

EU Commission

26 April 2018

## **Consultation on the Waste Shipment Regulation**

The Danish Chamber of Commerce has the following comments and recommendations regarding the consultation on the Waste Shipment Regulation.

### **General comments**

The Danish Chamber of Commerce recommends this consultation to result in a revision of the regulation on waste of shipment.

A revision regarding the regulation on shipment of waste must be conducted with the objectives of transition to a circular economy and a European security of supply in mind, and the green list should be expanded with more waste categories as the environmental performance and economy will be positively stimulated i.e. waste will be treated at the best environmental and cost effective facilities in the EU.

The current regulation was made when export and import of waste were conducted with uncertainty regarding environmental quality. The primary focus was authority control and their option to cancel scheduled transportations due to environmental concerns. Today, we see a need for a regulation that immensely supports the transition to a circular economy.

Treatment technologies are becoming more and more specialised, and there is a need to allocate waste volumes from larger and larger areas in order to support the specialised treatment facilities. Furthermore, the European security of supply is of great importance and therefore The Single Market for waste must be reinforced through simplified procedures for cross-border transportations.

Also, it is crucial that the regulation on shipment of waste addresses businesses in general and not - in a linear thinking - primarily treatment plants and waste transporters. As waste increasingly becomes an important resource, it will be traded even more by the businesses in general and therefore the regulation must focus on good conditions for trade as much as environmental protection. Already wholesale and retail companies do take back their products and they handle waste stream. And that trend will grow due to more producer responsibility schemes. Similarly, it is important that companies easily can import waste resources and apply them in a sense of circular economy.

Costs and time expenditures due to notifications are significant. The cost of a notification is approximately the same as – or slightly more – than the value of a road train of iron and metal. Thus, the regulation procedures do not support an effective internal market and it is burdensome. Costly shipment procedure can lead to a lack of focus on the most environmentally efficient facilities in the EU and hence an inefficient treatment of waste.

Within the EU borders there is basis for simplifying the procedures by improving the current control procedures and base control on third party certification of treatment facilities.

Furthermore, the regulation must be simplified by adding more waste types to the green list and implement other "faster track" paradigms where the primary focus does not need to be on sharpened control and authorities' ability to stop transports.

We as the industry prefers an effective environmental protection that supports trade and the transition to a circular economy.

### **Specific comments and recommendations**

As written initially, Danish Chamber of Commerce recommends a revision of the regulation on shipment of waste. Special challenges and recommendations are as follows below.

#### **Expenditure of notifications**

The waste shipment regulation's procedures entailing control are time consuming. The consequence is higher marginal costs for industry participants.

The price estimate for a notification is approx. 2,600-5,300 euro. The company's contribution to the authority's working time is 1,850 euro (fixed rate) plus approx. 20 working hours by an experienced employee. Working time costs approx. 2,600 euro. If challenges occur during the process and more information must be obtained, the number of working hours increases.

On top of the costs outlined above, one must include the costs and acquisition of a financial guarantee. The financial guarantee for iron, particle metals and metal is 95-670 euro per ton. Also, in some cases, the company must pay a fee to the country of transit, and sometimes the company also must pay a translation of the notification.

#### **Simplification of control procedures is required**

A possible way to improve the current control procedures is to propose third party certification of treatment facilities. A third party should be responsible for the certified facility's compliance with EU regulation, and the relevant authority of the exporting country must control the validity of the certificate. This will reduce both companies' and authorities' time and resources spent on collecting information abroad in connection with notifications.

Moreover, the time authorities use to approve the notifications are reduced because the time spent on extensive information collection around the receiving facility is replaced by ongoing third-party control.

Member states must due to today's rules approve the transit of waste through their countries. We recommend excluding transit states from the control system. As far as we know, several member states already manage these transits in a very easy way.

There is a need to ensure Member States' mutual recognition of registrations of transporters. Registration is required in the waste framework directive. Today hauliers must register in all countries in which they drive, which is exceedingly prohibitive.

### **The Green List-principle must be expanded**

We recommend expanding the list of green waste (annex 7). The green list includes waste types that are harmless to the environment. The criteria for the waste types listed on the green list should include reflections about the risk of the waste being lost or placed unintentionally. Waste with a positive trade value should appear on the green list as it is included under the item - list of "other commodities".

In addition, non-changeable waste should appear on the green list or a similar form for "faster-track" paradigm. Most of this kind of waste does not require a specifically high level of control.

To foster the circular economy waste that does not change ownership should be placed on the green list. It is common that larger recycling companies as well as wholesellers and retailers, who take back waste, have entities and departments in several European countries. These internal relocations are costly and time-consuming under the current regulation.

Furthermore, stable and high quality recycling between two companies is not supported by the shipment of waste regulation. There are examples where Danish manufacturing companies with chemical waste want to sell it to another Danish manufacturing company, but first the waste must be cleaned in a treatment plant. The treatment plant is located in Germany and the transport is covered by shipment of waste regulation. Therefore, this high quality recycling becomes difficult, expensive and time consuming.

If more waste is added to the green list, efficiency will increase to the benefit of the circular economy and the European environmental performance as transportation to the best facilities will be less costly and therefore these facilities will be preferred more often.

Thus, if more waste is added to the green list, environmental performance and economy will be positively stimulated i.e. waste will be treated at the best environmental and cost effective facilities in the EU.

### **Sorting of green waste before export**

Exported waste on the green list must be completely sorted. In practice, a small margin of error in the sorting is needed and should be allowed by the controls. However, there are major differences in the level of enforcement between the member states. We recommend that the Commission issues guidelines on sorting to ensure uniform enforcement across the EU.

One example of challenges is the export of plastics used in agriculture. Because of the use, the plastic becomes dirty with soil – a circumstance the receiving facility can manage. Focus

must be on the receiving facility's ability to process the material and reuse it rather than to focus on the quality of the material at the time where it is shipped across a border.

### **Extend the validity of a notification and allow minor changes**

Many exports are uniform and take place over a long period of time. By extending the validity of a notification, the companies' costs will be reduced and The Single Market strengthened.

It should be possible to change export permits to a minor degree without new notifications, e.g. a selection of another receiving facility within the same government area. The process will be easier with an introduction of third party certifications. This will reduce administrative burdens, increase market competition, the facilities' environmental performance and sharpen the value on waste/cost of treatment.

### **Improve the option of testing at a treatment facility**

After simplified procedures, a maximum of 25 kg of waste can be transferred to laboratories for testing by today's regulation. But there is also an appropriate test of waste treatment at actual treatment plants. Such test must be included in the article for a simplified procedure. Testing of new technology overall and thereby a shift to new forms of treatments are essential for an increase in environmental quality of treatments of waste.

### **Language requirements must be limited and only include selected languages**

Some authorities require notifications to be written in their own language, which means increased company expenditure for translation services. The language requirements should therefore be limited to e.g. English, German and French.

Yours sincerely,

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