

Brussels, 11 October 2013

Commission Proposal for amending Regulation No. 1013/2006 on Shipments of Waste COM(2013) 516 final

On 11 July 2013, the Commission issued its proposal for amending Regulation No 1013/2006 on Shipments of Waste (further on “WSR”). Orgalime as the voice of European engineering industries herewith provides its main comments on this proposal:

1. A uniform implementation coupled with strengthened enforcement of the WSR supports Europe’s competitiveness and the protection of human health and the environment

Orgalime welcomes the main objectives of the Commission’s proposal to ensure a more uniform implementation of the Waste Shipment Regulation throughout the EU and to reinforce Member States enforcement activities. We see this as an encouraging step in the context of the Commission’s general Market Surveillance Package, which can, in our view, be of help for improving the level playing field, fair competition and transparency in the waste management market.

Determined enforcement of the EU’s waste policy acquis, including the WSR, is essential for more effectively combatting illegal waste streams that in the case of waste for electric and electronic equipment, for example, increasingly run outside the official producer responsibility waste management schemes set up following the WEEE Directive. This not only hampers EU and international trade, it also bears the potential of having an impact on human health and on the environment in case such leakages result in illegal waste treatment operations in disrespect of the legal requirements of the EU’s waste policy legislation.

Recommendation: *Articles 1(3) (b) of this proposal suggests the introduction of requirements for Member States’ inspection planning for waste shipments, which we recommend to support.*

2. Overlaps and inconsistencies with Directive 2012/19/EU on Waste Electrical and Electronic Equipment (WEEE) would hinder a successful reform of the WSR

Articles 1(3)(c) of this proposal suggests the *possibility for competent authorities in Member States to require evidence from suspected illegal waste exporters in order to check the legality of shipments.*

We also generally support this approach, however, we would like to draw regulators’ attention to the fact that, for the case of electrical and electronic equipment (EEE), the WEEE Directive already establishes “minimum requirements for the shipment of used EEE” in addition to provisions on the shipment of WEEE (see art. 10, 23 and annex VI).

Orgalime, the European Engineering Industries Association, speaks for 38 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.3 million people in the EU and in 2012 accounted for some €1,840 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.

For the sake of providing legal certainty for Member States' enforcement activities and industry's efforts to ensure compliance with the rules regarding the shipment of waste EEE and used EEE, we request that any overlap between the WEEE Directive and the proposed amendment of the WSR should be avoided.

Recommendation: *This can in our view be best achieved by specifying in article 1(3)c of the proposed amendment of the WSR that in the case of EEE, the WEEE provisions prevail.*

Finally, the "Revised Correspondents' Guidelines No 1" (Shipments of Waste Electrical and Electronic Equipment (WEEE)) represent the common understanding of all Member States on how Regulation (EC) No 1013/2006 on shipments of waste (Waste Shipment Regulation) should be interpreted. The guidelines were agreed by the correspondents at a meeting on 14/15 June 2007 organised pursuant to Article 57 of Regulation (EC) No 1013/2006 and state:

"Insufficient packaging for protecting items from damage during transportation, loading and unloading operations is an indication that an item may be waste. In general, the observation of poor packaging should lead enforcement agencies/authorities to make further enquiries regarding an item being transported."

Used EEE that is properly packaged is therefore unlikely to be suspected to be WEEE.

Recommendation: *In the light of the recast WEEE Directive, we recommend to continue supporting this common understanding.*

