

## EC consultation

### EU legislative criteria and requirements for waste shipment inspections

2.1 Do you think that additional measures should be taken at EU level to improve the effectiveness of inspections, controls and spot-checks of waste shipments? (compulsory)

Yes

No

2.2 The specific requirements and criteria for waste shipment inspections in the study report of 4 June 2010 (see below) are: (compulsory)

Appropriate as part of future EU legislation

Partly appropriate as part of future EU legislation

Not appropriate as part of future EU legislation

2.3 Please describe as far as possible which provisions mentioned by the study that could or could not in your view be appropriate as part of future EU legislation. (optional)

The most appropriate measures supported by FEAD include the 'effective understanding of illegal waste activity' and 'assessment of criminal activity contributing to illegal waste shipment' to better target the actual illegal/criminal activities. Improvement of the 'cooperation between competent authorities' is also a measure supported by FEAD.

2.4 Which other specific requirements or criteria for waste shipment inspections would you consider appropriate to include in future EU legislation? (optional)

In order to target the criminal activities, more attention should be paid to operators that are not subject to a waste permit and that can more easily escape from traceability along the waste chain.

2.5 In order to prevent illegal waste shipments, a possibility could be to ensure better inspections of facilities where waste is generated, collected, recovered, recycled or disposed of. At such 'up-stream' facilities the destination of the waste could be verified. Do you consider that criteria or requirements for such inspections targeting waste shipments further down the chain should be part of EU legislation? (compulsory)

Yes

No

Don't know

2.6 Please describe as far as possible appropriate criteria and requirements for inspections at 'up-stream' facilities targeting waste shipment inspections further down the chain. (optional)

FEAD agrees that an appropriate traceability of waste should be ensured but considers that reinforcing existing inspections should not lead to an increase of the costs and/or administrative burden for properly authorised operators. The real illegal/criminal shipments would actually often not take place under the label 'waste' but under the label 'goods' and would therefore be operated outside waste shipments rules.

2.7 Should EU legislation contain minimum requirements to produce evidence that an item to be shipped from a Member State is not waste where the person shipping the item alleges that it is not waste but a product, e.g. "used", "repairable", "operational" or similar goods? This has been proposed for the specific waste stream of waste electrical and electronic equipment (WEEE) in the Commission's proposal for a recast of the WEEE directive, for further details see above

background regarding recast of Directive 2002/96/EC and [http://ec.europa.eu/environment/waste/weee/index\\_en.htm](http://ec.europa.eu/environment/waste/weee/index_en.htm)). (compulsory)

- Yes  No
- Don't know

2.8 One of the objectives of the EU waste shipment regulation is to ensure traceability of waste, i.e. national authorities should be able to follow where the waste produced finally ends up for either disposal or recovery, and be able to verify that the waste is managed according to acceptable environmental standards. Should EU legislation contain minimum requirements for exporters to show that waste to be shipped to a third country will be treated there in compliance with EU legislation and under environmental protection standards that are equivalent to EU legislation? (compulsory)

- Yes  No  Don't know

2.9 In order to ensure the traceability of waste shipments would it be appropriate to include specific requirements in EU legislation, for example that waste shipments shall contain a tracking device, such as a microchip following the shipment to its destination, or any other, similar technical measures? (compulsory)

- Yes  No  Don't know

2.10 Please describe as far as possible the technical measures that would be appropriate in future EU legislation in order for authorities to trace and locate illegal waste shipments. (optional)

A tracking device for waste shipments would fail to seize the actual illegal/criminal shipments activities as such activities do in most cases not take place under the label 'waste'. Should such technical devices be however considered as appropriate, FEAD considers that systems should be harmonised and compatible across Member States.

Shipments may be carried out by shipping agents on behalf of the operator. In such a case, the shipping agent does not automatically communicate the change of route or the change of transport company to the waste management operator (notifier). As a result, the waste management operator would be at fault as such changes require a new notification. Shipping agents should therefore be made more reliable and appropriate penalties should be applied.

Additional appropriate measures could include:

- a European register of all plants authorised to ship waste
- a secured European database for the electronic declaration of shipments including all parties (suppliers, transporters, traders and final destination)
- ~~a 'name and shame' list of notifiers involved in illegal shipments~~

2.11 Is there a need for guidance to customs in order to facilitate the identification of and differentiation of used goods and waste? (compulsory)

- Yes  No  Don't know

2.12 How could guidance to customs be best achieved in order to facilitate the identification of and differentiation of used goods and waste? (optional)

We suggest the creation of sheets describing in brief and with pictures the flows of used goods and the flows of waste. The sheets would help the inspection body to identify at sight a flow intended for landfilling or a flow intended for the recovery of its components.

This should be accompanied by mandatory training schemes, which should cover the following aspects: differentiation between waste/non-waste, recovery/disposal, hazardous/non-hazardous and the use of waste code lists (OECD, Basel Convention, EU list of waste).

2.13 Would it be appropriate to include provisions in EU legislation on the frequency of inspections of waste shipments? (compulsory)

Yes  No  Don't know

2.14 Please describe as far as possible the appropriate contents of provisions in EU legislation on the frequency of inspections of waste shipments. (optional)

Inspections should be improved in spots where illegal/criminal shipments are generally taking place. The real illegal/criminal shipments would actually not take place under the label 'waste'. Inspections of shipments falsely labelled 'good' should therefore be improved with a view to check the actual status of the shipment.

2.15 What could in your view be the impacts of any of the specific provisions above if contained in future EU legislation, from an environmental, economic and social point of view? (optional)

Generally speaking, FEAD welcomes initiatives aiming at improving the implementation of the Waste Shipment Regulation and in particular combating illegal/criminal shipments. We are of the opinion that the focus of the inspection resources should be allocated to combating criminal activities. The Commission should therefore carefully assess how to target the actual criminal activities and avoid imposing unnecessary administrative burdens to waste management companies shipping waste in accordance with European legal requirements.

2.16 Do you consider there is scope for further improving co-ordination of waste shipment enforcement activities at EU level? (compulsory)

Agree  Partially agree  Partially disagree  Disagree

2.17 Please provide any details concerning possible improvements of co-ordination of waste shipment enforcement activities at EU level. (optional)

Coordination of efforts would be positive in the area of training of inspection bodies. FEAD therefore supports the development of IMPEL and calls on the Commission to ensure that sufficient resources are allocated to this purpose.

In addition to coordination between Member States bodies, an appropriate coordination between different administrative bodies involved in control/inspection of waste shipments should be ensured.

**A European-wide body - as a European Waste Implementation Agency - would be an option that FEAD considers worth investigating.**

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