

Public Consultation on the Evaluation of the Waste Shipment Regulation

Fields marked with * are mandatory.

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INTRODUCTION

Background

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

The Commission is currently carrying out an evaluation to assess whether the WSR, including Regulation (EC) No 1418/2007[2], meets its objectives using the criteria of: (i) effectiveness, (ii) efficiency, (iii) coherence, (iv) relevance and (v) EU added value. In assessing coherence, the evaluation will take into consideration EU waste legislation, the general objectives of EU environmental policy incl. circular economy, as well as other EU policies such as industrial/raw materials and trade policies, the internal market, etc. The evaluation will include an investigation of costs and benefits associated with the implementation of the WSR for stakeholders at local, national and EU level. The results of this evaluation will be used to assess the performance of the WSR so far.

Further information in relation to the evaluation can be found in the published evaluation roadmap[3].

[1] Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. (OJ L 190, 12.7.2006, p. 1)

[2] Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply. (OJ L 316, 4.12.2007, p. 6)

[3] http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_env_026_waste_shipment_evaluation_env.pdf

About the consultation

The process of evaluation follows the EC guidance for evaluations and considers the relevance, coherence, effectiveness, efficiency and EU added value of the Regulation's provisions and the legislation implementing it.

The consultation will be held between 30 January 2018 and 27 April 2018.

Please make sure to submit your response during this period.

If you would like to address aspects in more detail or to provide information or data which may be of relevance to the evaluation, such information can also be submitted via email until 27 April 2018 at the latest to WSRevaluation@trinomics.eu.

QUESTIONNAIRE

About you

1. Contributions will be published on the Commission's website, either with or without the personal information of the contributor. Please state your preference with regard to the publication of your personal information. Please note that regardless of the option chosen, your contribution may be subject to a request for access to documents under Regulation (EC) No 1049/2001 on public access to European Parliament, Council and Commission documents. In this event the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

*** Your contribution:**

- can be published with your personal information (I consent to publication of all information in my contribution and I declare that none of it is under copyright restrictions that prevent publication)
- can be published in an anonymous way (I consent to publication of all information in my contribution except my name/the name of my organisation and I declare that none of it is under copyright restrictions that prevent publication)

Respondents should not include personal data in documents submitted in the context of consultation if they opt for anonymous publication.

Please note: regardless of the option chosen, your contribution may be subject to a request for access to documents under Regulation 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

*** 2. Are you replying as/on behalf of:**

- A citizen
- A company
- A European business organisation
- A national business organisation
- A trade union
- A non-governmental organisation
- A national public authority
- A regional/local public authority
- An academic institution/research centre
- A professional consultancy/law firm
- Other

*** 3. Please provide your name if replying as an individual, otherwise give the name of your organisation.**

Hazardous Waste Europe

*** Please provide an e-mail address:**

i.pace@hazardouswasteeurope.eu

3.1 If your organisation is registered in the Transparency Register, please provide your Register ID number:

443508317933-36

3.2 If your organisation is not registered, you have the opportunity to [register now](#).

In the interests of transparency, organisations, networks, platforms or self-employed individuals engaged in activities aimed at influencing the EU decision making process have been invited to provide the public with relevant information about themselves, by *registering in Transparency Register and subscribing to its Code of Conduct*.

Please note: If the organisation is not registered, the submission will be published separately from the registered organisations. During the analysis of replies to a consultation, contributions from respondents who choose not to register will be treated as individual contributions (unless the contributors are recognised as representative stakeholders through Treaty provisions, European Social Dialogue, Art. 154-155 TFEU).

