

# **Evaluation of the Waste Shipment Regulation - non-paper NL**

## **Introduction to this non-paper**

The Netherlands very much welcomes this public consultation on the evaluation of the Waste Shipment Regulation (WSR) and takes this opportunity to submit additional information to the response we have already transmitted via the online questionnaire. The Netherlands fully support the transition to a more circular economy and we strongly advocate the inclusion in the WSR of the goals and ambitions as laid down in the draft of the revised Waste Framework Directive (WFD): protection of the environment, efficient use of resources and a transition to a more circular economy model. We are happy to share our experiences we have gained through initiatives that are already running, like for example the North Sea Resources Roundabout, the Innovation Deals and the PolyStyreneLoop initiative. The handling of the goods that flow through our ports is also a source of our experiences.

In this paper, first we will highlight some major issues and share our thoughts on the underlying causes. Further we will outline possible approaches to improve the effectiveness of the WSR in achieving its primary objective: providing the tools for transboundary shipment of waste and at the same time protecting the environment and human health. In the annex to this paper, we will provide information in addition to our reply to the online questionnaire regarding the public consultation.

We make a clear distinction between transboundary shipments within the EU, and shipments of waste to or from countries outside the EU. For shipments crossing the border of the EU, our overall view is that the WSR, as it is now, is effective and its checks and balances need to be kept in place. Moreover, the WSR has to comply with international obligations arising from the Basel Convention and the OECD Council Decisions. When it comes to shipments within the EU, however, we feel that the administrative burden could be lowered substantially, while enhancing the attention for directing waste towards optimal processing or recycling. It is this objective that this paper focuses on.

We present this non-paper as a kind of thought starter. We very much invite stakeholders to join this discussion and share their experiences and views in order to simplify the procedures and to improve the performance of the WSR.

## **The effectiveness and the flexibility of the WSR in dealing with political and technological developments, especially regarding the transition towards a Circular Economy**

Based on our experience with the relation between the WSR and innovations we recognize two seemingly conflicting interests, essential to take into consideration for each specific case. Flexibility is needed to accommodate new, unforeseen developments, and at the same time predictability will make financing easier.

1. For a transition towards a circular economy innovations are crucial and by definition innovations create new realities, which result in a necessity to fit these new developments into the applicable law. Ideally the WSR should provide enough room for interpretation to prevent a need for frequent updates.
2. However innovations also need financing and perceived risk is an important factor in financing. Providing legal clarity minimizes this perceived risk and this facilitates the financing of innovations.

In addition to the above mentioned paradox the need to transform our economy by reducing overall impacts of resource use and improving the efficiency of such use, calls for tools to develop, to promote and to improve this efficiency. In the Netherlands, for example our waste management plan plays an important role as a reference document for the implementation of the waste hierarchy with an ambition for improvement. As a consequence, the legal status of conditions laid down in this waste management plan is challenged in specific cases. Below we present some examples that will benefit from tools with an improved ability to provide the required legal clarity.

## **Examples of cases in need for more legal clarity**

Based on our experience the following cases should be considered as input for this evaluation of the effectiveness of the WSR. Most of these cases will benefit from more legal clarity.

- We would like to be able to discriminate between alternative recycling or recovery operations in cases where one operation evidently contributes more to the circular economy than the other. Recycling or recovery operations that (in theory) can be repeated infinitely and/or are more resource efficient should have assigned a higher value than recycling or recovery operations which can be performed only once and consequently result in disposal (or use as fuel).

An option to do this might be to refine the waste hierarchy, in particular to distinguish between recycling or recovery operations that contribute little to the realization of a circular economy and recycling or recovery operations that really support the realization of the circular economy. Current article 12, sub 1, paragraph (a) already refers to the waste hierarchy as laid down in article 4 of the WFD but this hierarchy at present does only discriminate between various main categories of waste recovery (preparation for reuse, recycling, energy recovery) and not between specific recycling or recovery operations which contribute more or less to the circular economy.

