia	Ministry of Environment	Yes	144	
31.	Slovenia	Environment Protection Agency	Yes	450	
32.	Sweden	Environmental Protection Agency	Yes	720	More then 60 000
33.	UK	Department of Environment, Northern Ireland	Yes	72	
34.	UK	Environment Protection Agency of Scotland	Yes	48	
35.	UK	Environment Agency of England	Yes	720	
	Norway	State of Environment Office	Yes	540	
	Switzerland	Ministry of Foreign affairs	Yes	1080	

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# 2.5 Question 13: Problems with the WSR implementation

Main objective of this question was to identify existing problems related to implementation of the WSR faced by the authorities and industry.

#### 2.5.1 Divergent interpretations of the WSR provisions

EU Regulations are the most direct form of EU law as they have binding legal force throughout every Member State, on a par with national laws.<sup>10</sup> This implies that the provisions of a regulation are applied in a uniform way in each of 28 Member States.

Divergent rules and interpretations by MSCAs become obvious when using electronic systems. Therefore for the implementation of an electronic system within a given timeframe the development of a common understanding of WSR is essential.

Some indicative examples of divergent interpretations of the WSR are listed below: 11

- o Requirements for a general notification (Article 13 WSR)
- o The expiring date of a tacit consent to a planned shipment (Article 9 WSR)
- Intended transportation route and possible alternative route(s) supplied on the notification document (Article 4; Annex II WSR)
- Requirement of an additional financial guarantee for waste shipments destined for interim treatment operations (Article 6 para 6 WSR)
- o Entries on movement documents at the date of the movement announcement (Art. 16°
- o Postponing of the movement announcement (Art. 16b WSR)
- o Cancellation of the movement announcement (Art. 16b WSR)
- o Treatment of interim operations (R12, R13, D13-D15) including Art. 15e-certification
- o Divergent categorization of list entries regarding waste
- o Changes in the shipment after consent pursuant to Art. 17 WSR

These examples illustrate a need for possible development of a Guidance document in order to have common understanding and interpretation of the WSR.

# 2.5.2 Staffing and resources shortage

The stakeholders also indicated lack of financial and human resources as one of the obstacles for more effective implementation of the WSR.

Some countries, such as Bulgaria and Romania, due to transitional period obligations pursuant to the Article 63(4)(5), are facing large number of notifications for all waste shipments, including the import of waste listed in Annex III.

# 2.5.3 Lack of electronic systems

Lack of the unified technical standards for data definition and authentication, together with lack of IT systems is identified as significant obstacle in implementation of the WSR.

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<sup>10</sup> http://ec.europa.eu/eu law/introduction/what regulation en.htm

<sup>&</sup>lt;sup>11</sup> Source: Austrian Federal Ministry of Agriculture, Forestry, Environment and Water

According to the industry sector, existence of different lists (EU Waste code list; OECD list; Basel convention, etc.) without clear rules on the relationship between them, pose a challenge for the companies to correctly identify type of waste shipped and its classification.

From the customs perspective, lack of the specific tariff classification for waste and its correlation with Basel or OECD code directly impair the customs to exercise its control functions. Moreover, there is a lack of clear rules for specifying the differences between the waste and a second-hand product. No integration of the waste codes in the customs online tariff database, TARIC.

#### 2.5.4 3-days deadline for actions by the competent authorities

Pursuant to the Articles 7(1), 7(2), 7(3) on transmission of the notification by the competent authority of dispatch, and 8(1), 8(2) on requests for information and documentation by the competent authorities concerned, the 3 days deadline is identified as unrealistic and one of the problems with the WSR processes.

### 2.5.5 Specific problems related to the maritime shipments<sup>12</sup>

- 1) Obtaining the guaranty of the route for maritime shipments.
- 2) Reliability of shippers and shipping agents.
- 3) Getting informed by captains and/or shipping agents of route changes on maritime shipments.
- 4) Correspondence with non EU countries.
- 5) Duration of validity of the notification with proposal that should be 1 year from the date of the first shipment and not the date of receiving the consent.

#### 2.6 Question 14: Communication method

According to the Article 26 of the WSR regulation, communication can be carried out by post, fax, fax followed by post, email without digital signature, etc. for both, transboundary and within a Member State shipments.

In case of the transboundary shipments, majority of the MS authorities are using post (28 out of 34 or 82 %), then fax (22 out of 34 or 65%) and email without digital signature followed by post (20 out of 34 or 59%). Situation is similar with the waste companies. (see Table 2-7).

	Stakeholders Groups						
Types of Communication	MS Authorities	EFTA	Customs	Industry associations	Waste companies	TOTAL	
Baseline/ number of responses received	34	2	3	4	6	49	
Post	28	2	1	3	4	38	
Fax	22	1	1	1	4	29	

Table 2-5: Communication format for transboundary shipments

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<sup>&</sup>lt;sup>12</sup> Hazardous Waste Europe association

Fax followed by post	14	1		1	1	17
Email with digital signature	4	0		0	3	7
Email without digital signature followed by post	20	1	1	1	3	26
Electronic form with digital signature	4	0		1	0	5
Other	11	1		1	0	13
No response*	1					1

<sup>\*</sup>Germany Ministry of Environment

In case of shipments within a Member State, majority of the MS authorities are using post, email without digital signature followed by post (15 out of 34 or 44 %) and fax.

Table 2-6: Communication format for shipments within MS

Types of	Stakeholders Groups						
Communication	MS CA	EFTA	Customs	Industry associations	Waste companies	TOTAL	
Baseline	34	2	0	4	6	46	
Post	26	2		3	3	34	
Fax	15	1		1	2	19	
Fax followed by post	11	1				12	
Email with digital signature	5	0		1	2	8	
Email without digital signature followed by post	15	1		1	3	20	
Electronic form with digital signature	6	0		1	1	8	
Other	4	2		1	0	7	
No answer	1		3			4	

# 2.7 Questions 15 & 16: IT systems currently in place

Some of the Member States either have an IT system in place or are in the process of developing a one. Additionally, industry representatives have chosen 'out-of box' solutions provided by private software companies. The following IT systems have been identified in the course of this study. More in-depth analysis of each system is given in the document Annex 2: Review of the IT systems, studies and projects.

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- 1. EDM (Austria; Germany UBA, Switzerland, FEAD)
- 2. EUDIN (Austria, Belgium OVAM, Belgium/Flemish Environment Inspectorate, Germany UBA, Luxembourg, Sweden, FEAD, Pack2Pack Waste company)
- 3. Nordic-TFS (Austria, Finland, Sweden, FEAD (some members))
- 4. eTFS (Germany ZKS agency, the Netherlands)
- 5. SITT Lombardi (Italy Lombardi region)
- 6. GISTRID France (France, GeoCycle company, HWE association)
- 7. SISTRI Italy (HWE association, Remondis company)
- 8. SILiAmb (Portugal)
- 9. E-Peer (Greece)
- 10. iWasteMove (Germany UBA)
- 11. Load IT/ Logistiek Zonder Papier (Netherlands)
- 12. Modawi
- 13. GS1(Austria)
- 14. ZKS Abfall (Remondis company)
- 15. TDD application (Belgium/Wallonia Directorate for Environment and Natural resources)
- 16. Internal MySQL database (CENIA, Czech Republic)
- 17. Waste Regulation Management System (WRMS) (Ireland)
- 18. TERRA (the Netherlands)
- 19. AMICE (the Netherlands)
- 20. National Packaging Waste Database (UK)
- 21. VeVA online (Switzerland)
- 22. eANVportal® from FRITZ&MACZIOL group
- 23. Asys (Germany)
- 24. Digital Notification Advisor ( Pack2Pack company)
- 25. Zedal TFS portal

Currently there is no electronic data interchange between any of these systems.

Two protocols for electronic data interchange, EUDIN and eTFS are analysed also in the context of this study.

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# 2.8 Question 17 and 18: WSR processes covered by current IT

The systems used by the MS authorities and the industry were examined in terms of its scope (transboundary shipment or within a country only), coverage of the notification and movement processes (Art.16), and if a solution has built-in digital signature function.

Stakeholders that currently have in place an IT system for WSR identified the following problems in relation to their system:

- No uniform, standard data definition provided by the Commission for all stakeholders
- Lack of use of qualified electronic signature
- Lack of information on pre-notification of shipments
- Selection of waste codes

# 2.9 Questions 20 and 21: Time required for issuing consent

The average duration between the submission of the notification documentation (if complete) and the issuance of the consent by the competent authority is between 1-3 months (14 out of 30 responses or 46.7%) and less than 1 month (13 out of 30 responses or 43.3%).

The baseline figures take into account only received responses. This question is not applicable to NGOs and thus they are omitted from analysis. (See Table 2-9)

Duration	Stakeholders Groups							
	MS Authorities	EFTA	Customs	Industry associations	Waste companies	Total		
Baseline figures	30	2	0	4	5	41		
Less than 1 month	13	0	0	0	1	14		
1-3 months	14	2	0	4	4	24		
More than 3 months	3	0	0	0	0	3		
No answer received/not applicable*	5	0	3	0	1	9		

Table 2-7: Average duration for issuance of the consent

The maximum duration between the submission of a notification and issuance of the consent by the competent authority is between 1 to 3 months (11 out of 25 responses or 44%) with only few cases indicating duration of more than 12 months (5 out of 25 responses or 20%). (see Table 2-10).

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<sup>\*</sup> Belgium/Flemish inspectorate (not applicable); Czech Republic (CENIA)(not applicable); Estonia; France; Germany (Mo Environment).

Table 2-8: Maximum duration for issuance of the consent

Duration	Stakeholders Groups						
	MS Authorities	EFTA	Customs	Industry associations	Waste companies	Total	
Baseline figures	25	2	0	4	5	36	
Less than 1 month	2	0	0	0	0	2	
1-3 months	11	0	0	2	0	13	
4-12 months	7	1	0	2	3	13	
More than 12 months	5	1	0	0	1	7	
Other	1					1	
No answer received*	10	0	3	0	1	14	

<sup>\*</sup> Belgium/Flemish inspectorate (not applicable); Belgium/Wallonia; Czech Republic (CENIA)(not applicable);Estonia; France; Germany (Mo Environment); Netherlands; Poland; UK/Northern Ireland.

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#### 3. AUTHORITIES' SPECIFIC QUESTIONS

In this section, respondents are 34 MS authorities, Norway and Switzerland. Thus, baseline number of respondents is 36.

#### 3.1 Question 23: Communication of Notification documents

According to the Article 26 of the WSR regulation, communication can be carried out by post, fax, fax followed by post, email without digital signature, etc.

MS authorities use post (31 out of 32 responses or 97%) then email without digital signature followed by post (18 out of 32 responses or 56%) and fax (4 out of 32 responses or 12.5%) for notification-related communication. Other most frequently used option is use of email without digital signature not followed by the post.

