
Waste Shipment Regulation (WSR)

Proposed Amendments by European Parliament

The European Electronics Recyclers Association (EERA) and the European Battery Recycling Association (EBRA) are non-profit trade organisations and are the voice of waste battery and waste electrical and electronic equipment (WEEE) activities in the continent of Europe. Members represent the leading collection, recovery, recycling, and reprocessing industries.

EERA and EBRA strongly believes that a single market and the harmonisation of regulations for waste within the European Union, with stakeholders along the value chain cooperating, better collection processes, high quality recycling standards, an appropriate regulatory framework, the eradication of illegal practices, and product design integrating a life-cycle approach is essential in attaining a level playing field for fair competition, encouraging innovation and long-term stability and economic growth. Through this EERA and EBRA supports the European Commission's Green Deal objectives to transform the Union into a sustainable, resource efficient and climate neutral economy.

EERA and EBRA wishes to thank Pernille Weiss (Rapporteur) and the European Parliament, for the recently proposed amendments to the draft of the Waste Shipment Regulation (WSR)¹.

EERA and EBRA supports the following amendments in particular, which from the perspective of our members who have first-hand experience in the management of WEEE, consider having the greatest impact and benefit in removing barriers and reducing the very onerous current burden of waste shipments of secondary materials inter-alia Europe and outside of the Union, and that will support the circular economy and developments within this every growing e-waste industry.

Proposed Amendments 1 and 2 and 3 (Recital 10a(new), 11-(new) and 20)

EERA and EBRA commends and agrees that it is essential to avoid hindering new research and innovations in the European waste management industry by reducing the administrative and financial burden for all waste management operators.

¹ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056. COM(2021) 709 final. Link [here](#)

EERA and EBRA also agrees that the administration of waste shipments must function smoothly in order to ensure the long-term competitiveness of the Union and the sustainability of the manufacturing industry though rapid access to secondary raw materials from operator within the Union.

In addition, and alongside the WSR, this should include removing the obstacles placed by Member States in the application of permits and planning permissions by existing and new facility battery and e-waste operators, who can currently expect to have to wait three years or more to gain permission to innovate and increase capacity for their operations.

Proposed Amendment 6 (Recital 26 and Article 19)

EERA and EBRA congratulates the European Parliament in highlighting the potential for innovations and advancements of non-hazardous waste technologies to treatment facilities who can demonstrate their ability to prevent pollution.

Where specialist separation expertise exists or comes into existence, this remains the best opportunity to provide effective and economic recycling solutions.

In particular, fractions and components with mixed non-hazardous materials should not be prohibited or inhibited for export to an end-destination within the Union that has developed such knowledge and technical ability to identify and separate the different materials.

Proposed Amendments 7 and 67 (Recital 30 and Article 27 (2))

EERA and EBRA fully supports the amendment to allow for an option to provide a competent authority with information to support an application for the movement of notifiable waste in at least the official language of the competent authority in the country of dispatch and end destination, or in English unless there are exceptional and duly justified cases.

EERA and EBRA agree that allowing the English language will avoid undue administrative burdens from notifiers who have English documents (as well as in their own language) as these are often created for commercial trade reasons irrespective of the intention of its use, and so more likely to be readily accessible.

Proposed Amendments 8 and 71 (Recital 31 and Article 4 (3) and 28 (4.2))

EERA and EBRA welcomes the proposal of simplifying the movement of secondary materials (i.e. derived from a recycling process) by creating clear guidance on the waste classification codes currently being used and interpreted in different ways by some Member States, particularly to pre-consented end destination facilities.

This full support for the proposal that such classifications shall be updated regularly to ensure that criteria and classifications consider inter-alia new technologies for waste treatment.

Guidance on waste classifications is also particularly important in order to be able to distinguish genuine used or second-hand products and components from sham re-use or repurposing shipments.

Proposed Amendments 13 (Recital 55 and Article 5 and 7)

EERA and EBRA strongly agree with the proposed amendment to simplify the method for obtaining and calculating a financial guarantee. Our members have reported occurrences where they hold many concurrent notifications, often for routes of the same secondary materials to different Member States, with obligations reported within the EU of guarantees exceeding €1 billion in total each year.

Procuring these takes a considerable amount of time and resources and ensure that a considerable amount of capital is immobilised. The risk of repatriation and the requirement to return wastes to the point of origination is not proportional to the costs of moving wastes to alternative facilities.

Furthermore, the administrative costs for notifications charged by some competent authorities are prohibitively high and not proportional to the costs or work involved. In some Member States it is current practice that the administrative costs are linked to the volumes or number of movements shipped, in which case this effectively becomes a tax on moving whole/untreated wastes or secondary materials derived from recycling facilities and destined for final recovery.

EERA and EBRA urge the European Parliament and European Commission to **include** measures in this Article to prevent inflated and unsubstantiated administrative charges versus any actual risk to the environment, that are to be imposed by competent authorities, by laying down requirements for reasonable and justifiable and harmonised application costs in the Regulation.

Proposed Amendment 30 (Article 9 (3))

EERA and EBRA fully supports the extension of a consented notification application from one to two years for compliant waste shipments. This will benefit and encourage long-term routes and partnerships between recyclers, waste hauliers and end-destination treatment facilities; and improve the administrative and financial activities for all parties (including competent authorities) by reducing management time and costs.

