

# Cefic views on Waste Shipment Regulation proposal

Cefic welcomes the European Commission proposal on Waste Shipment Regulation to ensure the safe handling of wastes, to preserve the environment and human health by fighting against illegal imports and exports of waste within, from and to the EU, and to contribute to the transition to a competitive circular economy in the EU.

Cefic supports the direction taken in the proposal to contribute to the creation of a safe and dynamic market for secondary raw materials, to promote the development of innovative recycling technologies to simplify procedures, and to strengthen enforcement<sup>1</sup>. However, in order to fully realise these goals, we have identified, and list below, aspects of the proposal where challenges remain. In this paper we propose solutions as to how these could best be addressed in the most pragmatic way as the proposal moves forward:

1. Enabling digitalisation.
2. Streamlining of waste shipment procedures.
3. Verification of environmentally sound management.
4. Protection of confidential business information.
5. Promotion of innovative technologies.
6. Harmonised interpretation and implementation.

## 1. Enabling digitalisation

We support the full digitalisation of our distribution chains in a harmonized way<sup>2</sup>, including the Waste Shipment Regulation (WSR) procedures as mentioned in Art 26. We also welcome the approach taken by the EU Commission to harmonize and integrate the WSR intra-EU Electronic Data Interchange (EDI) and eFTI Regulation<sup>3</sup> in order to avoid the duplication of requirements (e.g.: data, functional, architectural, platforms).

Nevertheless, until the intra-EU Electronic Data Interchange (EDI) system is fully implemented in the EU, binding transitional rules should be introduced to allow the digital submission of movement documents (*prior information, confirmations of receipt or recovery*) as pdf-file as email attachment without requiring a qualified electronic signature (*in analogy to the Commission recommendation on the handling of waste shipments in the corona-crisis*). Competent authorities could be granted the right to request the submission of the original documents in cases of doubt.

## 2. Streamlining of waste shipment procedures

We welcome the suggested measures to simplify the related procedures. This will help to reduce the administrative burden related to transboundary waste shipments without hampering the effectiveness of enforcement and the fight against illegal waste trafficking. However, some additional clarifications and further changes are still needed:

<sup>1</sup> See [Cefic explanatory note on the Waste Shipment Regulation Revision](#)

<sup>2</sup> [Cefic views on transport and logistics digital collaboration and data sharing](#)

<sup>3</sup> [Regulation \(EU\) 2020/1056 on electronic freight transport information \(eFTI Regulation\)](#).

- The Art 14 proposal for a delegated act on the harmonized criteria for pre-consented facility status is a step in the right direction. However, we consider it vital that a pre-consent issued by one MS is recognized by all other MS to enable the effective and efficient operation of the internal market. Art 14 allows the competent authorities to shorten the period of validity to less than three years in duly justified cases. These duly justified cases should be further specified.
- In Art 16 although it is appreciated that once consent to a shipment has been given, the time required to notify the actual shipment date and complete the movement document to the extent possible has been reduced to 1 working day, this provision causes additional administration burden without a practical benefit for the control of waste. We would therefore propose the complete removal of the requirement to pre-notify movement of waste (Art 16(2)).
- With regards to Annex II part 3<sup>4</sup>, standardized requirements by competent authorities should apply for the shipment of waste across the EU. This harmonised application of the requirements could be promoted by an EU guidance document. Currently, the requirements concerning the nature and extent of the listed documents differs significantly between competent authorities. This leads to delays, an additional burden for companies and hampers the level playing field.
- Some issues could be solved if the English documents were accepted by all Member States (Art 27). Quite often authorities still require the translation of documents into their own official language. This causes additional costs and extends the processing time. Furthermore, nuances and exact meaning may get lost in translation.
- We welcome requirements under Art 7 on the financial guarantee or equivalent insurance. However, it should be ensured that the calculation method to be developed through delegated acts should be as simple as possible to reduce the administrative burden. For specific non-hazardous waste, e.g. mixed plastic waste, the non-hazardous nature of the waste should be considered in the calculation.