	Auth		
<b>Types of Communication</b>	MS authorities	EFTA Countries	Total
Baseline figures	32	2	34
Post	31	2	33
Fax	4		4
Fax followed by post	7		7
Email with digital signature	2		2

18

2

4

2

18

2

5

1

**Table 3-1: Format of Communication for Notification documents** 

Email without digital signature followed

Electronic form with digital signature

by post

Other

#### 3.2 Question 24: Communication of Movement documents

In line with the Article 16 of the WSR, after consent has been given to a notified shipment, each transport will be accompanied with the following documents: the movement document, copies of the notification document containing the written consents and the conditions of the competent authorities concerned.

Additionally, every shipment 'generates' four types of documents that are sent to all competent authorities concerned:

- First, transport announcement (prior announcement before actual start of the shipment) of the signed movement document three days prior the shipment;
- Second, written confirmation of receipt of the waste by the facility within three days of receipt of the waste
- Third, certificate for non-interim recovery or disposal by the facility pursuant to Article 16

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<sup>\*</sup> Germany (Ministry of Environment) and France.

• Fourth, certificate for interim recovery or disposal by the facility pursuant to Article 15.

Movement-related documents are usually received and exchanged by the MSCA by fax (25 out of 32 responses or 78%), post (23 out of 32 responses or 72%) and other format of communication (14 out of 32 or 44%). Under the category of 'Other' most of respondents indicated email without digital signature <u>not</u> followed by post. (See Table 3-2)

**Table 3-2: Format of Communication for Movement documents** 

	Authorities		
Types of Communication	MS Authorities	EFTA Countries	Total
Baseline	32	2	34
Post	23	1	24
Fax	25	1	26
Fax followed by post	5		5
Email with digital signature	4		4
Email without digital signature followed by post	11		11
Electronic form with digital signature	5		5
Other	14		14
No answers *	2		2

<sup>\*</sup> France; Germany (MoEnv)

### 3.3 Question 25: Communication of other WSR documents

In addition to the Notification and Movement documents, other types of documents (e.g. objections and conditions for a shipment) are also received and exchanged by the authorities.

Majority of the MS use post (29 out of 32 responses or 90.6 %), fax (19 out of 32 responses or 59.3%) and email without digital signature followed by post (19 out of 32 responses or 59.3%). Under the category of 'Other' most of respondents indicated email without digital signature not followed by post.

Table 3-3: Format of communication for documents as per Art. 26 (1)

<b>Types of Communication</b>	Authorities		Total
	MS Authorities	EFTA Countries	
Baseline figures	32	2	34
Post	29	2	31
Fax	19	1	20
Fax followed by post	11	1	12
Email with digital signature	5	1	6
Email without digital signature followed by post	19	1	20
Electronic form with digital	5		5

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signature			
Other	13	1	14
No responses*	2		2

<sup>\*</sup>Germany (Ministry of Environment), France

# 3.4 Question 26: Communication of Art. 18 (Annex VII)

Article 18 states that waste listed in the Annex III or Annex IIIB and mixtures listed in Annex IIIA or mixtures of two or more waste listed in Annex III, destined for recovery, in amount more than 20kg, shall be subject to the procedural requirements. More specifically, the shipment of waste shall be accompanied by the document contained in Annex VII, which will be signed by the person who arranges the shipment before the shipment takes place, and by the recovery facility or the laboratory and the consignee when the waste in question is received. This procedure is also known as 'Green'listed waste procedure.

Enforcement authorities of MS are responsible to check compliance with Annex VII, while the competent authorities carry out checks on ad-hoc basis.

For exchange of documents with inspection, on case-by-case basis, majority of the MS use fax (10 out of 11 responses or 91%) and using email without digital signature followed by post (7 out of 11 responses or 64%)

Table 3-4: Communication method for Annex VII documents

	Authori		
<b>Types of Communication</b>	Member States Authorities	EFTA Countries	Total
Baseline figures	11	2	13
Fax	10		10
Fax followed by post	3		3
Email with digital signature	1		1
Email without digital signature followed by post	7		7
Electronic form with digital signature	2		2
Other*	18	2	20
No answer **	5	0	5

<sup>\*</sup> No legal responsibility to do the checks on regular basis

# 3.4.1 Question 27: Notification procedure to be covered by EDI

Majority of the competent authorities indicated step 4 (29 out of 31 responses or 93, 5%), step 3 (27 out of 31 responses or 87%) and step 2 (26 out of 31 responses or 83.9%) should be covered by an electronic data interchange. Other steps, namely step 0, 5 and 5a, are indicated as equally important (23 out of 31 or 74.2%). This implies that majority MSCA would prefer to see all the steps of the Notification procedure do be done electronically. Norway and Switzerland indicated that step 0 and step 1 of the procedure should be covered by an electronic system. No answer has been received for other steps.

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<sup>\*\*</sup>Austria; France; Germany (Mo Environment); Italy (Lombardi region); Slovakia

Table 3-5: Notification steps by an electronic communication

	AUTHO		
NOTIFICATION STEPS	Member States authorities* indicating 'yes, it should be covered'	EFTA representatives responding 'yes, it should be covered'	Total
Baseline figures	31	2	33
Step 0: The notifier submits the notification related documents to the Competent authority of dispatch.	23	2	25
Step 1: Competent authority of dispatch issues the notification document and the movement document to the notifier.	22	2	24
Step 2: Competent Authority of dispatch transmits the notification to the Competent authority of destination with copies to any Competent authority of transit and informs the notifier of the transmission.	26		26
Step 3: If the notification has been properly completed, competent authority of destination sends an acknowledgement to the notifier and copies to the other competent authorities concerned.	27		27
Step 4: The competent authorities of destination, dispatch and, where appropriate, transit shall transmit their decision and the reasons to the notifier with copies to the other competent authorities.	29		29
Step 5: The competent authorities of destination, dispatch and, where appropriate, transit signify their written consent.	23		23
Step 5a: In case of reasons as specified in Article 9(8), competent authorities will withdraw their consent and transmit its notice to the notifier with copies to all involved authorities.	23		23
Other steps *	8	1	9
No response**	3		3

<sup>\*</sup> In case a notification is not properly carried out /completed the authority ask for additional information.

# 3.5 Question 28: Article 18 (Annex VII) to be covered by EDI

23 out of 24 responses or 94% from MS authorities indicated that sending a request for Annex VII information should be covered by an electronic communication

17 out of 24 responses of 71% from MS authorities is of opinion that sending a request for a copy of the contract from the person who arranges the shipment or the consignee should also be covered by an electronic communication.

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<sup>\*\*</sup> Germany(Mo Environment); France and UK/Northern Ireland.

Table 3-6: Article 18 steps by an electronic communication

	AUTHOR		
Article 18 processes	MS authorities indicating 'yes, it should be covered'	EFTA indicating 'yes, it should be covered'	Total
Baseline figures	24	2	26
Step 1: Request, in accordance with national legislation, Annex VII information for inspection, enforcement, planning and statistical purposes.	23	2	25
Step 2: Request a copy of the contract from the person who arranges the shipment or the consignee	17		17
Step 3: Keep Annex VII information confidential if required by EU or national law.	8		8
Other	3		3
No answers provided*/ or no responsibility stated	7		7

<sup>\*</sup> France; Germany (MoEnvironment); Italy/Lombardi; Luxembourg; Romania; Slovenia; UK/Scotland.

# 3.6 Question 29: Communication for Art. 18 processes

Due to large number of responses stating that Annex VII document specified in the Article 18 is not processed by the Competent Authorities on regular basis, this question is excluded from the analysis.

# 3.7 Question 30: Importance to carry out Article 18 processes by EDI

75% MS authorities believe Art.18 processes should be covered by an electronic communication.

Table 3-7: Importance of Article 18 coverage by an electronic communication

	AUTHOR	Total	
Article 18 processes	MS Authorities	EFTA	
Baseline figures	28	2	30
Yes, it is important that these processes are covered by an electronic communication	21	1	22
No, not so important	7	1	8
No answer received*	6		6

<sup>\*</sup> Belgium/OVAM; France; Germany (MoEnv); Italy (Mo Env); Romania; UK/Northern Ireland.

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# 3.8 Question 31: Other processes to be covered by EDI

In addition to the notification, movement and Article 18 processes, the WSR defines additional processes to be carried out by the competent authorities. According to the MS authorities, step 1 (23 out of 28 responses or 82%), step 2 (21 out of 28 responses or 75%) and step 3 (19 out of 28 responses or 68%) should be done electronically. Step 4, sending of a decision to consent to the shipment to the customs offices of export and import, also should be done electronically (16 out of 28 responses or 57.1%).

Table 3-8: Other processes by an EDI

	AUTHORITIES		
OTHER PROCESSES	MS Authorities indicating 'yes, it should be covered'	EFTA indicating 'yes, it should be covered'	Total
Baseline figures	28	2	30
Step1: The responsible competent authority transmits its conditions for a shipment to the notifier with copies to the competent authorities concerned.	23	1	24
Step2: The responsible competent authority informs the notifier with copies to the consignee and to the other concerned competent authorities if raised objections to shipments of waste destined for disposal have been resolved (or waste destined for recovery).	21	1	22
Step3: The competent authority of dispatch in the Community takes the decision to consent to the shipment as referred to in Article 9 in accordance to Article 35, point 2(b)	19	1	20
Step4: The competent authorities of dispatch and, where appropriate, transit in the Community shall send a stamped copy of their decision to consent to the shipment to the customs office of export and to the customs office of exit from the Community in accordance to Article 35, point 3(b)	16	1	17
Step5: The competent authorities of dispatch and, where appropriate, transit in the Community shall send a copy of the movement document by the carrier to the customs office of export and the customs office of exit from the Community.	12		12
Step 6: If, 42 days after the waste left the Community, the competent authority of dispatch in the Community has received no information from the facility about receipt of the waste, is shall without delay inform competent authority of destination <sup>13</sup>	11	1	12
Other steps	3	1	4
No answers provided*	6		6

<sup>&</sup>lt;sup>13</sup> Article 35(3),e

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\*MS authorities: Belgium/Flemish; Belgium/Wallonia; France; Germany (Mo Environment); Germany (ZKS); UK/Northern Ireland.

# 3.9 Question 32: Average number of notifications per month

Number of notifications per month varies significantly between the MS Competent Authorities. Germany (ZKS) (350 notifications/month), the Netherlands (259) and Austria (107) receive and process the highest number of notifications per month.

They are closely followed by Belgium/Flemish region (100 notifications/month), Ireland (90-100), Sweden (60) and Switzerland (90).

The lowest number of notifications is indicated by Cyprus (1), Estonia (5), UK/Scotland (3-4 notifications/month), Malta (6), etc.

Number of notifications	AUTHORIT	Total	
	MS Authorities	EFTA	
Baseline figures	32	2	34
1-101	10		10
11-20 <sup>2</sup>	8		8
21-50 <sup>3</sup>	5	1	6
51-100 <sup>4</sup>	6	1	7
100 <x<400<sup>5</x<400<sup>	3		3
No answer*	2		2

Table 3-9: Number of notifications processed per month

#### Notes:

- 1- Belgium/Flemish Environment Inspectorate (enforcement cases) (10); Cyprus (1); Estonia (5); Italy (Mo Env.) (8); Latvia (10); Lithuania (10); Malta (6); Portugal (9); UK/Northern Ireland (6), UK/Scotland (3-4).
- 2- Bulgaria (18); Croatia (15); Czech Republic (MoEnv.)(17); Finland/SYKE (17); Greece (20); Hungary (20); Romania (20); Slovakia (12);
- 3-Denmark (ca.50); Germany/UBA (45); Italy (Lombardi) (25); Poland (30); Slovenia (37); Norway (45)
- 4- Belgium/OVAM (ca.100); Belgium/Wallonia(60); Ireland(100); Luxembourg (57); Sweden (60); UK/England (60); Switzerland (90)
- 5- Austria (107); Germany (350); the Netherlands (259).