*** 4. Your country**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta

- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

Evaluation of the Waste Shipment Regulation (WSR)

5. To what extent has the WSR been effective in achieving the following objectives?

	Very effective	Somewhat effective	Neither effective nor ineffective	Somewhat ineffective	Very ineffective	Don't know
* Protecting the environment	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Respecting the principle of proximity and priority for recovery and self-sufficiency at EU and national levels	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Keeping waste shipment systems and procedures adapted to technical progress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Achieving consistent waste shipment rules across the EU	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Complying with international obligations such as the Basel Convention and OECD Decision C (2001)107/final	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Preventing and detecting illegal shipments of waste						
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*** 6. Is the WSR still relevant?**

- Yes
- No
- I don't know

*** 7. Are you aware of any problems/issues related to waste shipments, including their impact on the environment and human health that the WSR does not adequately address?**

- Yes
- No
- I don't know

*** 8. Is the application of the WSR consistent across all EU Member States?**

- Yes
- No
- I don't know

8.1 [If no] Please specify

500 character(s) maximum

Need for harmonization among Member States:
Calculation and amount of the financial guarantees
The end of notification: is it at the departure of the last shipment (best option) or arrival at final destination
Consistency of waste codes between the European and Basel's codes
Timeframes of the acknowledgment is not always respected by the competent authorities that delay the notification even if complete
Management of consent for transit varies among competent authorities

9. Are there any specific requirements in the WSR or Regulation (EC) No 1418/2007 that have led to significant costs for you or your organisation? Please consider both monetary and non-monetary costs.

*** Waste Shipment Regulation (WSR)**

- Yes
- No
- I don't know

9.1. [If yes] Please provide examples of requirements in the WSR that have led to significant costs:

500 character(s) maximum

Cost of procedure

Financial guarantees for each notification

Loss of time (up to 10 months): risks to loose markets, the timely approval process incurs monetary & environmental costs: the longer the waste is in situ, the higher the risks of contamination, entry to black market and stealing of waste

Translations of doc. required by some competent authorities

Sea shipments companies refuse certain hazardous waste or set high prices. Issue for third countries with no sound management options

* Regulation (EC) No 1418/2007

- Yes
- No
- I don't know

10. What is the impact of the WSR on the following areas:

Waste Shipment Regulation

	Very negative	Negative	Neutral	Positive	Very positive	Don't know
* Human health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Emissions to the environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Climate change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Clean-up costs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Prevalence of illegally shipped waste	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Material recovery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Energy recovery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Creation of jobs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Level-playing field for operators	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Regulation (EC) No 1418/2007

	Very negative	Negative	Neutral	Positive	Very positive	Don't know
* Human health	<input type="radio"/>	<input checked="" type="radio"/>				
* Emissions to the environment	<input type="radio"/>	<input checked="" type="radio"/>				
* Climate change	<input type="radio"/>	<input checked="" type="radio"/>				
* Clean-up costs	<input type="radio"/>	<input checked="" type="radio"/>				
* Prevalence of illegally shipped waste	<input type="radio"/>	<input checked="" type="radio"/>				
* Material recovery	<input type="radio"/>	<input checked="" type="radio"/>				
* Energy recovery	<input type="radio"/>	<input checked="" type="radio"/>				
* Creation of jobs	<input type="radio"/>	<input checked="" type="radio"/>				
* Level-playing field for operators	<input type="radio"/>	<input checked="" type="radio"/>				

11. To what extent do you agree with the following statements on the costs and benefits of the WSR and Regulation (EC) No 1418/2007?

Waste Shipment Regulation

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
* It has reduced costs for the sector (e.g. through harmonisation of rules)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The costs involved in implementing the Regulation are justified given the benefits	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Regulation (EC) No 1418/2007

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
* It has provided greater legal certainty for exporters of 'green'-listed waste	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* The costs involved in implementing the Regulation are justified given the benefits that have already been achieved	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* The costs involved in implementing the Regulation are justified given the benefits that will be achieved in the longer term	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