### **3. Verification of environmentally sound management (ESM)**

Although we fully support the enforcement and prevention of illegal export of waste, it remains unclear how Art 43 will be implemented. According to this provision, external audits should be carried out to ensure the facilities are treating waste in an environmentally sound manner. To realise such an approach, a number of challenges will need to be addressed:

- Currently there is no ESM standard for facilities to be assessed against. The criteria to assess whether the waste is treated in an environmentally sound manner need to be clarified to ensure consistency of assessment. Since this approach applies to countries outside the EU, an ISO Standard would seem most appropriate to ensure harmonized implementation and interpretation. As a minimum this should be implemented where there is no agreement in place as per Art 43(8). The EU should enter into agreements according to Art 43 (8) with countries where waste is treated in an environmentally sound manner as quickly as possible (e. g. Switzerland, Great Britain, United States).
- If a facility receives waste from multiple exporters/notifiers and each exporter would be required to conduct an independent audit this would take up significant resources in the receiving facility which would be constantly under assessment by third parties. It may be more workable if the

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<sup>4</sup> Annex II part 3 lists the additional information and documentation that may be requested by the competent authorities when examining an application.

recipient facility commissions the assessment once only and then provides the results to each notifier.

- To avoid potential bottle necks, it needs to be considered how the results of the assessment performed by the external auditor of the facility can be made accessible to any other party intending to export waste to the audited facility. The EU should consider the establishment of a central register of audited facilities.

#### **4. Protection of confidential business information**

We support the protection of confidential business information, as prescribed in Art 21.

#### **5. Promotion of innovative technologies**

In order to enable the uptake of innovative technologies, additional actions are needed to maximise their contribution to the Community and ensure their implementation is as effective as possible.

- We welcome the changes proposed to the Art 4 and we would welcome the clarification of paragraph 4b regarding which of the competent authorities should agree on the amount of waste to be shipped for experimental treatment trials. To improve the efficiency of the shipment process, only the competent authorities for dispatch and destination should agree on the amount of waste.

Concerning plastic waste specifically:

- The combination of Art 4(2)(c) and Annex IIIA (4) needs to be considered as it appears to limit the use of code EU3011 to waste consisting of a combination of wastes that each formerly consisted almost exclusively of single, specified polymer. If so – then innovative techniques to treat mixed plastics not covered by this definition (e.g. including waste as a feedstock for chemical recycling technologies) will be subject to additional cost and administrative burdens.
- According to the proposal, mixtures of plastic wastes as specified under 4.) in Annex IIIA that are destined for recycling should be subject to the general information requirements only. It should be clarified that shipments destined for chemical recycling will remain within the scope of this derogation and will be subject to the general information requirements in the future (and therefore not requiring a prior informed consent (PIC) procedure).
- Concerning Annex III (EU3011): the Commission will be empowered to adopt delegated acts and establish criteria, such as contamination thresholds, on the basis of which certain wastes shall be required to follow the general notification procedure (Green List) or the Prior Informed Consent procedure (Amber List). We are concerned that setting too ambitious contamination levels could mean that even the plastic waste that is currently on the “green list” i.e. almost exclusively consisting of one polymer, almost free from contamination might be considered as too contaminated and be moved to the “amber list”. (For example, we have received signals of a 2% tolerance considered for B3011 and 6% tolerance for EU3011.) We believe this could increase administrative burden and not be in line with the Commission’s stated objective to improve the functioning of the EU internal market for waste for recycling. The contamination threshold could be relevant for both chemical recycling and other recycling technologies such as solvent-based and mechanical recycling.

#### **6. Harmonised interpretation and implementation of WSR**

Although we agree that a guidance for the harmonised interpretation and implementation of WSR is needed to ensure the level playing field in the establishment of the circular model for waste, the WSR is

not the right instrument to solve the issues originating from other legislations (Art 28). Whether a material has to be considered as used good or waste should be determined by the Waste Framework Directive and not by the provisions of Waste Shipment Regulation.

Cefic is looking forward to sharing its ideas and exploring potential policy solutions with the institutions in due course.

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About Cefic

Cefic, the European Chemical Industry Council, founded in 1972, is the voice of large, medium and small chemical companies across Europe, which provide 1.2 million jobs and account for 16% of world chemicals production.