# 3.10 Question 33: Average number of Annex VII documents

The WSR requires that shipment of 'green-listed' waste is accompanied by the document given in Annex VII. This document is neither sent to nor regularly processed by the MS Competent Authorities. It is obligation for enforcement authorities to carry out inspection checks. This explains that 23 out of 34 MS authorities or 68% did not respond to this question.

However, some countries due to their national waste legislations do monitor and process Annex VII documents. These are the following countries:

- Hungary (4500-5000 docs/month)
- Portugal (3560 docs/month)

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<sup>\*</sup> France; Germany (MoEnv).

- UK/Northern Ireland (1000docs/month))
- UK/Scotland EPA (500-1000 docs/month)
- Estonia (190)
- Malta (175)
- Greece (150 docs/month)
- Cyprus (60-70 documents/month)

# 3.11 Question 34: Existence of border agreement

In exceptional cases, and if the specific geographical or demographical situation warrants such a step, Member States may conclude <u>bilateral agreements</u> making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two Member States concerned.(Art. 30)

Some MS authorities (11 out of 30 responses or 37%) have in place either border agreement or established collaboration on a specific project/study for implementation of the WSR. (see Table 3-10). Overview of participating countries, established bilateral agreements, projects and initiatives is given in the Table 3-11.

Table 3-10: Existence of border agreement or collaboration projects/studies

Existence of border agreement	AUTHORITIES		Total
and/or e-projects	MS Authorities	EFTA	
Baseline figures	30	2	32
Yes, we have border	11	2	14
agreement and/or projects			
No, we don't have	19		19
No answer received or not	4		4
applicable.*			

<sup>\*</sup> France; Germany; Italy (Ministry of Environment); Romania.

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Table 3-11: Overview of bilateral border-agreements and the WSR collaboration projects/initiatives

No.	Country	Institution	Bilateral agreement	Collaboration initiatives of the WSR.
1.	Austria	Federal Ministry for Agriculture, Forestry, Environment and Water Management	Cross-border agreement (Austria-Germany). The German Environment Agency (UBA Dessau) has access to EDM application "eShipment" concerning transports from Austria via Germany to Austria.  http://www.lebensministerium.at/umwelt/abfal l- ressourcen/abfallverbringung/grenzgebietsabk ommen.html);	1.EUDIN (Austria-Belgium-Luxembourg); <a href="http://www.eudin.org">http://www.eudin.org</a> )  2. Project "Interconnection EUDIN - Nordic TFS" (Austria-Sweden);  3. Pilot Pfändertunnel (Austria-Germany) CA of Germany (SAA, Baden Württemberg and Regierung von Schwaben have access to EDM application "eShipment" concerning relevant transports of excavation material from Austria to Germany); <a href="http://vimeo.com/65562844">http://vimeo.com/65562844</a> 4. Collaboration (Austria-Switzerland) where Swiss Federal office for the Environment has access to EDM application "eShipments" for transport from Austria to Switzerland.
2.	Belgium	OVAM/Flemish agency for waste management	Luxembour and Austria agreements for test environment.  Agreements with Netherlands and Germany.	
3.	Finland	Finnish Environment Institute (SYKE)	Border agreement with Sweden –in process.	
4.	Germany	Federal Environment Protection Agency (UBA)	Cross-border agreement with Austria. It comprises shipments from Austria to Austria through Germany, shipments from the Kleinwalsertal and other barred areas to Germany as well as shipments of excavated soil and demolition waste.	
5.	Germany	ZKS Central Waste Agency		Pilot project between the Netherlands and Germany (Lower Saxony) on EDI of movement documents.

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No.	Country	Institution	Bilateral agreement	Collaboration initiatives of the WSR.
6.	Netherlands	Dutch Inspectorate for Environment		Pilot project between the Netherlands and Germany (Lower Saxony) on EDI of movement documents.
7.	Portugal	Environmental Protection Agency		We have one project with Spain call SUDOE-IBERETE  http://www.interreg-sudoe.eu/PRT/f/138/35/IBER-ETER/Os-projectos-aprovados/Estandardizaco-tramitaco-electronica-residuos
8.	Italy/Lombardi	Lombardia Province Authority	In discussion with Baden Wuttenberg of Germany for collaboration on electronic data interchange.	
9.	Sweden	Environmental Protection Agency	Border agreement with Finland-in process.	
10.	UK/Scotland	Environmental Protection Agency	Memorandum of Understanding with the other UK competent authorities and with the Dutch authorities to undertake certain joint activities each year and to share intelligence.	
11.	UK/England	England & Walles Environment Agency	In discussion with the Dutch authorities for collaboration on electronic data interchange.	

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## 3.12 Question 35: National legislation on confidentiality

This question aimed at identifying if there are provisions in a national legislation regulating the data confidentiality from the notification or movement documents or from Annex VII.

Table 3-12: Existence of provisions on confidentiality in the National legislations

Existence of provisions on	AUTHOR	Total	
confidentiality in national legislation	MS Authorities	EFTA	
Baseline figures	28	2	30
Yes, there is national legislation regulating issue of confidentiality on WSR documentation	14	1	15
No, there is no such provisions	14	1	15
No answer received or not applicable*	6		6

<sup>\*</sup> Belgium/OVAM (not applicable); France; Germany(MoEnv); Italy (Mo Envir); Romania; UK/England.

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Table 3-13: WSR-related confidential data as per National legislation

No.	Country	Institution	Data to be kept confidential as per National legislation
1.	Austria	Federal Ministry for Agriculture, Forestry, Environment and Water Management	Due to the Austrian Data Protection Act 2000 in its judgment of 24 March 2013 BGBl. I Nr. 57/2013  (http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=bundesnormen&Gesetzesnummer=1000 1597)  Information on natural persons and legal persons (e.g. companies) has to be kept confidential. In line with that, sharing and publishing the WSR-related information is forbidden.
2.	Denmark	Environmental Protection Agency	Company information is confidential.
3.	Finland	Finnish Environment Institute (SYKE)	Commercial information , such as information on guarantees, costs, offers, etc.
4.	Germany	Federal Environment Agency (UBA).	Current German national law doesn't allow giving the general public access to names and addresses of involved companies and persons. Exchange of these data is allowed between authorities for the notification process and enforcement activities.
5.	Germany	ZKS Central Waste Agency	Yes, data has to be kept confidential as per Data Privacy laws
6.	Hungary	Ministry of Rural development & Environment	Yes, the Authority shall keep confidential any business interest of the notifier (1.B. and VII) so that these pieces of information shall not be available to other stakeholders.
7.	Ireland	National TFS	The following information should not be disclosed:Box 6: Waste Generator; Box 7: Recovery Facility; Contract details; Details of any value attached to recovered material
8.	Malta	Environment and Planning authority	Most of the information is kept confidential. Any data which is made to the public can be viewed on: <a href="http://www.mepa.org.mt/waste-permits-tfs">http://www.mepa.org.mt/waste-permits-tfs</a>
9.	Netherlands	Dutch Inspectorate for Environment	Information send to the competent authority is not confidential to use for the authorities involved. Information (personal information, commercial or industrial information) where such confidentiality is provided for by national or Community law is not allowed to be accessed by third persons who are not related to the notification.
10.	Poland	Environmental inspectorate	There are no such provisions in national legislation in relation to WSR but there is legislation on access to information about environment (general rules).

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No.	Country	Institution	Data to be kept confidential as per National legislation
11.	Portugal	Environmental Protection Agency	Yes, where confidentiality is required.
12.	Slovenia	Environmental Protection Agency	For Competent Authorities involved no restrictions; however, some data are not shared. For example, information on waste generator and treatment facility.
13.	UK/Northern Ireland	Department for Environment	Personal information are kept confidential
14.	UK/Scotland	Environmental Protection Agency	Yes, we would regard the names of the parties involved to be commercially confidential and would classify the information as 'Protect', i.e. no electronic transmission (other than via secure means e.g. police national networks.)

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### 3.13 Question 36: European legislation on Confidentiality

This question has been omitted from the analysis due to low number of responses received. One of main reason was stated ambiguity of the question and how is different to the previous one.

## 3.14 Question 37: Readiness for provision of financial resources for establishment of a harmonized solution

Croatia and Slovenia expressed readiness to give contribution in support of the establishment of a harmonised solution.

Norway and Switzerland are strongly interested in developing electronic data interchange and are willing to financially support such project.

- 7 MS authorities expressed difficulties in providing financial resources (currently) for a harmonised solution. These are the following: Czech Republic (limited budget), Finland (planning to join Nordic TFS project); Hungary, Portugal, Romania, UK/Northern Ireland and UK/Scotland.
- 12 MS authorities conditionally expressed their willingness to financially support the project, subject to the financial implications on Member States and compatibility/adaptability with the existing IT system in place. Furthermore, it is stated dependency on the binding character of possible European regulations on data standard and authentication. These are the following: Austria, Belgium/Flemish region, Bulgaria, Germany (ZKS), Ireland, Italy/Lombardi, Luxembourg, Malta, Netherlands, Poland, Slovakia, and Sweden.
- 10 MS authorities did not provide answer to this question: Belgium/Flemish Inspectorate, Cyprus, Denmark, France, Germany (Mo Environment), Germany (UBA), Italy (Mo Environment), Lithuania, Romania, UK/England.

Table 3-14: Financial resources for an EU-wide solution

Readiness for provision of financial	AUTHOR	Total	
resources	MS Authorities	EFTA	
Baseline figures	25	2	22
Yes, we can provide financial resources (or they are budgeted/planned for WSR)	2	2	4
No, we cannot provide financial support	7		6
Maybe, subject to fulfilling certain conditions	12		12
Other reasons (e.g. competency)	3		4
No answers provided*	10		10

<sup>\*</sup>Belgium/Flemish inspectorate; Cyprus; Denmark; France; Germany (Mo Environment); Germany (UBA); Italy (Mo Environment); Lithuania; Romania; UK/England:

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#### 4. CUSTOMS SPECIFIC QUESTIONS

The Questionnaire has been sent to the 5 Customs offices: Germany, the Netherlands, Portugal, Bulgaria and Norway.

Germany, Portugal and Bulgaria sent their responses.

Norway customs office did not responded to the Questionnaire, but provided its input in an interview.

Netherlands, Malta and Greece provided their responses in a joint questionnaire response with their respective competent authority.

Thus, this section takes baseline figure of 6 responses received.

## 4.1 Question 38: Issuing and processing of the WSR relevant documents

- 4 Customs institutions use fax as main communication method for issuing and processing of the WSR-relevant documents.
- 2 Customs offices (Malta and the Netherlands) use emails with digital signatures, while electronic form with digital signature is used by Portugal and the Netherlands.

