

# **Consultation Strategy**

## **Evaluation of the Waste Shipment Regulation**

### **Context**

Article 60(2a) of Regulation (EC) No 1013/2006 on shipments of waste<sup>1</sup> (Waste Shipment Regulation - WSR) calls on the Commission to carry out a review of this Regulation by the end of 31/12/2020. In accordance with the Better Regulation Guidelines, an evaluation of the Regulation is the first step in this process.

The evaluation of the WSR which will be carried out together with Regulation 1418/2007<sup>2</sup> will assess the overall effectiveness, efficiency, relevance, coherence, and EU added value of these pieces of legislation. A roadmap for this evaluation was published on EUROPA in January 2017 and remained open for comments until March 2017. The evaluation will rely on both existing data, including information gathered in the context of implementation reports, as well as new data from stakeholders. Stakeholder consultation is a key component of this evaluation to identify the most relevant issues, to collect data in response to the evaluation questions (outlined in the roadmap) and to ensure a balanced and comprehensive assessment of the waste shipment legislative framework. The evaluation will investigate costs and benefits associated with the implementation of the Waste Shipment Regulation for the stakeholders, at local, national and EU level.

Further information in relation to the evaluation can be found in the published evaluation roadmap<sup>3</sup>.

### **Consultation objectives and scope**

The objective of the consultation will be:

- ▶ To collect additional relevant facts and data on the implementation of the WSR beyond the materials already available as part of Commission implementation reports, studies and similar materials developed and made publicly available from relevant stakeholders including Member States, industry and non-governmental organisations;
- ▶ To identify provisions that consultees believe work well and the added value that the WSR brings to this effect;

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<sup>1</sup> OJ L 190, 12.7.2006, p. 1

<sup>2</sup> OJ L 316, 29.11.2007, p.6

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

- ▶ To identify those parts of the WSR that have been considered as problematic including problems encountered in implementation, excessive regulatory burdens, duplication and overlaps with other law, inconsistencies both within the WSR and with other legislation and policy objectives, measures that are no longer relevant and, therefore, obsolete and to identify any gaps in the Regulation limiting its functioning and its ability to meet its given objectives;
- ▶ To identify and analyse potential divergences in the application of the WSR across the EU and identify the reasons, whether more harmonisation of rules are needed.

Relevant evidence is expected to be gathered in the form of views and opinions supported, to the extent possible, by facts and figures against five evaluation criteria. The consultation should identify both areas where there is broad agreement among stakeholders and areas where significant differences of views exist, and in the latter case the consultation should allow the identification of which group of stakeholders the different views refer to.

### **Relevant stakeholders**

The WSR has implications for a broad range of stakeholders from Member State administrations and competent authorities, to industry operators involved in the production of products, by-products and waste, trade, transport and treatment and recycling / disposal of waste, by-products or end-of-waste materials, financial institutions in respect of financial guarantees, EU citizens and, beyond the EU's borders, governments, stakeholders and citizens that may be impacted as a result of the (legal as well as illegal) transfer of wastes, including hazardous wastes and their insufficient treatment and/or disposal at the final place of receipt.

Relevant stakeholders may be grouped as follows:

- ▶ **Public administrations:** the experience from competent authorities and customs authorities from Member States in charge of implementing the Waste Shipment Regulation, port authorities, is expected to be very relevant. European and non-European organisations, agencies and committees and officials from relevant EU institutions, like European Commission services will also be consulted.
- ▶ **Industry associations:** knowledge of the industries / value chains concerned will be a key factor in assessing the impact of the Regulation. This stakeholder group includes European and national representatives of manufacturing companies, Extended Producer Responsibility Organisations, waste management companies/organisations, representatives of waste exporters/importers or transporters and recyclers and users of waste and secondary raw materials.
- ▶ **General public, consumers, environmental protection organisations:** the involvement of environmental non-governmental organisations will be relevant for their contribution on waste management, pollution, circular economy, etc.
- ▶ **Other stakeholders:** any other stakeholder (e.g. academia, think-tank) who may have an interest in the circular economy generally and waste shipment specifically.

## Methodological overview

This section presents a short summary of the main consultation methods and tools that are intended to be employed to engage with stakeholders:

- ▶ **Open public consultation:** the aim of the open public consultation is to gather the opinion of any interested citizen or organisation. It will also aim in particular at engaging with stakeholders that do not take part in the targeted surveys and interviews and to collect feedback from them on Contribution of WSR to combatting illegal traffic of waste, changes triggered by WSR and associated benefits, the alignment between the WSR objectives and the needs of the countries, adaptation of WSR to technical and scientific progress, EU added value. To engage widely to the European audience, the open public consultation will be carried out in all EU languages in the first quarter of 2018.
- ▶ **Targeted consultations through interviews and surveys** will be carried out in the first half of 2018 to gather specific evidence through interviews including SMEs, and via case studies based on the initial evidence collected. This consultation will be carried out primarily in English; however, depending on the situation, interviews may involve additional languages such as French, German and Dutch.
- ▶ **Consultation of key international organisations and third countries** (OECD, Basel Convention Secretariat, WTO, WCO, Interpol etc., China including Hong Kong, US, Turkey, India etc.) will be carried in the first half of 2018: EU Delegations could be used for this purpose (demarches).
- ▶ **Member State specific consultation** to address in particular inspection plans and the effectiveness of Article 50(2a). Following an initial consultation with Member States via written communication to be carried in the first half of 2018, Member States may still be contacted for follow-up interviews in order to close any remaining gaps, seek clarifications on the responses, etc.
- ▶ **Stakeholder workshop:** two public workshops will be organised to assist in identifying and confirming the issues that will need to be assessed in the evaluation. The workshops should give priority to the main stakeholders (see above) and occur in January 2018 and September 2018 (to be confirmed).
- ▶ **Feedback received on the evaluation roadmap**<sup>4</sup>

## Ways to publicise the results of the consultation activities

The output of all consultation activities will be summarised in a synopsis report and as part of the evaluation report.

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<sup>4</sup> [http://ec.europa.eu/environment/feedback\\_en.htm](http://ec.europa.eu/environment/feedback_en.htm)