

Plastics Europe's Position on Commission proposal for a Regulation on Shipments of Waste (COM/2021/709 final)

The Commission is updating the 2006 legislation (EC 1013/2006) on Shipments of Waste with one of its aims being to facilitate intra-EU shipments of waste recycling into secondary raw materials in the EU market and thus contribute to the diversification of resources in the EU.

Where we are today:

In 2019, the Basel Convention tightened the rules on the export of plastic waste to add mixed, contaminated (*an example of contamination is food waste*) materials (EU48) to the full Prior Informed Consent (PIC) notification procedure before export. (*The PIC procedure is a mechanism for Parties to confirm they wish to receive a shipment*).

This technical change meant that **these plastic wastes moved from the “green” to the “amber” list** during the transposition of the Basel Convention into the EU Waste Shipment Regulation and are now classified as EU48.

Further, this also meant that there is now no distinction between non-hazardous mixed plastic waste (EU48) (and other non-hazardous wastes) on the amber list and hazardous waste, and by extension that intra EU/EEA shipments of EU48 wastes are subject to a full PIC procedure before they can pass between countries in the EU and EEA.

Transposition into EU legislation:

The unintended consequence of the EU implementing the Basel Convention only partially has resulted in administrative complexities for companies when shipping plastic waste across EU borders causing costly delays and/or hampering intra-EU shipments altogether.

The EU had the opportunity to take full advantage of the Article 11 provisions in the Basel Convention covering shipment of waste whereby the Article allows Parties to enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes.

However, the EU chose not to apply Article 11 in its entirety. And this has resulted in the EU now **not being treated as a bloc and the PIC procedure being applied in full at each and every one of the Member States' borders for intra-EU shipments**. Hence, the EU's harmonised single market for plastic waste as raw material for recycling is not in any way respected.

And because of this decision, the EU now neither enjoys the single market benefits of Japan or Canada as plastic waste passes freely across their territories, nor an arrangement like the one signed between the governments of the US and Canada regarding non-hazardous waste.

What this means for the Plastics' Industry:

Whilst the New Circular Economy Action Plan stresses the need for action to ensure that shipments of waste for recycling in the Union are facilitated, the obligation to introduce a full PIC procedure for EU48 plastic waste shipments between EU countries has resulted in **fragmentation of the internal market** with Member States applying different rules on shipments and treatments of waste and even the blocking of intra-EU/EEA waste shipment.

Today, whilst there is a 13% increase in recycling capacity ⁱ and a 344-480% increase in prices in the last 12 months ⁱⁱ, for the first time there has been a feedstock shortage. Some companies are highlighting that the lack of supply of plastic waste is impacting their investments in scaling up new recycling facilities to support the circular economy. And one plant located in the southern Netherlands has encountered administrative difficulties sourcing plastic waste from just over the border in Germany.

Calculations by member companies also indicate that the current PIC procedure will triple the costs of shipments due to the unnecessary numbers of notifications that are required resulting in delays and bottlenecks and an inability to supply “just in time” to facilities.

Plastics Europe’s position:

Plastics Europe is proposing:

- A more proportionate simplified PIC procedure for amber-listed, non-hazardous mixed plastic waste (EU48) (and other non-hazardous wastes) destined for recycling in **pre-consented facilities** (in the EU/EEA) to distinguish them from hazardous waste
- A standard insurance as an alternative to the financial guarantee that would better reflect the potential risk of the waste
- A single legal entity to control shipments with similar characters from multiple locations
- Flexibility on routing, transport mode and volume for carriers that have a licence to operate from EU Member States/EEA countries
- An exhaustive list of additional information requirements to ensure consistency and predictability
- No requirements demanding actual date of shipment or movement documents until one working day before the shipment starts
- An extension of the validity of the General Notification from 3 to 5 years
- A harmonised procedure for getting a pre-consent status by recovery facilities
- A central system for the electronic exchange of data and information

The above would 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 and would be fully compliant with the Basel Convention.

NB. We understand the concern of illegal shipments of waste and we are ready to support any digital tracking and tracing ideas to ensure full compliance together with a simplified PIC procedure.

Plastics Europe calls on Council representatives:

- ✓ to support the Plastics Europe position on a simplified PIC procedure, amending the current proposal for the Waste Shipment Regulation
- ✓ to call on the Commission to apply the Article 11 provisions on the trans-boundary shipment of waste across the EU territory in their entirety and thus respect the EU's internal market
- ✓ to ask the Commission to look again at its “preferred option” 4 of its Impact Assessment which “aims to ensure that this Regulation can facilitate intra-EU shipments in line with the circular economy objectives” and especially 1j of Objective 1: “Facilitate shipments within the EU, in particular to align the WSR with circular economy objectives.”

i <https://packagingeurope.com/news/plastics-recyclers-europe-reports-a-13-increase-in-installed-plastics-recycling-capacity/8198.article>

ii <https://packagingeurope.com/features/rising-bale-prices-have-resulted-in-recyclers-exploring-new-avenues-for-waste/7703.article>

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Plastics Europe is the pan-European association of plastics manufacturers with offices across Europe. For over 100 years, science and innovation has been the DNA that cuts across our industry. With close to 100 members producing over 90% of all polymers across Europe, we are the catalyst for the industry with a responsibility to openly engage with stakeholders and deliver solutions which are safe, circular and sustainable. We are committed to implementing long-lasting positive change.