Proposed Amendment 37 (Article 13 (1e))

In today's climate of competitive shipment routes and availability of compliant waste hauliers, the proposed amendment to permit a notifier to apply for up to two exit and entry points into each country concerned is very much supported by EERA and EBRA.

This will benefit notifiers who for one reason or another need to have the flexibility of using different routes to take account of weather (e.g. ferry crossings), blockades by non-related parties of a port, permitted waste carrier routing and backload possibilities, and competitive tendering of shipment operators.

Furthermore, we are in total agreement that a change of route or routes (for whatever justifiable reason) needs to be clarified as this is not considered an essential element of a notification.

Proposed Amendments 41 and 43 (Article 14 (9) and (12))

The same time management and financial benefits as highlighted under the proposal amendment 30 above apply to this modification for recyclers, waste hauliers and end-destination treatment facilities.

EERA and EBRA recognises the urgent need for a more flexible and prompt assessment by competent authorities for wastes being shipped to pre-consented facilities.

However, our members tell us that such applications can take many months or even years, with no justifiable explanation for the delay other than we assume a lack of harmonisation between Member States and a lack of knowledge of the pre-consented fast-track procedures by those working in the competent authorities.

EERA and EBRA fully agree with the proposed amendment to increase the number of years of an approval for a pre-consented compliant recovery facility from five to seven years, and for an approval of a notification to a pre-consented compliant facility from three to five years.

EERA and EBRA urge the European Parliament and European Commission to **include** measures to provide clarity and guidance to competent authorities on the benefits of having pre-consented facilities in the treatment chain and of the need for speedier responses to such applications (i.e. within seven working days as already set down in 1013/2006 EC Art. 14) as these provide greater environmental protections, and reduce the administrative and financial burdens of all parties.

Proposed Amendment 57 (Article 24 (1))

EERA and EBRA considers it essential that competent authorities of the country of dispatch, transit countries and the country of final destination should monitor and increase their screening of new notifications when illegal shipments have been identified.

EERA and EBRA is aware of illegal operators simply changing their names, applicant identifications and/or routes and making new notification applications without any additional safeguards in place, thus compounding and illustrating the need for shared digital information between all competent authorities to prevent these illegitimate actors from being able to buck the system.

Proposed Amendment 91 and 95 (Article 43 (2) and 56 (2))

EERA and EBRA are very much in favour of stronger waste shipment controls for the export of wastes outside of the Union including the proposed amendments requiring certification by an independent and accredited third party. This includes further the routes and compliance of the route of any residues generated at the overseas facility following treatment.

We believe it is essential that operations taking place outside of the Union where batteries, WEEE or secondary materials derived from batteries and/or WEEE is to be exported meet the same environmental and sound management and best available techniques obligations as those recyclers and end-processors within the Union in order to foster and support a level playing field.

In addition to our above responses to the proposed amendments made by the Rapporteur and the European Parliament, EERA and EBRA would like to make the following observations:

Proposed Amendment 61 (Article 26 (1))

Whilst EERA and EBRA support the need for and implementation of a digital and centralised application and data system, the European Parliament and European Commission need to be mindful of including requirements for the system to be accessible in at least the official language of the competent authorities of dispatch and end destination, as well as in English. This will encourage and support those notifiers in using the digital system where there may otherwise be language barriers in understanding the online data and application process, along with ongoing reporting obligations of movement pre-notifications.

Proposed Amendment 72 and 98 (Article 28 (a-new) and 63 (4))

EERA and EBRA applauds the European Parliament for including the need for the appointed cooperation group to review trends and unjustified barriers relating to the Union markets for shipments of wastes for resolving disputes and disagreements between Member States and competent authorities, and for the establishment of a waste shipment enforcement group to facilitate and improve cooperation and coordination between the Member States in order to prevent and detect illegal shipments.

In addition, EERA and EBRA supports the proposals for these groups to be able to invite key industry stakeholders such as ourselves and other trade associations to the meetings. EERA and EBRA believe that the voice of industry will provide a valuable and specialist resource to the groups, and welcome and look forward to being part of the ongoing collaborations.

In conclusion, EERA and EBRA hope that our considerations and support of the draft Regulation and the proposed amendments, and in particular our vision that through the implementation of harmonisation of rules within the Union there will be improvements in the sustainable treatment of wastes in Europe and a reduction of the need for exports outside of the Union.

We fully support the need for legitimate shipments of waste inter-alia inside and outside the continent of Europe. Attention must be given however to support those smaller countries where the economies of scale mean that appropriate and innovated recovery of secondary materials, including in particular key critical minerals, is not economical. Therefore, where this can be done in larger facilities elsewhere within the Union these should be deemed as a centre of excellence for fast-track pre-consented approvals.

The outcome of such improvements being a platform providing advanced and efficient solutions, the highest recycling standards, increased employment and associated social impacts, higher environmental benefits, and the availability of compliant secondary materials to European manufacturers.

**For and on behalf of the
European Electronics Recyclers Association**



Julie-Ann Adams
Chief Executive Officer
info@eera-recyclers.com

**For and on behalf of the
European Battery Recyclers Association**



Alain Vassart
Secretary General
info@ebra-recycling.org

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