**Table 4-1: Typical communication format used by the customs** 

Typical Communication	Customs
Baseline figure/number of responses received	6
Post	3
Fax	4
Fax followed by post	0
Email with digital signature	2
Email without digital signature followed by post	0
Electronic form with digital signature	2
Other*	2

<sup>\*</sup> Email without digital signature only

### 4.2 Question 39: Processes to be covered by EDI

Customs representatives believe that the process of sending a copy (step 0 and 3) (4 out of 5 responses or 80%) and informing the responsible authority in case of an illegal shipment (step 1 and 2) (3 out of 5 responses or 60%) should be covered by EDI.

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**Table 4-2: Customs processes by an EDI** 

Steps	Customs
Baseline figure/Number of responses received	6
Step0: The customs office of exit from the Community shall send a stamped copy of the movement document to the competent authority of dispatch in the Community.	5
Step1: If a customs office of export or a customs office of exit from the Community discovers an illegal shipment it shall inform without delay the Competent authority in the country of the customs office	5
Step2: If a customs office of entry to the Community discovers an illegal shipment it shall inform without delay the Competent authority in the country of the customs office.	5
Step3: As soon as the waste has left the Community the customs office of exit from the Community shall send a stamped copy of the movement document to the competent authority (-ies) of transit in the Community.	4

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#### 5. INDUSTRY SPECIFIC QUESTIONS

The responses to the Questionnaire were received from the following 4 industry associations:

- European Federation for Waste Management and Environmental Services (FEAD)
- EURITIS /represented by the company Indaver, Belgium
- Hazardous Waste Europe
- Norwegian Industry Organisation

7 Waste companies responded to the Questionnaire:

- Gemini, Belgium
- Pack2Pack, Belgium
- Geocycle BeneLux
- Indaver, Ireland
- Remondis, Germany
- Rekom Norway
- CINAR, Greece (jointly responded with its Greek competent authority).

Thus, the baseline figure used in this section of the study is 4 industry associations and 7 waste companies or 11 responses.

### 5.1 Question 40: Number of people for the WSR

2 associations, Hazardous Waste of Europe and Norwegian industry associations have around 15 and 10 employees respectively.

2 waste companies, Remondis, Germany (20-50 employees) and Rekom, Norway (25 employees) have people responsible for compliance with the WSR.

Table 5-1: Number of employees

	INDUS		
Number employees	Industry associations	Private waste companies	Total
Baseline figure	3	6	9
1 to 5	0	4	4
6 to 10	1	0	1
10 <x> 50</x>	2	2	4
No answer*	1	1	2

<sup>\*</sup> FEAD; Gemini, Belgium.

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## 5.2 Question 41: Communication of notification or movement or Annex VII documentation

All 4 industry associations (FEAD, Euritis, Hazardous Waste Europe and Norwegian Industry organisation) use post as communication method for the WSR-related documents.

4 out of 7 waste companies (or 66.7%) use also post and fax as main communication methods.

Table 5-2: Communication method used by the industry

Communication	INDUST	Total		
method	Industry associations	Private waste companies		
Baseline figures	4	5	9	
Post	4	4	8	
Fax	2	4	6	
Fax followed by post	2	2	4	
Email with digital signature	1	1	2	
Email without digital signature followed by post	1	2	3	
Electronic form with digital signature	2	0	2	
Other*	0	2	2	

<sup>\*</sup>Digital Notification Advisor & EUDIN (Pack2Pack company, Belgium); by DHL (Indaver, Ireland).

# 5.3 Question 42: Existence of information system provided by your Member State authority

FEAD indicated use of the following systems by its members: Germany (eANVportal® from FRITZ&MACZIOL group; iWasteMove ); Austria (EDM); Italy (SISTRI & SITT) and Sweden (Nordic TFS).

4 Waste companies stated use of current information system provided by their Member State authorities, and these are: Pack2Pack, Belgium (EUDIN); Geocycle BeneLux; Indaver, Ireland and Remondis, Germany.

Rekom, Norway does not use any information system for the WSR. CINAR, Greece acknowledged existence of e-Per system in Greece; however the system is inactive and not used.

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Table 5-3: Existence of information system by MS authority

Existence of information system	INDU		
	Industry associations	Private industry companies	Total
Baseline figures	4	6	10
Yes, there is a system	1	4	5
No system in place	3	1	4
System in place but is inactive		1	1
No answer*	0	1	1

<sup>\*</sup>Gemini, Belgium

## 5.4 Question 43: Notification steps to be covered by EDI

The industry representatives believe that the Notification procedure in general should be covered by EDI.

4 industry associations indicated steps 1, 2, and steps 8to 13 as preference to be covered by electronic exchange of data.

6 out of 7 or 85.7% of waste companies support steps 1, 2, 8 and 12 of the notification process, to be covered by EDI. Other steps (3,4,5,9,9a, 12a, 13,14) are also indicated by 5 out of 7 companies to be carried out electronically.

Table 5-4: Notification steps by an EDI

	INDUS	INDUSTRY		
NOTIFICATION STEPS	Industry associations	Waste Companies	Total	
Baseline figures	4	6	10	
Step 1: Notification document preparation (Annex 1A)	4	6	10	
Step 2: Movement document preparation (Annex 1B)	4	6	10	
Step 3: Attached documents to the Notification document (Annex II, Part1)	3	5	8	
Step 4: Attached documents to the Movement document (Annex II, Part2)	3	5	8	
Step 5: Providing additional information and documentation (if requested) (Annex II, Part 3)	3	5	8	
Step 6: Providing Evidence of contract between the notifier and the consignee or a declaration certifying its existence (upon request)	3	4	7	
Step 7: Providing financial guarantee or equivalent insurance	3	4	7	
Step 8: Receiving acknowledgment recipient from the Competent Authority of destination	4	6	10	
	INDUS	TRY		

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NOTIFICATION STEPS (continued-	Industry associations	Waste Companies	Total
Baseline figures	4	6	10
Step 9: Receiving written consent	4	5	9
Step 9a: Receiving objections from any authority involved	4	5	9
Step 10: Receiving conditions for a shipment	4	4	8
Step 11: Completing the movement document	4	4	8
Step 12: Sending Prior information regarding actual start of shipment (signed copies) to the competent authorities and the consignee in accordance with Article 16(b).	4	6	10
Step 12a: Informing the competent authorities concerned and the consignee immediately in case of changes in the shipment after consent.	4	5	9
Step 13: Receiving Certificate of recipient from the treatment facility	4	5	9
Step 14: Receiving Certificate of recovery	4	5	9
Other (please specify)	2		2
No response received		1	1

<sup>\*</sup> Note: NGOs are not included in the overview since these questions are not applicable for them; Gemini, Belgium did not provide answers.

# 5.5 Question 44: Use of the existing information system for executing some of the Notification steps

FEAD association and its members are currently using systems eANVportal® from FRITZ&MACZIOL group, iWasteMove (Germany), EDM (Austria) and SITT (Italy) for the notification process. Hazardous Waste Europe and Euritis don't use any system.

2 Waste companies are using information systems to carry out notification process and these are: Pack2Pack, Belgium using iWaste system for preparation of Notification and Movement documents, and Indaver, Ireland using WRMS system.

**Table 5-5:** Use of the existing information systems for Notification

Use of information system for Notification	INDUSTRY				
	Industry associations	Waste companies			
Baseline figures	4	5			
Yes, we use existing system	2	2			
No we don't use any system	2	3			
No answer*	0	2			

<sup>\*</sup> Note: Gemini, Belgium; Geocycle BeneLux.

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# 5.6 Question 45: Problems related to the current WSR implementation procedures

The industry and NGO representatives indicated several problems related to the current implementation of the WSR.

- Not having a uniform perception/understanding of MS authorities on required documentation to be attached to the notification and movement documents.
- Requiring translation of the documents in MS authority official language(s), what takes time and money.
- Getting the notification signed by the client (sending original document several times), and obtaining a notification number (different procedure depending on exporting authority).
- Obtaining the guaranty of the route for maritime shipments.
- Declaring exact sea route including every transit port that a vessel may call. Such a route may change by shipping companies at any time and a new notification has to be prepared, what costs a lot of time and money.
- Establishing the trustworthy relationship with the shippers and shipping agents.
- Getting informed by captains and/or shipping agents on route changes on maritime shipments.
- Exchanging the correspondence with non-EU countries.
- Accepting the validity of the notification; the notification should be valid 1 year from the first shipment and not from the date of received consent.
- No use of electronic signatures.
- Identifying the date for the first shipment due to sometime long processing time by the authorities for the notification. In most of the cases, industry loses days of transport since the dates for the transport are not aligned with the issued consent. Identifying the most suitable transportation route for number of plants distributed all over Norway.
- Dealing with different waste codes as per different legislation and lack of the comparative table between them. Instead the comparison is done manually what takes time. Additionally, there is a lot of 'not listed' wastes in Basel Convention annexes and wastes of the same type according to the European Waste List which may possess different hazardous properties and UN numbers/names.
- Preparing the movement documents manually
- Putting the exact packaging type in the Notification document, since from the time of submission of the notification until the first transport, the packaging may have changed. Instead, the packaging type should be indicative.

### 5.7 Question 46: Average number of notifications per month

Number of notifications prepared per month differs between the associations and companies as well. Norwegian Industry Organisation prepares 5 notifications per month, while EURITIS (Indaver, Belgium) around 20 notifications per month.

Remondis, Germany prepares 100s of notifications per month, while the corresponding movement documents (shipping documentation) usually go up to range of 1000s.

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**Table 5-6:** Average number of notifications/per month prepared by the industry

	INDUS		
Number of notifications/month	Industry associations	Waste companies	Total
Baseline figures	3	6	9
Less than 10	1	3	4
10-50	1	2	3
50< x<500	1	1	2
No answer*	1	1	2

<sup>\*</sup> FEAD; Gemini, Belgium.

## 5.8 Question 47: Article 18 steps to be covered by EDI

3 industry associations (FEAD, Euritis and Hazardous Waste Europe) support all three steps of the process for handling Annex VII to be covered by EDI.

6 waste companies out of 7 or 86% support preparation of the document in Annex VII electronically.

Table 5-7: Preferred Article 18 steps to be covered by EDI

Process for Annex VII document	INDUS	Total	
	Industry associations	Waste companies	
Baseline figures	3	7	10
Step 1: Preparation of the document contained in Annex VII	3	6	9
Step 2: Contract signature between the person who arranges shipment and the consignee for recovery	3	4	7
Step3: Provision of a copy of the Annex VII document and of the contract to the competent authorities involved (upon request).	3	4	7
No answers/not applicable *	1		1

<sup>\*</sup>Norwegian Industry Organisation

## 5.9 Question 48: Average number of Annex VII per month

The number of Annex VII documents prepared per month goes from very few up to 2000 documents, like it is the case with 3 companies (Gemini, Rekom and Remondis).

This argues in favour of having Annex VII process also done electronically.

