

Position Paper

Plastics Europe's position on the EU Commission proposal for the revision of the Waste Shipment Regulation (Regulation 1013/2006)

Plastics Europe welcome the revision of the Waste Shipment Regulation (WSR). This will support the uptake of the Circular Economy in Europe and strengthen enforcement. More ambitious changes are however needed to boost the recycling of plastic waste in the EU.

We call for:

- *A more proportionate distinct Prior Informed Consent (PIC) 'light' procedure for non-hazardous mixed plastic wastes (EU48) destined for recycling in pre-consented facilities- amend Art 5, 13, 14(12), 16(2), 17 & annex II or add NEW Art 5bis; support & Art 5(7) & 7*

We support:

- *The simplification of the General PIC procedure - support Art 9(1); amend Art 5(6); Art 6; Art 17(2); delete Annex II part 3- 14*
- *Harmonised criteria for the obtainment of a pre-consent status by recovery facilities- Art 14 with further specifications needed in Art 14(2)g, 14(5) & 14(10)*
- *A central system for the electronic exchange of information and documents- Art 26*
- *Further scrutiny on waste exports to third countries- Art 38-40 & 42; practical & liability concerns about Art 43*

We do not support:

- *The inclusion of end of waste criteria, waste hierarchy or waste classification in the WSR. These should be defined under the EU Waste Framework Directive - Art 28*

For the circular economy to become a reality it is important that plastic waste be regarded as a valuable resource, like a raw material, if it can be safely recycled to products. With that in mind, the WSR must facilitate the movement of non-hazardous mixed plastic waste (EU48) destined for recycling within the European Union and members of the European Economic Area (EU/EEA). This will enable the uptake of the circular economy in Europe whilst providing the opportunity to promote innovation and the deployment of different recycling technologies, both mechanical and chemical recycling (i.e. as defined in Article 3 of the Waste Framework Directive, chemical recycling is recycling to chemical feedstock and not energy recovery).

Plastics Europe is also supportive of regulatory measures to only allow extra-EU/EEA shipments of non-hazardous plastic wastes (B3011) to countries with which the EU has a plastic waste related (Basel Convention Article 11) agreement.

We strongly believe that the combination of a 'light PIC' for EU48 waste destined for recycling in pre-consented facilities and additional controls for extra-EU movement of plastic waste including non-hazardous plastic waste (B3011) would greatly contribute to enhance the recycling of plastic waste on a high technical standard within the EU.

In view of interinstitutional negotiations, we wish to express our views on the following elements of the legislative proposal:

1. A distinct PIC 'light' procedure for EU 48 waste destined for recycling in pre-consented facilities:
Amend Art 5, 13, 14(12), 16(2), 17 & Annex II or add new Art 5bis

Plastics Europe recognises the EU Commission efforts to simplify the procedural framework governing shipment of waste within the Europe Union and EEA countries.

We are however convinced that Art 5 and related requirements in Art 13, 14(12), 16(2), 17 & Annex II are disproportionate and could hamper the uptake of the circular economy for plastics in Europe by delaying or even blocking intra-EU/EEA waste shipment. This is because the same Prior Informed Consent procedure applies with no distinction to both non-hazardous mixed plastic waste (EU48) and hazardous waste. To resolve this, we propose to include in Art 5 (or as a separate Art 5bis) a simplified distinct PIC procedure (PIC 'light') for EU48 waste destined for recycling in pre-consented facilities. This would still be fully compliant with the Basel Convention and would enhance recycling of EU48 waste under safe conditions.

In addition, we propose to simplify the General PIC procedure to remove some of the existing administration burden which is causing unnecessary delays to all waste shipments (*see* point 2).

The distinct PIC 'light' procedure for EU48 waste destined for recycling in pre-consented facilities should contain the following:

- **A standard insurance as an alternative to the financial guarantee** - support Art.5(7) and 7. Its cost should reflect the potential risk of the waste, i.e. non-hazardous mixed plastics waste shipped within the EU/EEA should not be subject to the same insurance cost and procedural barriers as hazardous waste.
- **A single legal entity to control shipments with similar characteristics, and which originate from multiple locations** - Art 13.
- **Flexibility on routing, transport mode and volume** (e.g. of up to 10% extra volume) providing carriers have a license to operate from EU Member States/EEA countries (possibly under an EU register which Plastics Europe would support) - amend Art 17.
- **An extension of the validity of the General Notification from 3 to 5 years** - Art.14(12).
- **An exhaustive list of additional information in a new part 4 in Annex II.** This will ensure consistency and more predictability across Member States therefore avoiding unnecessary and costly delays.
- **No Art 16(2) requirements** (i.e. "the notifier shall provide the actual date of shipment and complete the movement document, at least one working day before the shipment starts"). These create an overly stringent control adding administrative burden with no additional protection and are therefore not appropriate for non-hazardous waste such as EU48. These requirements could ultimately undermine efforts to create an optimum supply chain for an intra-EU/EEA plastic waste recycling market. Art 16(2) requirements should therefore not apply to EU48 waste.