Another option would be to concretize article 12, sub 1, paragraph (g) of the WSR by establishing a relationship with the circular economy. At this time objection to transboundary shipment is possible when the amount of recovery does not justify the shipment. It seems desirable that objection is also possible if the intended operation of treatment / recycling contributes less to the realization of a circular economy than possible.

- In addition to the previous bullet it is important to note that the present green list procedures make it impossible to discriminate between types of recovery or recycling. For wastes on the green list unlimited transboundary transport for all recovery operations is allowed, making it impossible for example to prevent the export for energy-purposes or for backfilling of waste that could (and should) be recycled. Another example is the reuse of tar-containing asphalt released from road reconstruction, which is undesirable from the human health perspective. However, due to the high PAH content threshold value for the amber list (50 mg/kg B(a)P, cf. WSR Annex V) tar-containing asphalt crosses borders as

green list waste, beyond the control of WSR Competent Authorities (CA).

The Netherlands sees a growing need to be able to steer also transports via the green list procedure towards the for the circular economy most optimal recovery or recycling operation. In order to facilitate this discussion we present a coherent vision in this non-paper; see our additional comment under question 7.1 of the online questionnaire, as incorporated in the annex of this non-paper.

- In the revised Waste Framework Directive (2008/98/EC) an exception has been included in article 2 for non-animal related materials for the use of raw materials for animal feed. With this exception not only animal materials (animal by-products) but also plant residues are exempted from the Waste Framework Directive. In this situation, the materials are still considered as waste however, the materials are exempted from the waste legislation.

Even though the category of non-animal related materials has been added as an exception category to the Waste Framework Directive with the revision, the WSR does not have such an exception provision yet. Currently this is an inconsistency between the WSR and the Waste Framework Directive. In fact, all the references in WSR article 1 sub 3 must be checked for updates. In addition, a reference to the list of Critical Raw Materials should be considered.

- There is a need for more guidance and harmonization on the interpretation of the WSR on the classification of hazardous waste. In order to facilitate investments this classification should be predictable and stable.
- As a consequence of the transition to a circular economy we expect an increase in return flows, like used printer cartridges or take-back chemicals. This closing of material loops would benefit greatly if we were able to prevent these return flows from being qualified as waste. The Waste Framework Directive is decisive for distinguishing between waste and non-waste. under the revised WFD the Commission has to provide further guidance to MS at this point. Experiences gathered with the implementation of the WSR can be very useful in compiling the needed guidance.
- At this moment, the lack of harmonization on the 'end of waste' status between Member States is a major obstacle for companies involved. Right now, companies need to comply with different regimes because of the various interpretations of the 'end of waste' status in the Member States concerned.

## **The procedural framework of the WSR**

The WSR should contribute to a circular economy by ensuring that waste is used at the highest possible level of recycling. To accomplish this goal we need innovations. In our communications with Small and Medium Sized Enterprises (SMEs), the engines behind the innovations, three major obstacles are frequently referred to:

1. The time it takes to comply with the WSR procedure of prior written notification and consent;
2. The impact of the requested financial guarantees on their liquid assets, and
3. The rigidity of the WSR procedures which prevents performing experiments needed to scale up new technologies from laboratory to full size industrial plant.

### **AD 1: POSSIBILITIES TO IMPROVE THE EFFICIENCY OF THE WSR PROCEDURE WITHIN THE EU**

In the view of the Netherlands this evaluation is a unique opportunity to modernize the WSR procedures and to make them fit for the transition of the EU towards a Circular Economy. This is possible because most of the shipments of waste with a notification procedure only take place within the EU.

A possible approach to shorten the time involved in the current procedure is that the decisions on the approval of a shipment are no longer taken by all involved Competent Authorities (CA), but by the two most involved CA.