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Table 5-8: Number of Art.18 documentation per month

Article 18	INDUSTRY				
	Industry associations	Waste companies	Details		
Baseline figures	2	7			
Less than 10	1	1	Euritis;		
			Indaver Ireland		
10-20	1	2	Hazardous Waste Europe;		
			GeoCycle BeneLux		
			CINAR, Greece.		
21-50	0	1	Pack2Pack		
50 <x< 2000<="" td=""><td>0</td><td>3</td><td>Gemini company cc 1600-1700;</td></x<>	0	3	Gemini company cc 1600-1700;		
			Rekom cc 950;		
			Remondis Germany		
No answer/not	2		FEAD;		
applicable			Norway Industry Organization		

### 5.10 Questions 49 and 50: Financial aspect

2 industry associations, FEAD and Euritis, and 5 waste companies (Gemini, Belgium; Geocycle BeneLux, Indaver, Ireland; Greece and Rekom, Norway) indicated possible financial contribution for replacing paper-based process with an electronic system.

However, the following two key conditions were clearly stated:

First, the system should be flexible enough to accommodate different MS competent authorities' requests (e.g. validity of the documentation in case of postponement of the shipment) and

Second, it needs to be one unified procedure for handling the WSR processes accepted by all EU member states.

# 5.11 Question 51: Communication method used by treatment facilities

2 Industry associations use fax and post as communication methods for exchange of the WSR-related documents.

Different waste companies prefer different communication methods (post, fax, email with digital signature, etc.) as defined in the WSR. Additionally, email without digital signature and EUDIN are listed under the category of 'other' methods.

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Table 5-9: Treatment facility communication format

	INDUS		
Communication format	Industry associations	Waste Companies	Total
Baseline figures	3	4	7
Post	2	1	3
Fax	2	1	3
Fax followed by post	1	1	2
Email with digital signature	0	1	1
Email without digital signature followed by post	1	2	3
Electronic form with digital signature	0	0	0
Other	1	1	2
No answers received/not applicable*	1	3	4

<sup>\*</sup> Norwegian Industry Organization; Rekom company; Indaver, Ireland; Gemini, Belgium.

# 5.12 Question 52: Treatment facilities processes to be covered by EDI

Large majority of the industry associations and waste companies are of opinion that all the processes for treatment facilities should be covered by an electronic data interchange.

Table 5-10: Processes to be covered by EDI

	INDUST	RY	Total
NOTIFICATION STEPS	Industry associations	Waste Companies	
Baseline figures	3	4	7
Step1: Issue a Confirmation in writing that the waste has been received.	3	3	6
Step2: Send signed copies of the movement document with the aforementioned confirmation to the notifier and to the competent authorities concerned.	3	4	7
Step3: Issue a Certificate that the interim recovery (or non-interim recovery) or disposal has been completed.	3	3	6
Step4: Send signed copies of the movement document with above mentioned Certificate to the notifier and to the competent authorities involved.	3	4	7

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		INDUSTRY	Total
NOTIFICATION STEPS	Industry associations	Waste Companies	
Baseline figures	3	4	7
Step5: Transmit the relevant certificate(s) to the notifier and the competent authorities concerned on delivering the waste for any subsequent interim or non-interim recovery or disposal operation.	3	1	4
Step6: Send signed copies of the completed movement document (except for the certificate of disposal) to the notifier and the competent authorities concerned within three days of receipt of the waste for disposal in accordance with Article 35, point 3(f)(ii).	3	4	7
Step7: Issue a Certificate that the disposal has been completed	3	3	6
Step8: Send signed copies of the movement document with above mentioned Certificate to the notifier and to the competent authorities involved.	3	4	7
Not received/not applicable*	1	3	4

<sup>\*</sup> Norwegian Industry Organization; Rekom company; Indaver, Ireland; Gemini, Belgium.

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#### 6. ANSWERS ON AN EU-WIDE SOLUTION

#### 6.1 Question 53: A need for an EU-wide solution for WSR

98% of the stakeholders answered - yes, there is a need for an EU-wide solution for the WSR as indicated in the table below.

Table 6-1: Expressed need for an EU-wide solution

	Stakeholders Groups						
Need for EU solution	MS Authorities	EFTA	Customs	Industry associations	Waste Companies	NGOs	Total
Baseline figures	33	2	3	4	5	3	50
Yes, there is a need for EU wide solution	32	2	3	4	5	3	49
No, there is no need for EU-wide solution	0						0
Maybe*	1						1
No answer**	2				1		3

<sup>\*</sup> Luxembourg

### 6.1.1 Reasons in support of having an EU-wide solution for WSR

The stakeholders listed several reasons in support of having an EU-wide solution:

First, the solution would significantly reduce administrative burden for the companies and MSCA related to different WSR procedures.

Second, it would allow all involved stakeholders to access the same information at any time. Additionally, the system should support every user to use his/her native language.

Third, the communication between the industry and Competent Authorities would be more efficient and effective as time delays related to the postal services would be eliminated. Additionally, the solution would facilitate the verification/cross-checking and consistency of data submitted, which is important not only for statistical reasons but also for prevention of illegal shipments.

Fourth, an EU-wide data standard for interchange will facilitate faster exchange of documents and communication between the relevant entities. It will also facilitate reporting compliance with the Basel Convention and the OECD decision requirements.

Fifth, reporting and monitoring for the WSR implementation will be carried out more efficiently as consolidated data at the EU level would be readily available in the system.

Sixth, the system would accelerate the overall documentation flow between stakeholders and eliminate error-prone processes.

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<sup>\*\*</sup>UK/England; Poland; Indaver, Ireland.

It should be highlighted that having definition of common business rules and data standard are pre-requests for specifying the common system.

# 6.2 Question 54: Processes that should be supported by an EU-wide solution

18 out of 34 (53%) Member States authorities prefer that all three WSR processes are supported by an EU-wide solution. First priority should be given to the movement documents (i.e. tracking procedure), second to the notification process and then, Annex VII process.

All 6 waste companies also want that all three WSR processes are supported by an EU-wide solution.

Table 6-2: WSR processes to be supported by an EDI

		Stakeholders Groups					
WSR Processes	MS Authorities	EFTA	Customs	Industry associations	Waste companies	NGOs	Total
Baseline figures	34	2	2	3	6	3	50
Notification- related	14	2		1	1	0	18
Movement- related	13	2		1	1	0	17
Article 18 (Annex VII) documentation	6	1		0	1	0	8
All of the above	18		2	2	6	3	31
none	0						
No answers*	1		1	1	0		3

<sup>\*</sup>Germany (Mo Environment); Germany Central customs office;

#### 6.3 Question 56: EU-wide solution architectural choice

Three different architectural choices were proposed in the Questionnaire:

- A fully centralised system
- A fully decentralized (distributed) system.
- An intermediate (hybrid) system

19 out of 31 MS authorities indicated a distributed (decentralised) system as their preference, while industry associations voted more for a central-type of application. The same number of waste companies indicated preference for a central and for an intermediate (hybrid) solution.

However, these figures need to be taken with reservation, since the respondents indicated a need for more information about each of these scenarios before making its decision.

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choice

Distributed

Intermediate

Other answer

No answers\*

(hybrid)

Architectural **Stakeholders Groups** MS **EFTA** Customs Industry Waste NGOs **Total** Authorities associations companies 2 Basic figures 33 2 6 3 50 Central Solution 12 1 1 3 2 2 21

1

1

2

1

1

2

1

1

25

10

3

4

Table 6-3: Architectural choice for an EU-wide solution

2

## 6.4 Question 57: Proportion of the WSR tasks done by electronic system vs other means of communication

19

5

3

2

The WSR processes are currently to large extent paper-based. Majority of the respondents use its existing electronic solution for performing between 5% to 35% of their tasks.

Three countries, Germany, Ireland and Austria perform 100%, 70% and 50% of their tasks respectively using their existing national solutions.

#### 6.5 Question 58: Automation of the WSR tasks benefits

A number of benefits have been identified if some of the WSR-related tasks would be done automatically in an information system.

First, savings in time as it would mean less workload for Competent Authorities and companies and in costs. (E.g. manpower for processing documents, reduced use of paper, costs for shipping, etc.)

Second, access to the detailed information on notifications and Annex VII documents (e.g. for conducting risk assessment) would be more efficient. Statistical information for waste management planning will be more reliable.

Third, manual data input will be reduced; exchange of information will be faster and less errorprone. It will facilitate better control of waste shipments and enforcement activities;

Fourth, it would imply harmonisation of procedures and more efficient cooperation on control of waste shipments. It will support better collaboration between Member States.

Fifth, preparation of annual reports by Member States authorities will be faster and less errorprone with readily available data.

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<sup>\*</sup>Denmark; Germany (Mo Environment); Germany Central Customs office; IMPEL-TFS.

### 6.6 Question 59: Reporting obligations

Pursuant to Article 51 (1), each Member State shall send the Commission a copy of the report for the previous calendar year, which in accordance with Article 13(3) of the Basel Convention, it has drawn up and submitted to the Secretariat of that Convention.

Furthermore, pursuant to Article 51 (2), Member States shall also draw up a report for the previous year based on the additional reporting questionnaire in Annex IX to the Regulation and shall send it to the Commission.

In addition to reporting obligations for the WSR and Basel Convention, most of the Member States prepare different national reports.

Industry associations and waste companies prepare different types of reports for different authorities. These include: monthly or trimestral/yearly reporting to responsible authorities on realised shipments; individual treatment plant reports; quarterly reports of all waste collected, treated or transferred; annual declarations for the EU statistics, etc. A request for simplification of the reporting procedure has been voiced out by the waste companies.

## 6.7 Question 60: EU-wide solution facilitating Reporting

12 out of 25 Member States authorities (48%) believe that an EU-wide solution would facilitate reporting obligations.

For example, it will be easier to extract the statistical information on number of notifications, amount of hazardous waste exporter/imported, illegal shipments (attempts, repatriations, etc.).

Additionally, reliability of data will be improved and readily available.

Table 6-4: EU-wide solution facilitating reporting obligations

		Stakeholders Groups						
Solution would facilitate reporting obligations	MS Authorities	EFTA	Customs	Industry associations	Waste Companies	NGOs	Total	
Baseline figures	25	2	0	4	2	2	35	
Yes, it would facilitate	12	2		3	2	2	21	
No, it would not	6			1			7	
Maybe	7						7	
No answer*	10		3	0	4	1	18	

<sup>\*</sup> MS authorities: Austria; Belgium/Flemish inspectorate; Cyprus; Estonia; Germany (Mo Environment); Germany (ZKS Central Waste agency); Hungary; Ireland; Italy (Mo Environment); Slovakia;

Customs authorities: Germany Central Customs office, Portugal, Bulgaria.

Waste companies: Gemini, Belgium; Geocycle BeneLux; Indaver, Ireland; Remondis, Germany.

NGO: IMPEL-TFS

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## 6.8 Question 61: Willingness to adopt an EU-wide solution

18 out of 31 MS authorities (58%) are willing to adopt an EU-wide solution, while 13 out 31 MS authorities (48%) under certain conditions (e.g. estimated financial resources required, possibility to connect to their existing solution in place, etc.)

