

# EuRIC POSITION ON THE REVISION OF THE WASTE SHIPMENT REGULATION

One of the founding assumptions of the circular economy is that wastes are resources. Circular material flows require waste and secondary raw materials to circulate at the pace of businesses to be recycled and used to manufacture new semi-finished and finished products.

The [Waste Shipment Regulation \(EC\) No 1013/2006 \(WSR\)](#) causes substantial administrative burdens due to overly complex and outdated procedures which make it sometimes impossible for recycling companies to ship secondary raw materials from one EU-Member State to another. Incidentally, it fosters linear material flows as it is, from an administrative procedure, much easier to import raw materials mined or harvested outside Europe with much lower standards than to ship waste for material recovery within the EU.

In line with the goals of the [European Green Deal](#) to build an internal market for secondary raw materials, it is much needed to alleviate obstacles to circular value chains in Europe and beyond as well as to boost the market for secondary raw materials. EuRIC therefore calls for a well-functioning market for the shipment of secondary raw materials and proposes in order to do so to improve and simplify the notification procedure as laid down in Article 4 et seq. as well as the Annex VII procedure as laid down in Article 18 et seq. Harmonized electronic waste shipment procedures throughout the EU should become the norm and gradually replace paper based procedures. In doing so, a transition period might be required to ensure that Member States systems are rendered fully interoperable and that operators have the necessary time to adapt.

## NOTIFICATION PROCEDURE

### 1) Member States interpret and enforce notification procedures differently

The diverging interpretations can lead to the fact that even within one Member State, different regions enforce procedures differently. For example, in Italy, Lombardia and Veneto regions rely on a digital application (SITT) whereas Piemonte and Campania require that the documentation must be sent in paper format, using the digital signature.

**Notifications procedures should be interpreted alike not only within a Member State but across Europe. EuRIC calls in particular for:**

- ❖ **Harmonized shipment procedures which are mandatory across Europe and implemented and executed uniformly in all Member States.**
- ❖ **Electronic notification procedures used throughout the EU that can be seamlessly used by all stakeholders (waste shipment operators and public authorities).**
- ❖ **Electronic procedures would improve traceability, speed up administrative procedures and protect business confidentiality which will reduce room for diverging interpretations among Member States.**

### 2) Financial Guarantees are often disproportionately high

The financial guarantee, which is supposed to cover the cost of transport, cost of recovery or disposal and the cost of storage for 90 days to guarantee the risks arising from these operations is disproportionately expensive and unfit for the purpose of adequately covering those risks.

For example, for a material that consists to 30 – 50 % of metals, which is non-hazardous and has a value of 300 – 600 €/t, a financial guarantee in a high 6-figure to low 7-figure €-range is demanded.

**EuRIC proposes to harmonize and clarify the provisions about financial guarantees, in particular when deciding about the sum. A system collectively mutualising risks to ensure that financial guarantees are proportionate would be welcomed.**

### **3) No harmonized expiry dates of written and tacit consents**

According to Article 9(4) and (5) a written consent to a planned shipment shall expire one calendar year after it is issued or on such later date as is indicated in the notification document, whereas a tacit consent shall expire one calendar year after the expiry of the 30-day time limit referred to in paragraph 1. This can lead to the fact that the written consent is still valid whereas the tacit consent has already expired, without the notifier knowing it.

**We propose that the Regulation should stipulate that all competent authorities, including the competent authority of transit, must issue their consents for the time period requested by the notifier.**

### **4) Prior information regarding actual start of notified shipments**

After consent has been given to a notified shipment by the competent authorities involved, the notifier shall send signed copies of the then completed movement document to the competent authorities concerned at least three working days before the shipment starts. The 3 working days requirement poses significant difficulties in organizing shipments of waste lead-acid batteries, for example, since there is lack of transport capacity, and many times the notifier gets to know in the last moment whether the transport company is able to send a truck. The requirement seriously and unnecessarily hinders the organization of waste shipments falling under the prior notification and consent procedure, the route of which is known anyway by the authorities.