- CA of the exporting country evaluate the requested shipment and only if they agree with the requested shipment, they will forward the request to CA of the country of destination. In this evaluation the CA will also - in view of the need to work towards a circular economy - take into account if the intended waste operation lines up with the national minimum standards for waste operations as outlined above in this non-paper. After approval by CA of the country of destination they will inform the notifier, the CA of the exporting country and CA of transit countries. This opens a possibility to improve the efficiency of the procedure and the burden sharing between CA even further in case of a shared interpretation of the waste hierarchy. A similar approach is already a practice in the Regulation (EU) No 1257/2013 on ship recycling. CA of the countries of transit do not have to approve separately, as the possible negative impact of transit is already sufficiently covered by existing regulations, e.g. international regulations on transport (of e.g. dangerous goods).
- Details of the procedure should also be revised, like:
  - the deadlines as stipulated in for example WSR article 7 sub 1 and sub 2 or deadlines related to pre-consented recovery facilities (WSR article 14);
  - a general acceptance of documents written in English which involves an update of WSR article 27 to proven practices in, for example, air traffic
  - the requirements regarding the physical availability of documents.

### **AD 2: POSSIBILITIES TO REDUCE THE UNINTENDED IMPACT OF FINANCIAL GUARANTEES CONCERNING SHIPMENTS WITHIN THE EU**

- In general Competent Authorities should not question the decision on financial guarantee taken by the Competent Authority of dispatch. The wording in WSR article 6 sub 1 should therefore be altered from a 'shall' into a 'can' 'be subject to the requirement of a financial guarantee'.
- Moreover, Competent Authorities should have a possibility to exempt companies from the requirement of a financial guarantee.

### **AD 3: POSSIBILITIES TO FACILITATE EXPERIMENTS WITHIN THE EU**

To meet the challenge of the transition to a circular economy it will be necessary to introduce new technologies. A crucial phase in the development of a new technology is the up scaling from laboratory to full size industrial plant. To reduce costs and financial risk, testing on already available similar equipment or at the premises of a company developing the equipment is very much needed. Obstacles arise in case this equipment is located at a site, which does not have the environmental permits to accept waste. We see two options to circumnavigate this obstacle:

1. Frequently the suggestion is made to increase the maximum permitted quantity for "laboratory analysis" as is stipulated in WSR article 3 paragraph 4. But, the consequence of this approach would be a generic allowance for shipments of waste below this new allowed quantity. We have serious doubts whether the benefits outweigh the disadvantages of this approach as this would entail a loss of sight on shipments below this threshold quantity.
2. Grant the CA of the country of destination a certain amount of discretionary power, to make a decision in this kind of specific and unique cases. This CA are best informed on the situation at the destination of the waste shipment and thus best equipped to make an informed decision. Conditions limiting this discretionary power can be incorporated in the WSR. This would result in an approach quite similar to the approach already described under "ad. 1" with the intention to minimize the lead time of the WSR procedure of prior written notification and consent.

Note that initiatives like the North Sea Resources Roundabout and the Innovation Deals cannot accommodate these specific cases, as they have to operate within the space provided by the existing legislation.

### **Observations regarding Regulation (EC) No 1418/2007**

Although Regulation (EC) 1418/2007 provides information on the conditions to be fulfilled for green list waste shipments to the involved countries, we question if this is an adequate method to provide this information. In our view the listed information would be more easily kept up to date if this information itself was not incorporated as part of a Regulation. For example at this moment the frequency of updating Regulation (EC) No 1418/2007 is too low. As a result industry and CA sometimes do not have the opportunity to make use of the possibilities offered by the importing country.

## **Annex - Additional information on the items of the online questionnaire**

### **INTRODUCTION:**

In this annex, we provide information concerning specific questions in the online questionnaire as the questionnaire itself did not provide the space to present our reasoning.