<b>Table 6-5:</b>	Willingness	to adopt an	<b>EU-wide solution</b>

		Stakeholders Groups					
Willingness	MS Authorities	EFTA	Customs	Industry associations	Waste companies	Total	
Baseline	31	2	2	4	5	44	
Yes	18	1	2	4	4	27	
No	0				0		
Maybe, under conditions	13	1			1	15	
No answer*	4		1		1	6	

<sup>\*</sup> Ireland; Italy (Mo Environment); Lithuania; Sweden; Germany Central Customs office; Gemini, BE.

### 6.9 Question 62: Willingness to adapt your existing solution

Due to low number of responses received (either not applicable as a MS authority does not have a system or simply not answering), this question is omitted from analysis.

## 6.10 Question 63: Benefits of certain functionalities in an EUwide solution

32 out of 40 responses or 80% of stakeholders see the benefits of having functions, such as specific deadlines, reminders and alerts with regards to their execution in an EU- wide IT solution for WSR.

**Table 6-6:** Benefits of certain functionalities

Existence of	Stakeholders Groups						
certain system functionalities	MS Authorities	EFTA	Customs	Industry associations	Waste Companies	NGO	Total
Baseline figures	30	2	1	4	3	0	40
Yes, see the benefits	23	2	1	4	2		32
No, not really	7				1		8
No answer*	5		2		3	3	13

<sup>\*</sup> MS authorities: Estonia, Finland(SYKE), Germany (MoEnv.); Italy (Mo Environment); Lithuania; Customs authorities: Germany Central Customs office; Bulgaria.

Waste companies: Gemini, Belgium; Indaver, Ireland;

NGOs: Not applicable

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### 6.11 Question 64: Documents still to be kept in hard-copy

Majority of the respondents indicated the following documents to be kept in hard copy.

- Bank guarantee/ financial guarantee
- Contract
- Permits/consent.

Few respondents indicated that issue around digital signature needs to be solved prior decision which documents to keep in hard copy or not.

#### 6.12 Question 66: Additional comments

(Austria). For the EUDIN solution, a large number of widely adopted standards have been applied, including IT standards such as XML, XML Schema, WSDL and Genericode. There are also standards specifically targeted at (cross-border) electronic data interchange, such as UN/CEFACT CCTS (Core Components Technical Specification) and CCL (Core Component Library). These have been applied in EUDIN as well.

(**Latvia**). The difference between member states is very big. There are different approaches what kind of documents must be submitted by notifier depending on publically available information (like permits) and its content. Also consent letters are very different. Therefore unified templates (if such are foreseen) should be assessed very carefully. Also there are concerns how it will match with documents management systems at competent authorities.

(**Switzerland**). It is necessary to focus on standardised data to be exchanged. The more data and procedures that are to be reproduced in a system the more difficult it would be to find a common nominator.

(Netherlands). In the footnote regarding the background on page 1 of the questionnaire is stated "Electronic Data Interchange: the computer-to-computer transmission of (business) data in a standard format (UN/EDIFACT)". In our point of view UN/EDIFACT is complex, sensitive to mistakes and expensive. We have a strong preference for an open standard like XML for the interchange of data.

(**Remondis, Germany**). The whole legal construction of the European ordinance is based on the fiction of a single case shipment, while in real live a general notification with multiple shipments is reality (between a few and some thousand shipments). It would make sense to change the ordinance so that it mirrors reality.

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#### 7. CONCLUSIONS

The structured Questionnaire with 63 questions was sent to the 67 stakeholders (institutions)<sup>14</sup> or 93 individual emails. More specifically to: 43 institutions from Member States, 2 EFTA countries (Norway and Switzerland), 5 customs offices, 4 industry associations, 6 waste companies, 3 NGOs and 4 software companies.

Answers to the Questionnaire are <u>received</u> from 59 stakeholders (88%), out of which: 37 institutions from MS authorities, 2 institutions from EFTA countries, 3 Customs offices (Bulgaria, Portugal and Germany)<sup>15</sup>, 4 Industry associations, 6 Private waste companies, <sup>16</sup> 3 NGOs/non-for-profit associations, and 4 Private software/IT companies.

The following observations can be summarised and conclusions drawn:

#### 1. What are we talking about? What is at stake?

Top 5 countries with the highest number of notifications/year:

- Germany (ZKS Central Waste Agency) with 4 200 notifications/year
- Netherlands with 3108 notifications/year
- Austria with 1284 notifications/year
- Belgium/Flemish region 1200 notifications/year
- Ireland with 1080 notifications/year

73% of the Competent Authorities indicated as their first priority the waste shipment between the Member States.

75% of the industry associations (3 out of 4 responses) and 67% of the waste companies (4 out of 6) also give the first priority to waste shipments between the Member States.

Top 5 countries with the highest number of shipments per year are the following:

- o Germany (ZKS Central Waste agency) with 360 000 shipments/year
- o Netherlands with 170 000 shipments/year
- o Austria 150 000 shipments/year
- o Hungary 80 000 shipments/year
- o Belgium/Flemish region with 65 257 shipments/year

The shipment of 'green' listed waste needs to be accompanied by the Annex VII documents. There is no obligation to submit this document to the Competent Authorities, only to present them in case of inspections.

However, some countries due to their national legislation do monitor and process Annex VII documents.

These are the following countries:

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<sup>&</sup>lt;sup>14</sup> In the context of this study, a stakeholder is defined as one who is involved in or affected by course of action, including: Member States Competent Authorities, EFTA (Norway and Switzerland), industry associations, waste companies, treatment facilities and NGOs.

<sup>&</sup>lt;sup>15</sup> Customs of Netherlands, Malta and Greece provided answers jointly with their respective competent authority.

 $<sup>^{16}</sup>$  CINAR S.A., Greece (hazardous waste collector) provided answers for industry-specific questions in a joint response with Greek competent authority

- o Hungary with 4500-5000 docs/month
- o Portugal 3560 docs/month
- o UK/Northern Ireland with 1000 docs/month
- o UK/Scotland EPA with 500-1000 docs/month
- o Estonia with 190 docs/month
- o Malta with 170 docs/month
- o Greece with 150 docs/month
- o Cyprus 60-70 docs/month

**Conclusion 1:** Huge administrative burden on the Competent Authorities and the Industry for preparation, submission, processing and exchange of documents for different WSR processes.

## 2. How documents are currently processed and exchanged by the Competent Authorities for WSR processes?

- 97% of the Competent Authorities (31 out of 32 responses) receive the Notification-related documentation by post and 56% by email without digital signature followed by post (18 out of 32 responses) and by fax (4 out of 32 responses or 12.5%). Other most frequently used option is use of email without digital signature not followed by the post.
- 78% of the Competent Authorities (25 out of 32 responses) receive and exchange the Movement-related documents by fax and 72 % by post (23 out of 32 responses) and 44% other format of communication (14 out of 32). Under the category of 'Other' most of respondents indicated email without digital signature not followed by post.
- 91% of the Competent Authorities (10 out of 11 responses) uses fax for exchange of Annex VII documents with the inspection and 64% uses email without digital signature followed by post.

**Conclusion 2:** MS Competent Authorities mainly use post, fax and emails without digital signature followed by the post for exchange of documents for the WSR processes.

## 3. How documents are currently submitted and exchanged by the Industry for all WSR processes?

• Industry associations and waste companies use post (8 out of 9 or 88.9%) and fax (6 out of 9 or 66.7%) for sending and exchanging documents. Sending documents via email followed by the post is used by (3 out of 9 or 34%) of industry and waste companies.

**Conclusion 3**: Industry associations and waste companies mainly use post and fax for submitting and exchanging the WSR documents.

#### 4. Which steps of the Notification process should be covered by an EDI?

MS Competent Authorities indicated the following key steps in the Notification procedure that should be covered by an EDI:

- Transmitting the decision issued by the Competent Authority with copies to the Notifier and to the other Competent Authorities (step 4) (29 out of 31 responses or 93.5%)
- Sending an acknowledgement to the Notifier and the other Competent Authorities by the CA of destination (step 3) (if notification is properly completed) (27 out of 31 or 87%).

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• Transmitting the notification to the CA of destination with copies to any CA of transit by CA of dispatch and informing the Notifier on transmission done (step 2) (26 out of 31 or 84%).

**Conclusion 4:** Exchange of the competent authorities' decision between all involved entities, together with sending the acknowledgment as part of the Notification process is of high priority for the MS Competent Authorities.

## 5. Which steps of the Notification and Movement process (shipments) should be covered by an EDI?

Industry representatives (associations and waste companies) specified the following key steps in the Notification and Movement (shipments) procedure to be covered by an EDI:

- Preparing the Notification document (Annex IA) and Movement document (1B)
- Receiving acknowledgement recipient from the CA of destination
- Sending prior information regarding the actual start of shipment (signed copies) to the Competent Authorities and the consignee (so-called shipment announcements or movement announcements)
- Informing the competent authorities concerned and the consignee in case of changes in the shipment after the consent.
- Receiving objections and written consent
- Receiving certificate of recipient and certificate of recovery from the treatment facility.

**Conclusion 5:** Preparation and submission of the Notification and Movement documents, together with movement-related process (shipments) has the highest priority for the Industry.

#### 6. Which steps of the Article 18 (Annex VII) should be covered by an EDI?

The following steps of the Article 18 (Annex VII) should be covered by EDI as indicated by the Competent Authorities.

- Requesting Annex VII information for inspection, enforcement, planning and statistical purposes (23 out of 24 response or 96%)
- Requesting a copy of the contract from the person who arranges the shipment or the consignee (17 out of 24 responses or 71%).

**Conclusion 6:** Requesting Annex VII information, including a copy of the contract should be covered by an EDI solution.

#### 7. How long does it take to receive consent?

44% of the Competent Authorities (11 out of 25) need between 1-3 months to issue prior notification consent if submitted documentation is complete.

However, 20% of the Competent Authorities (5 out of 25 respondents<sup>17</sup>) indicated that in special cases the procedure could take around 12 months or more.

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<sup>&</sup>lt;sup>17</sup> Czech Republic (Mo Env)(351 days), Denmark, Lithuania, Slovenia, UK/England

**Conclusion 7:** It takes between 1-3 months to receive consent. However, there is no specified limit in the WSR and in some cases it takes around 12 months or more. This presents red tape for business functioning and growth.

## 8. Who expressed readiness to financially support project for the establishment of a harmonised solution

#### Competent authorities:

- Croatia and Slovenia expressed readiness to contribute for the establishment of a harmonised solution (2 out of 21 response or 9.5%).
- Norway and Switzerland also expressed strong interest in the development of an EDI and willingness to financially support the project.
- 6 out of 20 or 30% of Competent Authorities stated that no financial resources would be available for this project
- 12 out of 20 or 60% conditionally expressed their willingness to financially support the project, subject to the financial implications on Member States and compatibility/adaptability with their existing IT system.

Industry is ready to financially support the project for replacement of the paper-based process with an electronic system only if a system will be sufficiently flexible and if only one unified procedure is accepted by all Competent Authorities.