**Therefore, we propose that the 3 working days requirement should be reduced to a more workable 1 working day requirement.**

### **5) Language barriers**

Language barriers slow down waste shipments procedures as some Member States have required to have all submitted documents (regarding notification, information, documentation or other communication) only in their national language. This renders waste shipments procedures even more complex.

**EuRIC suggest that it should be set out in the WSR that if the information is provided in English, it should be acceptable for EU Member States.**

## ANNEX VII PROCEDURE

### 1) Different waste classifications & interpretations

There are significant barriers for recycling and uncertainty for recycling companies which are caused by differences in (1) classifications of waste (whether or not green-listed), (2) in understanding of authorities whether the material is a waste or a product, and (3) interpretations of impurity levels acceptances. For example, steriles content accepted by competent authorities vary between 2 – 10 %.

**We call for a better harmonization of waste classification with a particular focus on hazardous waste as well as predictable, proportionate and risk-based rules regarding contamination in green listed waste.**

### 2) Different interpretations of persons who arrange the shipments

A major issue for the recycling industry is that some countries only allow export for companies established under the jurisdiction of the country of dispatch. The application of the WSR is not only inconsistent between EU Member States, but also between regions within one Member State. This causes major burdens to the internal market for secondary raw materials.

**EuRIC strongly supports a harmonized solution, which streamlines/simplifies exports of non-hazardous waste destined for recovery, without the need for a company to be established in a number of Member States in order to be able to appear as person arranging the shipment in box 1 of the Annex VII document.**

### 3) Electronic Annex VII procedures

**EuRIC supports, as for notification procedures, uniform electronic Annex VII procedures across Member States to speed up the shipments of green listed waste and protect business confidentiality while improve their traceability for competent authorities.**

### 4) Distinguish in law between mere administrative mistakes and criminal behaviour

No shipment should be regarded as illegal shipment because of mere administrative errors in Annex VII, and no company should be sanctioned with extremely high fines applying to illegal shipments because of an administrative error. Some companies fill in tens of thousands of Annex VII documents per year, with the largest ones reaching hundred thousand Annex VII documents per year. Compliant companies conduct their business with high-level of precision, but still an error can occur for example filling incomplete contact details of the recipient.

**We propose that the Regulation should explicitly stipulate, for example in the definition of illegal shipment in Article 2(35)(g)(iii), that a shipment shall not be regarded as illegal shipment because of administrative errors in Annex VII.**

### 5) More frequent update of Regulation 1418/2007 needed

[Regulation 1418/2007](#) is currently under revision but those revisions are only conducted every few years. Since [the last revision](#) 5 years ago, many countries have changed or updated their national legislations on waste imports so that [Regulation 1418/2007](#) does not reflect the current legislation of some countries.

**EuRIC calls for a more frequent update of [Regulation 1418/2007](#) in order to effectively mirror the changes regarding legislation on waste imports on international level.**

EuRIC calls for a well-functioning market for the shipment of secondary raw materials and proposes to improve and simplify the notification procedure as well as the Annex VII procedure. In order to close this significant gap between the aim to create market for secondary raw materials (WFD) and the overly complex procedures for waste/secondary raw material shipments (WSR), we call for introducing an electronic system for notification and Annex-VII procedures which needs to be carefully designed to (i) eliminate bureaucratic burdens (ii) provide a simple system (iii) avoid mixing paper and electronic format and (iv) ensure business confidentiality.

For further information, please contact [euric@euric-aisbl.eu](mailto:euric@euric-aisbl.eu)

**EuRIC** - The European Recycling Industries' Confederation - is the umbrella organisation for recycling industries. Through its Member Federations from 21 EU&EFTA countries, EuRIC represents across Europe over:

- 5,500+ companies generating an aggregated annual turnover of about 95 billion €, including large companies and SMEs, involved in the recycling and trade of various resource streams;
- 300,000 local jobs which cannot be outsourced to third EU countries;
- Million tons of waste recycled per year (metals, paper, glass, plastics, textiles, tyres and beyond) from different streams (household, industrial & commercial waste, ELVs, WEEE, Packaging, etc.;

By turning wastes into resources, recycling is the link which reintroduces recycled materials into the value chains again and again. Recyclers play a key role in bridging resource efficiency, climate change policy and industrial transition.