12. To what extent do you agree with the following statements?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
*The WSR is an effective tool to the combating of illicit trafficking of waste across borders through increased transparency of waste shipments	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*The WSR is well adapted to technical and scientific progress	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*The WSR is well adapted to new political priorities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*The WSR is well adapted to EU and global market developments	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*The WSR is relevant in the context of the EU's international obligations resulting from <i>inter alia</i> the Basel Convention and OECD Decision C(2001)107/final	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* The WSR supports the EU internal market and the creation of a level playing field for economic operators, including SMEs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR promotes industrial innovation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR provides additional employment opportunities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR contributes to the circular economy	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The WSR helps mitigate climate change	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The effectiveness of the WSR is enhanced by some Member States taking stricter measures	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* There is a need for more common and harmonised rules under the WSR across Member States	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Definitions and classifications included in the WSR are clear and non-ambiguous	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Inspection plans are effective means to achieve the objectives	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Regulation 1418/2007 is effective in regulating the export of 'green'-listed wastes for recovery to non-OECD countries	<input type="radio"/>	<input checked="" type="radio"/>				
* Regulation 1418/2007 is well adapted to technical and scientific progress	<input type="radio"/>	<input checked="" type="radio"/>				
* Regulation 1418/2007 is well adapted to new political priorities	<input type="radio"/>	<input checked="" type="radio"/>				
* Regulation 1418/2007 is well adapted to EU and global market developments	<input type="radio"/>	<input checked="" type="radio"/>				
* Regulation 1418/2007 contributes to the circular economy	<input type="radio"/>	<input checked="" type="radio"/>				

*** 13. Are there any provisions of the WSR and/or Regulation (EC) No 1418/2007 that could be simplified without compromising the objectives of the WSR?**

- Yes
- No
- I don't know

13.1 [If yes] Please specify [max. 500 char]

500 character(s) maximum

- Tacit consent for transit
- Financial guarantees
- shorter procedures for the renewals of notifications
- the weight of waste shipped for analysis should go over 25 kg with a specific frame
- to set an electronic data system

14. Please indicate if there are gaps, overlaps, inconsistencies or discrepancies in the provisions of the Waste Shipment Regulation and/or between the Regulation, other EU or national legislation or policy and/or international law.

	Gaps	Overlaps	Inconsistencies/ discrepancies	No gaps, no overlaps, no inconsistencies /discrepancies	Don't know
* Within the provisions of the WSR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
* Between the provisions of the WSR and Regulation 1418/2007	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
* Between the WSR, Regulation 1418/2007 and other legislation (national or international)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14.1 Where you have indicated specific gaps, overlaps and/or inconsistencies, please indicate the specific piece(s) of legislation and explain their impact

1000 character(s) maximum

Transit countries do not answer to waste transfer notifications provoking delays and long, costly and dangerous waste interim storage.

Grounds for objections to shipments of waste for disposal (proximity principle or self-sufficiency) could not be used to object to recovery operations. Thus, when a member state or an operator wants to favor import of waste, R codes are preferably used. There is sometimes diverging positions on the application of R/D codes (for instance D9 or R5) due to the fact the qualification of operations between R and D is not always clear. A guide is needed.

Different interpretations of the definition of "waste"

Diverging classifications of waste as 'hazardous' or 'non-hazardous' when mirror entries : exporters could be tempted to choose the non-hazardous entry instead of choosing the right entry dictated by the real hazard criteria(s), with the risk that the waste would not receive the appropriate treatment.

Divergent national EoW criteria

15. Without the Waste Shipment Regulation (and Regulation (EC) No 1418/2007), i.e. if measures had been taken at national level only, what would it be like in your country(ies) in terms of:

	Much better	Better	The same	Worse	Much worse	Don't know
* Protecting the environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Respecting the principle of proximity and priority for recovery and self-sufficiency at EU and national levels	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Keeping waste shipment systems and procedures adapted to technical progress, scientific progress, new political priorities and EU and global market developments	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Enforcing take-back obligations for illegal shipments of waste (at least within the EU)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Facilitating an EU market for secondary raw materials	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

16. If Regulation (EC) No 1418/2007 did not exist, please specify what impacts there would be in the EU and in third countries (non-OECD members).

500 character(s) maximum

/

17. Do you have any other views which have not been covered in the consultation?

Please specify:

500 character(s) maximum

yes, please see our position paper.

Information must be kept until the final destination (and not stop at the first point of arrival in the country of destination)

Weight of waste shipped for analysis should go over 25 kg with a specific frame as we may need bigger quantities to do our tests

Member state can decide that the notifier must act in its legal jurisdiction (easier for financial guarantee)

Homogenisation of the preconsent procedure

Push for an electronic data interchange

Contact

ENV-EVALUATION-WSR@ec.europa.eu