- 2 associations (FEAD and EURITIS)
- 5 waste companies (Gemini, Belgium; GeoCycle, BeneLux; Indaver, Ireland; CINAR, Greece; and Rekom, Norway).

**Conclusion 8:** There is expressed willingness from the Competent Authorities and Industry to financially support project for the establishment of a harmonised solution.

## 9. How many countries have provisions on the WSR confidentiality in their national legislations?

50% of the MS Competent authorities (14 out of 28 responses) have and 50% of MSCA don't have these provisions in their respective national legislations.

**Conclusion 9:** 14 Member States have provisions on the confidentiality of WSR data in their national legislations.

#### 10. Is there a need for an EU-wide solution for the WSR?

- 98% of the stakeholders answered; yes, there is a need for an EU-wide solution for WSR.
  - o 32 out of 33 or 97 % of MS Competent authorities
  - o Norway and Switzerland
  - o 3 Customs representatives (Germany, Bulgaria and Portugal)
  - o 4 industry associations
  - o 5 Waste companies
  - o 3 NGOs
- With regard to the processes that should be covered by an EDI, the stakeholders indicated the following:
  - o 31 out of 50 responses or 52 % said that all processes (Notification, Movement and Article 18/Annex VII) should be supported by an EDI
  - o 18 out of 50 responses or 36% stated the Notification-related process
  - o 17 out of 50 responses or 34% stated the Movement-related process
  - o 8 out of 50 responses or 16 % indicated the Annex VII-documentation.

**Conclusion 10:** There is a strong need for an EU-wide solution with all WSR processes supported.

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#### 8. THE QUESTIONNAIRE USED IN THE SURVEY

### 8.1 Background

Article 26 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (hereinafter: WSR) provides information on the submission of documents and information relating to how shipments of waste should be processed. The current process is mainly paper based and requires considerable amount of resources.

Following the recommendation of the Stoiber Group, DG Environment launched a study to examine the feasibility of establishing an Electronic Data Interchange (EDI)<sup>18</sup> for waste shipments. The objective of the study is to describe the needs and assess the possibility of establishing a harmonized EU-wide<sup>19</sup> electronic system.

TRASYS, member of the STRATIQO consortium has been awarded the contract to carry out this project which started on the 19<sup>th</sup> June 2013. The overall duration of the project is 12 months. The main deliverable of this study is a Vision document describing the context, the solution scope, the stakeholders and the possible alternatives for a harmonized EU-wide solution.

#### 8.2 Aim of the Questionnaire

This Questionnaire applies for shipments of all types of waste as defined in the WSR. The main objective of the Questionnaire is to capture the needs and challenges of different stakeholders in an efficient manner. It will also serve as a basis for carrying out subsequent interviews.

You are identified as a key stakeholder for this project someone who has a valuable grasp of business and technical needs around the WSR. Your responses and comments will help us to understand the challenges you face in respect to the WSR and to assess the feasibility of establishing a harmonized electronic system.

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<sup>&</sup>lt;sup>18</sup> Electronic Data Interchange: the computer-to-computer transmission of (business) data in a standard format. (UN/EDIFACT)

<sup>&</sup>lt;sup>19</sup>EU-wide solution in the context of this study refers to a Trans-European solution as defined by DG TAXUD and the ISA legal decision. DG TAXUD defines a Trans-European system as "a collection of collaborating systems (orchestrated and choreographed) with responsibilities distributed across the National Administrations and the Commission". The ISA legal decision with regards to interoperability solutions, states that "solutions means common frameworks, common services and generic tools".

#### 8.3 Structure of the Questionnaire

The Questionnaire is structured into the following sections:

2. Date when form completed (D/M/Y): -- / -- / ----

General questions

1. Organisation: \_\_\_

- Common questions to all stakeholders
- Specific questions for Authorities
- Specific questions for the Industry
- An EU-wide solution for Waste shipments

8.4	<b>General</b>	questions

	3	3.	Name of the person who filled in the questionnaire (First name, Family name, Function/position):
	2	4.	Name(s) of contributor(s) (First name, Family name, Function/position):
	į	5.	Address:
	(	6.	Telephone No:
	-	7.	Fax No:
	8	8.	Email:
8.5	Comm	nc	on questions for all stakeholders
	g	9.	What is your role in respect of the Waste Shipments Regulation? Please, tick all that apply.
			□Waste Shipment Correspondent
			□Competent authority of:
			□Dispatch
			□Destination
			□Transit
			□Customs office of
			□Exit from the EU
			□Entry into the EU
			☐Transit through the EU
			□Notifier
			□Person who arranges shipment (of non-hazardous wastes)
			☐Treatment facility

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□For recovery
□For disposal
☐For an interim operation
□Laboratory facility
☐Technical Expert from:
□A Member State
□An EFTA country
□A third country
☐The industry
□NGO
□Other
□Other (please specify)

- 10. Briefly describe the nature of your tasks and responsibilities for the implementation of the WSR (e.g. technical issues, legal matters, enforcement tasks, etc.)
- 11. How many people within your organisation are responsible for the management of different processes under the WSR?
- 12. Based on the average number of shipments in the past year, what type of shipments are you the most concerned with? Please provide *number of notifications per year* or indicate with numbers 1 (the most concerned with)- 4 (the least concerned)

**Table 8-1** 

Type of shipments	Number/year	Rate (1-4)
Waste shipments exclusively within your country		
<ul> <li>Shipments between Member States</li> </ul>		
<ul> <li>Import into the EU from third countries</li> </ul>		
Export from the EU to third countries		
<ul> <li>Transit through the EU</li> </ul>		

13. What are the <u>five (5) most important</u> limitations, problems and constraints of your current procedures in place?

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14. What is the typical method of communication you currently use? Please indicate for all that apply.

**Table 8-2** 

Method of communication	Transboundary	Within Member State
• Post		
By fax		
<ul> <li>By fax followed by post</li> </ul>		
<ul> <li>By email with digital signature</li> </ul>		
<ul> <li>By email without digital signature followed by post</li> </ul>		
<ul> <li>In an electronic form with digital signature</li> </ul>		
<ul> <li>Other (please, specify)</li> </ul>		

15. We are aware of the electronic systems/e-applications for waste shipments listed below. Please, tick the box of the system you use and elaborate key features of the system and your experience (benefits, problems, issues, etc.)

□EDM Austria
□EUDIN
□Nordic-TFS
□e-TFS
□SITT Lombardia
□GISTRID France
□SISTRI Italy
□SILiAmb Portugal
□E-Per Greece
□iWasteMove
□Logistiek Zonder Papier (LZP)
□Modawi
□Regista
□E-Waste
□GS1
□ZKS-Abfall
□Other (please specify)

16. If you selected 'Other 'in the previous questions, please, provide short descriptions and explanations about their use. We would also appreciate to receive a link to the website and/or a demo version.

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	17.	Which of the following processes of WSR are covered by your current electronic system(s) for electronic communication? Please tick the ones that apply.
		□Notification-related processes
		☐Movement document-related process
		□Annex 18 (Annex VII) documentation-related process
		□All of the above
		□None
		□Other (specify)
	18.	Which five (5) most significant problems do you encounter in relation to the use of your current system (if any in use) for an electronic data interchange for waste shipments?
	19.	Have you carried out any studies and/or projects/initiatives on possible electronic data interchanges for the implementation of the WSR? If yes, please, specify and send us a copy of the study (if possible).
	20.	What is <u>the average</u> duration between the submission of a notification and the issuance of the consent by the competent authority?
	21.	What is <u>the maximum</u> duration between the submission of a notification and the issuance of the consent by the competent authority?
	22.	What are the five (5) <u>most important</u> business, technical and organizational problems you are faced with respect to the WSR?
8.6 S	pecific	questions for Authorities
	23.	How do you currently receive and process <u>notification documents?</u> Please, tick all that apply.
		□Post
		□By fax
		□By fax followed by post
		☐By email with digital signature
		☐By email without digital signature followed by post
		□In an electronic form with digital signature
		□Other (Please, specify)

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24	. How do you currently receive and process movement documents? Please, tick all that apply.
	□By post
	□By fax
	□By fax followed by post
	☐By email with digital signature
	☐By email without digital signature followed by post
	□In an electronic form with digital signature
	□In an electronic form with digital signature
	□Other (please, specify)
25	. How do you currently receive and process other documents as listed in Article 26(1) <sup>20</sup> ? Please, tick all that apply.
	□Post
	□By fax
	□By fax followed by post
	□By email with digital signature
	□By email without digital signature followed by post □In an electronic form with digital signature
	□Other (please, specify)
26	. How do you currently <u>process documents relating to Article 18</u> (i.e. Annex VII, contract)? Please, tick all that apply.
	□By fax
	□By fax followed by post
	☐By email with digital signature
	☐By email without digital signature followed by post
	□In an electronic form with digital signature
	□Other (please, specify)
27	. The notification procedure involves several steps falling under the responsibility of a Competent Authority. Which of these steps do you think are important to be covered by an electronic communication? Please tick all relevant boxes and elaborate your answer.
	□Step 0: The notifier submits the notification related documents to the Competent authority of dispatch.
20	http://eur
	eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1013:20120308:EN:PDF

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	$\square$ Step 1: Competent authority of dispatch <u>issues the</u> notification document and the movement document to the notifier.
	□Step 2: Competent Authority of dispatch <u>transmits</u> the notification to the Competent authority of destination with copies to any Competent authority of transit and informs the notifier of the transmission.
	□Step 3: If the notification has been properly completed, Competent authority of destination sends an acknowledgement to the notifier and copies to the other competent authorities concerned.
	□Step 4: The competent authorities of destination, dispatch and, where appropriate, transit shall <u>transmit</u> their decision and the reasons to the notifier with copies to the other competent authorities.
	$\Box$ Step 5: The competent authorities of destination, dispatch and, where appropriate, transit <u>signify</u> their written consent.
	□Step 5a: In case of reasons as specified in Article 9(8), competent authorities will <u>withdraw</u> their consent and <u>transmit</u> its notice to the notifier with copies to all involved authorities.
	□Other steps (please specify)
28.	With respect to the documentation under Article 18, the involvement of authorities and their possibilities for action is possible in the following processes:
	□Request, in accordance with national legislation, Annex VII information for inspection, enforcement, planning and statistical purposes;
	$\square$ Request a copy of the contract from the person who arranges the shipment or the consignee
	$\square$ Keep Annex VII information confidential if required by EU or national law.
29.	How (if at all) do you currently carry out any of the aforementioned processes?
	□By fax
	□By fax followed by post
	☐By email with digital signature
	$\square$ By email without digital signature followed by post
	□In an electronic form with digital signature
	□Other (please specify)
30.	Do you consider it important that the aforementioned processes be carried out by means of an electronic data interchange? Please, elaborate your answer.

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31. Competent authorities are involved in other examples of processes presented below. Which of these processes do you consider important that they be carried

elaborate your answer.

☐The responsible competent authority <u>transmits its conditions</u> for a shipment to the notifier with copies to the competent authorities concerned.

out by means of an electronic data interchange? Please tick relevant boxes and

 $\Box$ The responsible competent authority <u>informs the notifier</u> with copies to the consignee and to the other concerned competent authorities if raised objections to shipments of waste destined for disposal have been resolved (or waste destined for recovery).