- Questions 5, 10, 11, 12 and 15 only provided tick boxes with 5 or 6 options to choose from.
- Also the online form did not provide enough room to submit our comments to questions 7, 9, 13, 14, and 17.

For convenience we added also the answers with sufficient room for our explanation (6, 8 and 16). As a result this appendix covers all our reactions to the specific questions in the online questionnaire.

Marked with (+) are the item headers that contain information, not already submitted via the online form.

### **ADDITIONAL INFORMATION TO THE SPECIFIC QUESTIONS IN THE ONLINE QUESTIONNAIRE**

\*5. To what extent has the WSR been effective in achieving the following objectives?

- \*Protecting the environment (+)

By providing legal clarity and tools for managing illegal traffic of wastes the WSR has been "somewhat effective" in protecting the environment.

However, for certain waste effectiveness falls short. E.g. tar-containing asphalt does not require notification under the WSR (green list) due to a high threshold value for the indicative PAH B(a)P (50 mg/kg, cf. WSR Annex V).

- \*Respecting the principle of proximity and priority for recovery and self-sufficiency at EU and national levels (+)

We see little of the contribution of the WSR in respecting the principle of proximity. In fact the costs of transport will limit the distance of shipments of wastes. Although the WSR does not provide tools to promote a preferred type of recovery for green list wastes, it does offer legal clarity and therefore the WSR is "somewhat effective" in respecting the principle of priority for recovery and self-sufficiency at EU and national levels.

- \*Keeping waste shipment systems and procedures adapted to technical progress (+)

Not all Competent Authorities facilitate the use of modern digital administrative systems. Therefore the WSR is "somewhat effective" in adapting to technical progress.

- \*Achieving consistent waste shipment rules across the EU (+)

By providing legal clarity and tools for managing illegal traffic of wastes the WSR has been "somewhat effective" in achieving a level of consistency across the EU.

- \*Complying with international obligations such as the Basel Convention and OECD Decision C(2001)107/final (+)

By providing legal clarity and tools for managing illegal traffic of wastes the WSR has been "somewhat effective" in complying with the mentioned international obligations.

- \*Preventing and detecting illegal shipments of waste (+)

As most of the illegal shipments are expected to occur outside the procedure of prior written notification and consent, there is no exact information available on the extend of illegal shipments. By providing legal clarity and tools for managing illegal traffic of wastes the WSR has been "somewhat effective" in preventing and detecting illegal shipments of waste.

\*6. Is the WSR still relevant?

Yes

\*7. Are you aware of any problems/issues related to waste shipments, including their impact on the environment and human health that the WSR does not adequately address?

Yes

\*7.1 [If yes] Please specify:

The present green-list procedures make it impossible to discriminate between types of recovery. For wastes on the green list unlimited transboundary transport for all recovery operations is allowed, making it impossible for example to prevent the export for energy-purposes or for backfilling of waste that could (and should) be recycled. The Netherlands sees a growing need to be able to steer also transports via the green list procedure towards the for the circular economy most optimal recovery operation. In order to facilitate this discussion we present a coherent vision in this non-paper.

7.1 Additional information submitted by this non-paper (+):

Transboundary movements of waste can support the formation of new markets and stimulate innovative new treatment options. At first sight it therefore seems logical to expand the green list of the European waste shipment directive. However, the Netherlands is of the opinion that the present green-list procedures make it impossible to discriminate between various types of recovery. For waste on the green list unlimited transboundary transport for all recovery operations is allowed, making it possible that waste that could be recycled is exported for energy-purposes or for backfilling abroad. In practice this does not always mean that the most circular recovery operation is chosen but the cheapest.

The Netherlands sees a growing need to be able to steer transport via the green list procedure towards the for the circular economy most optimal recovery operation. We therefore suggest to make this possible at European level. In any event, for a number of cases green list transboundary shipment for the purpose of energy or backfilling should no longer be allowed when recycling is possible. Other examples can be found in waste-streams that can be recycled but are transported for use as a fuel, waste streams that contain specific contaminations that can be destroyed (like polycyclic aromatic hydrocarbons [PAHs]) but are transported for recycling without such a treatment.

