

Eurometaux proposals to facilitate intra EU-trade

January 2016

The Context

Europe is world leader in recycling metals. However, to further boost the circular management of metals in Europe and supply Europe with the needed metals to move towards a more circular economy, some challenges need to be addressed (see Eurometaux position on Circular economy). A systemic approach is needed to address the metals recycling challenges. For example, addressing intra-EU recycling challenges cannot really be taken separately from the significant exports of secondary raw materials, the lack of level playing field worldwide etc. **The present document specifically addresses the challenges related to intra-EU shipments.**

Given the intrinsic value and recyclability of non-ferrous metals, innovative solutions have been developed to recover as much metal from end-of-life products, waste and by-products from the production process as is economically and technically feasible. Because not all regions or even Member States have facilities able to recycle all metal scrap and end-of-life products (sometimes requiring a complex and capital intensive process), it is essential that these waste can be transported to quality treatment facilities elsewhere, matching economies of scale, while avoiding weakened controls.

The challenges related to intra-EU shipments

1. The **non-harmonised status of waste and by-products** across Member States complicates the transport of waste and by-products, hence hampering their further treatment.
2. Some Member States apply their own **waste codes** which complicates shipment. In some cases, there is **no appropriate waste code** (EU/OECD/Basel) available in annex IVA, Annex 1118, IV or IV of EC Regulation 1013/06) which implies that such waste needs a notification with prior written consent, making the procedure burdensome for waste that is non-hazardous
3. The provisions foreseen in Art. 14 of the Waste Shipment Regulation which aim to facilitate the shipment to **“pre-consented recovery facilities”** do not in practice decrease the bureaucratic burden of waste shipments within the EU.
4. Some **national authorities of transit countries** apply the provisions concerning waste shipments as if they would be the country of ex- or import (i.e. Poland). This hinders in many cases the import of valuable secondary raw materials into the EU from Non-EU-countries.
5. There is a **lack of cooperation between MS**, not enough controls on illegal shipments and the fines for infringements of waste regulations are often low (see report from Eurojust).

The proposals

1. Member States should adopt and implement harmonised definitions of waste and by-products
2. Ensure uniform use of the EURAL waste codes in Europe (no national codes). Add a new category for waste for which no waste codes exist to allow that non-hazardous waste with no appropriate waste code may be shipped under the fast-track procedure allowed for “pre-consented facilities”.
3. The “pre-consented facilities” status should be improved – see below detailed proposal
4. The improved “pre-consented recovery facilities” system will help problems in transit countries.
5. Increased cooperation between authorities in different Member States.

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Focus on the proposed “fast track procedure” through the pre-consented recovery facilities provision

The “notification” procedure is burdensome, costly and lengthy. It requires extensive paper and administrative work (this may be eased through an electronic system, but that would not be sufficient). The “Pre-consented recovery facility” status is not effectively facilitating shipment.

The “pre-consented facilities” status should be improved through the following:

- Implement minimum criteria to recovery facilities applying for pre-consented status (environmental, health, safety and technical performance)
- Allow immediate shipments of waste from and to pre-consented recovery facilities once the competent authorities have been notified (the 7-day notice period does not work in practice).
- Allocate a registration number to pre-consented facilities to approve and identify "fast-track" procedures during notification, even through transit countries, and easily track shipments
- Implement an electronic system rather than "Written notification/consent supported through a web platform to accelerate and harmonize procedures and monitor/track shipments

Fast track procedure

- ~~1. Sending of notification file to competent authority (CA) (dispatch/destination)~~
- ~~2. CA sends acknowledgement and requests for additional information (3 days)~~
- ~~3. CA sends final decision (7 days instead of 30 days)~~
4. Suppliers sends pre-notice (3 days in advance)
5. Transboundary transport takes place
6. Recycler confirms receipt of waste (within 3 days)
- ~~7. Recycler confirms recycling of waste (within 1 year)~~

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