 $\Box$ The competent authority of dispatch in the Community <u>takes the decision</u> to consent to the shipment as referred to in Article 9 in accordance to Article 35, point  $2(b)^{21}$ 

□The competent authorities of dispatch and, where appropriate, transit in the Community shall <u>send</u> a stamped copy of their decision to consent to the shipment to the customs office of export and to the customs office of exit from the Community in accordance to Article 35, point 3(b)

□The competent authorities of dispatch and, where appropriate, transit in the Community shall <u>send</u> a copy of the movement document by the carrier to the customs office of export and the customs office of exit from the Community.

□If, 42 days after the waste left the Community, the competent authority of dispatch in the Community has received no information from the facility about receipt of the waste, is shall without delay <u>inform</u> competent authority of destination.

□Other processes (please, specify)

- 32. How many notifications do you process (on average) per month?
- 33. How many documents pursuant to Article 18 do you process (on average) per month?
- 34. Do you have specific border-area agreement or e-collaboration projects/studies with some Member States? If yes, please specify and send us a study/ or project link if possible.
- 35. Under your National legislation is there any information from the notification or movement documentation or Article 18 that should be kept confidential<sup>22</sup>?

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<sup>21</sup> http://eur-lex.europa.eu/LexUriSery/LexUriServ.do?uri=CONSLEG:2006R1013:20120308:EN:PDF

 $<sup>^{22}</sup>$  Proper completion of all blocks of Annex VII is important following the Court judgement on Case C-1/11 (see:

http://curia.europa.eu/juris/document/document.jsf?text=&docid=121166&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=839361)

- 36. Is there a requirement in your Country for any information from the notification or movement documentation or Article 18 documentation to be kept confidential due to European legislation?
- 37. Considering the long-term benefits of a harmonized solution, would your country be in a position to provide the necessary financial resources in order to enable the establishment of such a system within its territory? Please elaborate by providing, if possible, information regarding the limits of your budget resources or any constraints you may encounter in this area.

#### 8.6.1 Customs office

38. How do you currently issue and process <u>relevant documents?</u> Please, tick apply.		it
	□Post	
	□By fax	
	☐By fax followed by post	
	☐By email with digital signature	
	$\square$ By email without digital signature followed by post	
	$\square$ In an electronic form with digital signature	
	□Other ( please, specify)	
39.	A customs office is responsible for several processes as listed below. Which of these processes would you consider important to be covered by means of an electronic data interchange? Please tick relevant boxes and elaborate your answer.	
	☐The customs office of exit from the Community shall <u>send</u> a stamped confidence of the movement document to the competent authority of dispatch in the Community.	
	□If a customs office of export or a customs office of exit from the Community discovers an illegal shipment it shall inform without delay the Competent authority in the country of the customs office	
	□If a customs office of entry to the Community discovers an illeg shipment it shall <u>inform</u> without delay the Competent authority in the country of the customs office	-
	$\square$ As soon as the waste has left the Community the customs office of exfrom the Community shall send a stamped copy of the movemed document to the competent authority (ies) of transit in the Community.	
	□Other processes (please specify)	

## 8.7 Specific questions for Industry

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	40.	How many people within your organisation are involved in the implementation of the WSR?
	41.	How do you currently submit notification documents or movement document or Article 18 documentation to the competent authorities? Please, tick all that apply.
		□Post
		□By fax
		□By fax followed by post
		□By email with digital signature
		$\square$ By email without digital signature followed by post
		$\square$ In an electronic form with digital signature
		□Other (please, specify)
	42.	Does your Member State already have an e-data system in place? Does this system create any problems? If yes, please elaborate on these problems?
8.7.1	Notificat	tion procedure <sup>23</sup>
	43.	The notification procedure involves several steps as listed below. Which of these steps do you consider important that they be covered by means of an electronic data interchange? Please tick relevant boxes and elaborate your answer.
		□Step 1: Notification document preparation (Annex 1A)
		□Step 2: Movement document preparation (Annex 1B)
		□Step 3: Attached documents to the Notification document (Annex II, Part1)
		□Step 4: Attached documents to the Movement document (Annex II, Part2)
		□Step 5: Providing additional information and documentation (if requested) (Annex II, Part 3)
		□Step 6: Providing Evidence of contract between the notifier and the consignee or a declaration certifying its existence (upon request)
		□Step 7: Providing financial guarantee or equivalent insurance
		$\Box Step~8 \colon Receiving~acknowledgment~recipient~from~the~Competent~Authority~of~destination$
		□Step 9: Receiving written consent or
		□Step 9a: Receiving objections from any authority involved
		□Step 10: Receiving conditions for a shipment
		□Step 11: Completing the movement document

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 $<sup>^{\</sup>rm 23}$  Prior-written notification and consent as defined in Article 4

(signed copies) to the competent authorities and the consignee in accordance with Article 16(b). OR
$\square$ Step 12a: Informing the competent authorities concerned and the consignee immediately in case of changes in the shipment after consent.
□Step 13: Receiving Certificate of recipient from the treatment facility
□Step 14: Receiving Certificate of recovery
□Other (please specify)

- 44. Do you currently use a system for electronic data communication that covers some of the above mentioned steps? If yes, please specify name of the system and key features of the system. We would also appreciate to receive link to the website and/or demo version.
- 45. What are the five (5) <u>most relevant</u> business, technical and organizational problems you are faced with in preparation of the notification or movement document?
- 46. How many notifications in average do you need to prepare per month?

### 8.7.2 Article 18 procedure<sup>24</sup>

- 47. The preparation of the documentation as per Article 18 involves several steps as listed below. Which of these steps would you like to be covered by electronic communication/ data interchange? Please tick relevant boxes and elaborate your answer.
  - □Step 1: Preparation of the document contained in Annex VII
  - $\square$ Step 2: Contract signature between the person who arranges shipment and the consignee for recovery
  - □Step3: Provision of a copy of the Annex VII document and of the contract to the competent authorities involved (upon request).
- 48. How many documentation sets as per Article 18 do you need to prepare per month?
- 49. As a notifier (notification documentation of Annex 1A; movement document Annex 1B) would you consider it to be a financial benefit, trading off your costs in replacing paper with an electronic system?

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<sup>&</sup>lt;sup>24</sup> Waste to be accompanied by certain information as per Article 18

50. As a person who arranges the shipment of non-hazardous wastes (document contained in Annex VII) would you consider it to be a financial benefit, trading off your costs in replacing paper with an electronic system?

## 8.7.3 Treatment facility

51.		v do you currently issue and process relevant documents as per Art. 15 &16? ase, tick all that apply.
		□Post
		□By fax
		□By fax followed by post
		□By email with digital signature
		□By email without digital signature followed by post
		□In an electronic form with digital signature
		□Other (please specify)
52.	thes elec	atment facilities are responsible for several processes as listed below. Which of se processes would you consider important to be covered by means of an attronic data interchange? Please tick relevant boxes and elaborate your wer.
		□Issue a Confirmation in writing that the waste has been received.
		□Send signed copies of the movement document with the aforementioned confirmation to the notifier and to the competent authorities concerned.
		$\Box Issue\ a$ Certificate that the interim recovery (or non-interim recovery) or disposal has been completed.
		□Send signed copies of the movement document with above mentioned Certificate to the notifier and to the competent authorities involved.
		□Transmit the relevant certificate(s) to the notifier and the competent authorities concerned on delivering the waste for any subsequent interim or non-interim recovery or disposal operation.
		□Send signed copies of the completed movement document (except for the certificate of disposal) to the notifier and the competent authorities concerned within three days of receipt of the waste for disposal in accordance with Article 35, point 3(f)(ii).
		□Issue a Certificate that the disposal has been completed
		□Send signed copies of the movement document with above mentioned Certificate to the notifier and to the competent authorities involved.

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# 8.8 An EU-wide solution<sup>25</sup> for Waste Shipments by means of Electronic Data Interchange<sup>26</sup>

53.	Do you think there is a need for an EU-wide solution? Why? Please elaborate you	ır
	answer.	

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	n your opinion, which of the listed processes should be supported by an EU-wide olution?	
	□Notification-related processes	
	☐Movement document-related process	
	□Annex 18 (Annex VII) documentation-related process	
	□All of the above	
	□None	
	□Other (specify)	
	Would you be ready to collaborate with other stakeholders to define features for harmonized solution?	
56. Which of the architectural alternatives listed below for such an EU-wide electric solution would be your preference? Please, tick the relevant box and elaborate your answer.		
	$\underline{\square} a$ central system managed by the European Commission and accessible by all Member States and other stakeholders	
	$\hfill \Box$ a distributed system, where each Member State would have their system which are communicating together with standardized messages	
	□an intermediate system, with some Member States having their local IT infrastructures and others not, where the European Commission is playing the role of the centralized repository of the notifications	
	□Other (please specify)	
ir C	What is the approximate proportion <sup>27</sup> of tasks you perform for the mplementation of the WSR using your own existing solution for an electronic ommunication (if one is in place) as compared to other means of communication e.g. paperwork, faxes, emails, etc.)?	

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<sup>&</sup>lt;sup>25</sup> EU-wide solution in the context of this study refers to a Trans-European solution as defined by DG TAXUD and the ISA legal decision. DG TAXUD defines a Trans-European system as "a collection of collaborating systems (orchestrated and choreographed) with responsibilities distributed across the National Administrations and the Commission". The ISA legal decision with regards to interoperability solutions, states that "solutions means common frameworks, common services and generic tool".

 $<sup>^{26}</sup>$  Electronic Data Interchange: the computer-to-computer transmission of (business) data in a standard format. (UN/EDIFACT)

 $<sup>^{27}</sup>$  Proportion should be expressed in %; for example, approx. 70% of tasks for WSR is done using email without digital signature and paperwork) with 30% using back-office solution

- 58. Which are the top five (5) benefits that you see in the automation of the WSR-related tasks not covered by your current electronic solution (if case you have one)? Could you please provide examples?
- 59. Do you need to prepare different reports under the EU WSR and/or Basel convention or other purposes (e.g. reporting to regional authorities, right for the environmental information from the public and companies, etc.) Do you need the data also for other queries and analyses? Please provide examples?
- 60. How do you see an EU-wide solution facilitating your work towards fulfilling the requirements of reporting mentioned in the previous question?
- 61. Would you be willing to <u>adopt</u> an EU-wide solution? Please elaborate your answer.
- 62. Would you be willing to <u>adapt</u> your current solution (if any is used) to the requirements of a harmonized EU-wide solution? Please elaborate your answer.
- 63. Do you see any benefits in performing your daily tasks for the WSR if you were to be logged under your account into a Trans-European solution, providing specific deadlines, reminders and notifications with regards to their execution?
- 64. Is it feasible and to what extent could the use of paperwork for the WSR be minimised? Which specific documents and for whom do you think they should <u>still</u> remain as hard-copies?
- 65. Would you like to provide more information in an interview?
- 66. Any further comments/inputs/suggestions are welcomed.

#### Thank you for completing the questionnaire!

For further information and clarifications, please, contact:

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