



Fédération Européenne des Activités de la Dépollution et de l'Environnement  
European Federation of Waste Management and Environmental Services  
Europäische Föderation der Entsorgungswirtschaft

George Kiayias, Policy Officer  
Peter Wessman, Legal Officer  
Environment Directorate-General  
European Commission  
Avenue de Beaulieu 9, Building BU9  
1049 Bruxelles

26 October 2018

Cc: Cabinets

**Subject: Evaluation of the Waste Shipment Regulation**

Dear Mr Kiayias and Mr Wessman,

FEAD has actively followed the evaluation of the current Waste Shipment Regulation by answering the public consultations, sending a position paper and participating in both workshops.

As we already underlined in the previous steps of the consultation, the WSR is an important piece of legislation at EU level to ensure safe shipments of waste, traceability and to guarantee an appropriate treatment of waste at its final destination.

It is true that in view of the REFIT program, all evaluations and fitness checks should assess the criteria of effectiveness, efficiency, coherence, relevance and EU added value of the regulation. Although we understand that this procedure of evaluation is part of a standardised European review for a better regulation, we nevertheless regret that the assessment of the WSR has not placed a greater emphasis on identifying solutions at this stage and ensuring that the WSR is not just preferable to national legislation, but as effective as possible at achieving its intended aims, including facilitating the recovery of secondary raw materials.

We stress again that the shortcomings we have identified are not due to the WSR itself, but to inconsistencies or problem of interpretation with other related pieces of the legislation (i.e differences of interpretation between waste/non-waste, hazardous/non-hazardous waste and recovery/disposal) or with differences of enforcement within the EU Member States. However, we do believe that part of the solution to this lies in amending legislation.

We have identified the following concerns in the operational use of the current text:

- **Provisions on hazardous waste** have to be clearly distinguished from non-hazardous waste (art.2 and so on).
- **The WSR should limit mandatory waste codes** to reduce administrative burden and make harmonisation even easier (Annexes).
- **The type and number of documents required** by the notification procedure should be fixed (art. 4; art. 8; Annexes IA, Annex IB, Annex II).
- **The frequent delays (between 2 and 10 months in average) for the notification procedure** should be reduced (art. 9).
- **Duration validity of a notification:**
  - In case of notification for recovery operations for shipments within the EU, the duration of the validity of the notification can be extended up to 3 years. This proposal would help the authorities to keep a time of 30 days for their approval, but would drastically reduce the

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administrative burden for recovery shipment within the EU. Usually, the authorities are opposed to the pre-consent because the delay for validation is reduced to 7 days (add to article 9.4 and 9.5).

- **Pre-consent facilities** (possible options):
  - the **pre-consent procedure** should be harmonised in the EU through a single procedure for the validation of the pre-consented facilities (art. 14);
  - **the pre-consented facilities based in the European Union** should see their pre-consent set at 3 years (art. 14);
  - **the status of pre-consented facilities** should be extended to all facilities based in the European Union, with eventually a special “license” for facilities dealing with hazardous waste (art. 14).
- The procedure for **renewals** should be accelerated by limiting the information needed for renewals only to potential changes (all articles dealing with the notification procedure - EU and third countries).
- **A clear distinction between administrative mistakes and illegal shipments** is needed to ensure that an incorrectly filled Annex VII in should not automatically make it an “illegal” shipment (Annex VII).
- **The procedure for repatriating shipments between member states should be simplified** while the normal procedure applied today (new notification to be introduced by the notifier) should become the exception (art. 24).
- **Tacit consent**
  - The tacit consent by the competent authority of transit must be assumed if no objection is lodged within the said 30-day time limit and be valid until decision taken by the competent authority of destination (art. 9.1; 9.4; 9.5).
  - The tacit consent for pre-consented facilities should be aligned with the period of validity of the consent, i.e. up to three years (art. 9.5 and 14.2).
- **Tacit consent transit to a planned shipment** should begin from the first day of the written consent given by the competent authorities of destination (art. 9.4 and 9.5).
- There could be the possibility for single rolling yearly **financial guarantee** (art.6).
- Competent authorities should avoid asking for extended **certified or translated documents** on non-essential part of official documents that do not help to give consent (art.37).
- The amount of **25kg** (art.3 + art.18) associated to shipments of waste explicitly destined for laboratory analysis should be reviewed to allow for bigger quantities to be sent, for instance in the case of pilot trials.

I would like to thank you in advance for the consideration you will give to our concerns and would appreciate an opportunity to meet with you in person to further discuss the matter. We remain at your disposal for a further exchange or to answer any questions you may have.

Jean-Marc Boursier  
FEAD President

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Note to the editor:

*FEAD is the European federation representing the private waste and resource management industry across Europe. FEAD's members are national waste management associations covering 19 Member States, Norway and Serbia. They have an approximate 60% share in the household waste market and handle more than 75% of industrial and commercial waste in Europe. Their combined annual turnover is approximately € 75 billion. FEAD represents about 3,000 companies with activities in all forms of waste management. These companies employ over 320,000 people who operate around 2,400 recycling and sorting centres, 1,100 composting sites, 260 waste-to-energy plants and 900 controlled landfills. They play a key role in the transition to a circular economy by producing resources which can be re-injected in the economy and by supplying energy. Our companies add value through innovative and cost-efficient collection, sorting, and recycling of secondary raw materials. In doing so, they play a key role in achieving the best economic and environmental outcomes.*