Implementation of this can be done in several ways. The WSR may include the possibility that Member States can, via national regulations, regulate that for a specifically defined combination of waste and form of treatment, shipment as a green list material is not allowed. Alternatively, a

separate list with such exceptions could be included in the WSR itself. A third option might be making a distinction within the existing green list according to methods of recovery.

\*8. Is the application of the WSR consistent across all EU Member States?

No

\*8.1 [If no] Please specify:

Some deadlines as stipulated in for example WSR article 7.1 and 7.2 or deadlines related to pre-consented recovery facilities (WSR article 14) prove a challenge to meet.

Some Member States do not accept documents written in English, but request translated copies according to WSR article 27.

Some competent authorities do not forward original copies of the documents specified in WSR article 4.

In general competent authorities should not question the decision on financial guarantee (WSR article 6) taken by the competent authority of dispatch.

Some Member States make good use of the provided and intended freedom when implementing the WSR in favour of the transition to a more circular economy.

\*9. Are there any specific requirements in the WSR or Regulation (EC) No 1418/2007 that have led to significant costs for you or your organisation? Please consider both monetary and non-monetary costs.

\*Waste Shipment Regulation (WSR)

No

\*Regulation (EC) No 1418/2007

Yes

\*9.2. [If yes] Please provide examples of requirements in Regulation (EC) No 1418/2007 that have led to significant costs:

The frequency of updating Regulation (EC) No 1418/2007 is too low. As a result industry and competent authorities sometimes do not have the opportunity to make use of the possibilities offered by the importing country. In order to facilitate this discussion we present a coherent vision in this non-paper.

\*10. What is the impact of the WSR on the following areas:

\* Waste Shipment Regulation

- \*Human health
- \*Emissions to the environment
- \*Climate change
- \*Clean-up costs
- \*Prevalence of illegally shipped waste
- \*Material recovery (+)
- \*Energy recovery
- \*Creation of jobs
- \*Level-playing field for operators

In general we do not have the information available on the requested impact. This results in ticking the "Don't know" boxes. The only exemption concerns "material recovery". Especially SMEs try to avoid the administrative burden connected to the WSR procedures, which is a "negative" impact of the WSR.



In general WSR is providing legal clarity and tools for managing transboundary shipments of waste and as a consequence WSR facilitates this transboundary movement. Moreover WSR articles 11 and 12 refer to waste management plans, which can provide conditions meant to improve the situation in some of the mentioned areas, but only in cases a procedure of prior written notification and consent is prescribed. The WSR provides no tools to steer green list waste towards a recovery operation that contributes more to a circular economy.

\*Regulation (EC) No 1418/2007

- \*Human health
- \*Emissions to the environment
- \*Climate change
- \*Clean-up costs
- \*Prevalence of illegally shipped waste
- \*Material recovery
- \*Energy recovery
- \*Creation of jobs
- \*Level-playing field for operators

In general we do not have the information available on the requested impact of Regulation (EC) No 1418/2007.

\*11. To what extent do you agree with the following statements on the costs and benefits of the WSR and Regulation (EC) No 1418/2007?

\*Waste Shipment Regulation

- \*It has reduced costs for the sector (e.g. through harmonisation of rules)
- \*The costs involved in implementing the Regulation are justified given the benefits

At this moment we do not have information available on the requested costs nor benefits.

\*Regulation (EC) No 1418/2007

- \*It has provided greater legal certainty for exporters of 'green'-listed waste (+)

An up-to-date list of rules for export to third countries is a primary condition for compliance. This list itself does not have to be part of a Regulation as a Regulation only can be enforced inside its territorial jurisdiction.