2. General PIC procedure simplification to improve efficiency and enhance recovery of waste: *Support Art 9(1); amend Art 5(6); Art 6; Art 17(2); delete Annex II part 3- 14*

In addition to the establishment of a PIC 'light' procedure, Plastics Europe support further improvements to the General PIC procedure.

We welcome the 30-day limit for (tacit) consent from competent authorities of dispatch and transit and propose to extend it also to destination countries - Support Art 9(1).

We would welcome guidelines to clarify of what is meant by "evidence of contract or a declaration certifying its existence to be provided to authorities" to ensure consistency of implementation- amend Art.5(6) and 6.

For the sake of efficiency, we propose that changes in shipment which do not have safety impacts no longer trigger a systematic new notification nor consent. Instead, flexibility regarding routing, transport mode and volume (e.g. by allowing up to 10% extra volume) should be allowed, providing carriers have a license to operate from EU Member States/EEA countries (possibly under an EU register which Plastics Europe would support) - amend Art 17(2).

Part 3 of Annex II should contain an exhaustive list of additional information and documentation that may be requested by the competent authorities. This will ensure consistency and more predictability across member states therefore avoiding unnecessary and costly delays - Delete point 14.

3. Pre-consented facilities for recovery: *Support Art 14 with further specifications needed in Art 14(2)g, 14(5) & 14(10)*

We welcome the improvements made in the Commission proposal including:

- Art 14(3)- delegated act to harmonise the criteria for obtaining a pre-consented status.
- Art 14(5)- 45 days for approval of pre-consented status.
- Art 14(16)- 7-year validity of pre-consented status, processing notifications within 7 days.

Further improvements could be considered to the following:

- Art 14(2)g to specify the type of evidence that is needed for 'legal or natural person'.
- Art.14(5) to specify that the Competent Authority should communicate its decision on the request within 45 days.
- Art 14(10) to specify the reasons for shortening or revoking the pre-consented status.

4. Central system for the electronic exchange of information and documents: *Support Art 26*

The central system will simplify the notification process while ensuring traceability of waste shipment and reporting. With this mind, it is important to ensure a harmonised approach and data security. We therefore recommend that priority is given to the development and timely adoption of the Implementing Act in article 26(4) with the objective to enable interoperability of central and national systems for data exchange. In addition, existing, well- functioning national and international solutions should be taken into consideration.

5. Waste exports to third countries including OECD countries: *Support Art 38-40 & 42; practical and liability concerns about Art 43*

Plastics Europe is supportive of regulatory measures to only allow extra-EU/EEA shipments of non-hazardous plastic wastes (B3011) to countries with which the EU has a plastic waste related (Basel

Convention Article 11) agreement. This position is in line with Art. 38-40 which include additional requirements to be met by the importing countries for the EU to authorise extra-EU/OECD export of non-hazardous waste for recovery. We also welcome Art 42 on monitoring of export and safeguard procedure (i.e. evidence of Environmental Safe Management of such waste) for waste exported to OECD countries. We believe that these additional regulatory measures for extra-EU exports of waste combined with a lighter PIC procedure for shipment of EU48 waste for recycling in pre-consented facilities would significantly boost recycling and the uptake of the circular economy for plastics in Europe.

We have practical and liability concerns about Art 43 which requires that exporters demonstrate by independent audit that the receiving facilities can treat waste in an environmentally sound manner (ESM). To resolve these we recommend to:

- develop a global standard (either ISO or under the Basel Convention) to ensure consistency of approach by auditing companies.
- make single audit results available to all notifiers therefore removing administrative burden for multi-exporters/notifiers.
- delete Art 43 (4) 2nd para which is not practical i.e. the exporter will not be able to undertake an ad-hoc audit in case there is an investigation for non-compliance.

We would also welcome a clarification as to what would count as “an independent and accredited third party” under Art 43(2) and an “international agreement” under Art 43(8).

6. End of waste criteria and waste classification: *Do not support Art 28*

The scope of the WSR is to regulate the shipment of waste. Its review should therefore focus on reducing administrative burdens to enable the circular economy and on strengthening its enforcement in Europe. Although we strongly believe that a consistent interpretation of the end of waste criteria and waste classification at EU level would contribute to the uptake of circularity, the WSR is not the appropriate legal instrument to achieve this. End of waste criteria, waste hierarchy or waste classification should be addressed by the Waste Framework Directive.

We would instead recommend the development of further guidance to support consistent implementation of the Waste Framework Directive and more specifically the end of waste criteria and to clarify the links between the different types of legislation and classification of waste. In case of disagreement between member states, the creation of an arbitration board maybe an option to explore.

Please contact:

Plastics Europe
Anne-Gaelle Collot
Senior manager Circularity
+32(0) 2 7923046
anne-gaelle.collot@plasticseurope.org

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