- \*The costs involved in implementing the Regulation are justified given the benefits that have already been achieved
- \*The costs involved in implementing the Regulation are justified given the benefits that will be achieved in the longer term

At this moment we do not have information available on the requested costs nor benefits.

\* 12. To what extent do you agree with the following statements?

- \*The WSR is an effective tool to the combating of illicit trafficking of waste across borders through increased transparency of waste shipments (+)

The explicitly prescribed procedures of the WSR facilitate enforcement in case of non-compliance.

- \*The WSR is well adapted to technical and scientific progress (+)

Although the WSR already provides some freedom of interpretation, which can be used for national policy, there is a need for more guidance and harmonization especially on the interpretation of the

WSR in order to promote the transition towards a circular economy. And to complicate things somewhat: waste on the amber list is not always considered to be hazardous waste conform the Waste Framework Directive.

Currently the Annexes to the Basel Convention, specifying the operations of disposal and recovery, are being reviewed. Eventually this will result in an update of the corresponding annexes to the Waste Framework Directive and thus will have an impact on the implementation of the WSR. As the WSR incorporates also obligations arising from the Basel Convention and the OECD Decision these parts of the WSR can only be updated during an synchronized update of the original source of these lists.

- \*The WSR is well adapted to new political priorities (+)  
Especially the transition to a Circular Economy is expected to rise issues regarding the WSR and the WFD (Waste Framework Directive).
- \*The WSR is well adapted to EU and global market developments (+)  
Especially in case of green list waste the WSR lacks instruments to promote preferred recycling activities, which result in a higher contribution to a circular economy.
- \*The WSR is relevant in the context of the EU's international obligations resulting from inter alia the Basel Convention and OECD Decision C(2001)107/final (+)  
The WSR is inter alia intended for the implementation of these obligations.
- \*The WSR supports the EU internal market and the creation of a level playing field for economic operators, including SMEs (+)  
The procedures in the WSR, although not perfect, provide a harmonized playing field and specify the obligations, thus providing certainty to economic operators. But for SMEs transporting waste to other countries is a complex business. Especially the compulsory financial guarantee in case of amber list waste is often mentioned by SMEs as an obstacle.
- \*The WSR promotes industrial innovation (+)  
WSR facilitates existing transboundary shipment of waste, but also in this case legislation is lagging behind on industrial innovation. Please refer to the non-paper itself for a possible approach with the aim to reduce or simplify procedures when facilitating the experiments needed to scale up from laboratory to industrial plant.
- \*The WSR provides additional employment opportunities (+)  
We do not have any solid information regarding this statement.
- \*The WSR contributes to the circular economy (+)  
In case of green list waste the WSR lacks instruments to distinguish between alternatives of recovery operations. In other cases the WSR lacks instruments to promote preferred recovery operations, which result in a higher contribution to a circular economy compared to other recycling activities that contribute less.
- \*The WSR helps mitigate climate change (+)  
We do not have any solid information regarding this statement.

- \*The effectiveness of the WSR is enhanced by some Member States taking stricter measures (+)

In our view enforcement should be prioritized and risk-based.

- \*There is a need for more common and harmonized rules under the WSR across Member States (+)

As already mentioned there is a need for more guidance and harmonization especially on the interpretation of the WSR in order to promote the transition towards a circular economy. The North Sea Resources Roundabout is an example of a possible approach.

- \*Definitions and classifications included in the WSR are clear and non-ambiguous (+)

As already mentioned there is a need for more guidance and harmonization especially on the interpretation of the WSR in order to promote the transition towards a circular economy. The preliminary ruling proceedings at the Court of Justice of the EU are showcases where the interpretation or validity of the WSR is in question.

- \*Inspection plans are effective means to achieve the objectives (+)

In our view enforcement should be prioritized and risk-based.

- \*Regulation 1418/2007 is effective in regulating the export of 'green'-listed wastes for recovery to non-OECD countries (+)

As already mentioned an up-to-date list of rules for export to third countries is a primary condition for compliance. And to keep this information easily up to date this list should not be incorporated into a Regulation but all the information should be available on the website of the Commission. Further, also already mentioned, the present green-list procedures make it impossible to discriminate between preferred and obsolete types of recovery.

- \*Regulation 1418/2007 is well adapted to technical and scientific progress (+)
- \*Regulation 1418/2007 is well adapted to new political priorities (+)
- \*Regulation 1418/2007 is well adapted to EU and global market developments (+)
- \*Regulation 1418/2007 contributes to the circular economy (+)

In addition to the points, already mentioned at the WSR, the regulation 1418/2007 would benefit from an adequate update frequency. And to keep this information easily up to date this list probably should not be incorporated into a Regulation.

\*13. Are there any provisions of the WSR and/or Regulation (EC) No 1418/2007 that could be simplified without compromising the objectives of the WSR?

Yes

\*13.1 [If yes] Please specify (+)

We would like to share our suggestions to simplify the WSR and the Regulation (EC) 1418/2007 and to improve their effectiveness. In order to facilitate this discussion we present a coherent vision in this non-paper.

For a start we do question if a regulation like (EC) 1418/2007 is an adequate method to provide up to date information on the conditions to be fulfilled for waste shipments to the involved countries. Regarding the WSR we see several opportunities to streamline the procedures in between EU Member States.

\*14. Please indicate if there are gaps, overlaps, inconsistencies or discrepancies in the provisions of the Waste Shipment Regulation and/or between the Regulation, other EU or national legislation or policy and/or international law.

\*14.1 Where you have indicated specific gaps, overlaps and/or inconsistencies, please indicate the specific piece(s) of legislation and explain their impact (+)

As already mentioned we would like to share our suggestions to simplify the WSR and the Regulation (EC) 1418/2007 and to improve their effectiveness. In order to facilitate this discussion we present a coherent vision in this non-paper.

In this same non-paper we will also discuss options to distinguish between types of recycling that contribute little to the realization of a circular economy and recycling activities that really support the realization of the circular economy.

In the revised Waste Framework Directive (2008/98/EC) an exception has been included in article 2 for non-animal related materials for the use of raw material for animal feed. With this exception not only animal materials (animal by-products) but also plant residues are exempted from the Waste Framework Directive. In this situation, the materials can still be considered as waste however, the materials are exempted from the waste legislation.

Even though the category of non-animal related materials has been added as an exception category to the Waste Framework Directive, the WSR does not have such an exception provision. Currently this is an inconsistency between the WSR and the Waste Framework Directive.

\*15. Without the Waste Shipment Regulation (and Regulation (EC) No 1418/2007), i.e. if measures had been taken at national level only, what would it be like in your country(ies) in terms of: (+)

- \*Protecting the environment
- \*Respecting the principle of proximity and priority for recovery and self-sufficiency at EU and national levels
- \*Keeping waste shipment systems and procedures adapted to technical progress, scientific progress, new political priorities and EU and global market developments
- \*Enforcing take-back obligations for illegal shipments of waste (at least within the EU)
- \*Facilitating an EU market for secondary raw materials

In our opinion, the description of the reference situation is not clear. This prevents us from being able to formulate answers to these questions.

\*16. If Regulation (EC) No 1418/2007 did not exist, please specify what impacts there would be in the EU and in third countries (non-OECD members).

If Regulation (EC) No 1418/2007 did not exist, all shipments of green list waste to third countries will need to follow the WSR procedure of prior written notification and consent. Although hard evidence is lacking this could possibly lead to more recycling of green list wastes inside the EU.

\*17. Do you have any other views which have not been covered in the consultation? Please specify: (+)

As already mentioned we would like to share our suggestions to simplify the WSR and the Regulation (EC) 1418/2007 and to improve their effectiveness. In order to facilitate this discussion we present a coherent vision in this non-paper.