

The Impact of the Waste Shipment Regulation on the Packaging Industry

13th European Packaging Law Conference
Brussels, 15 March 2006,
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Why EU waste policy ?

- Around 1970: environment pollution became visible, rules for waste management initiated
- Due to differences in member states, shipments increased (waste treatment on the most economy-friendly place)
- EU intends to work towards the most environment-friendly option, this means rules for shipment en treatment of waste.

European waste legislation

1975: waste framework directive (at the moment under revision)

1991: batteries directive (at the moment under revision)

1993: waste shipment directive (at the moment under revision)

1999: landfill directive

2000: Directive on end of live vehicles

2000: waste incineration directive (revised)

2001: European waste catalogue (EURAL)

2002: Electronic waste directive (WEEE)

2002: waste statistics regulation

2004: packaging directive (revised)

Waste in the 6th environment action program

- objectives on waste prevention and recycling, including developing or revising various directives on waste:
 - construction and demolition waste,
 - sewage sludge
 - biodegradable wastes
 - Packaging
 - Batteries
 - waste shipment
- distinction between waste and non-waste
- criteria for disposal and recovery

Packaging Directive, Article 6.2

Packaging waste exported out of the Community in accordance with Council Regulations (EEC) No 259/93, (EC) No 1420/1999 and Commission Regulation (EC) No 1547/1999, shall only count for the achievement of the obligations and targets of paragraph 1 if there is sound evidence that the recovery and/or recycling operation took place under conditions that are broadly equivalent to those prescribed by the Community legislation on the matter.

Packaging Directive, Article 7.1

Member States shall take the necessary measures to ensure that systems are set up to provide for:

- (a) the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives;
- (b) the reuse or recovery including recycling of the packaging and/or packaging waste collected,
in order to meet the objectives laid down in this Directive.

reasons for cross-border waste shipments:

1. a Member State does not comply with the requirements laid down in Article 5 of Waste Framework Directive, i.e. self-sufficiency in disposal of waste;
2. exported waste may be processed more cheaply, though in a manner which complies with waste recovery requirements;
3. exported waste may be used as a raw material, meaning that it is no longer defined as waste.

international trade in waste

- 15 percent of all cargo transport movements in the European Union is connected to waste
- In 2002, the Netherlands exported about 3.4 million tons of waste.
 - (3.8 million tons in 2003)
- Different environmental conditions for the treatment of the exported waste in the different member countries results in unfair competition.

EP-resolution 14 November 1996

- *" ... waste for reuse or recycling is a quite specific product and that such products can only be allowed to circulate freely where the objective is the attainment of a mode of management whereby better environmental protection is achieved".*
- In the same resolution the European parliament stated that waste tourism should be avoided.

Council resolution 24 February 1997

- the Council voiced its concern "*at the large-scale movements within the Community of waste for incineration with or without energy recovery*".
- In the same resolution, the Council encouraged Member States "*to use a broad range of instruments, including economic instruments where appropriate, in the most coherent way, with a view to achieving their waste policy objectives*".

Waste Shipment Regulation (WSR) Revision

- Covers all types of waste, including packaging waste
- Licence obliged for cross border waste shipments
- Hazardous waste cannot be transported to third countries

Two procedures

- I prior informed consent (for all hazardous wastes and all disposal operations):
- *contract between exporter and importer*
 - notification to authorities of country of dispatch
 - *start transport after consent of authorities involved*
- II General information requirements (for recovery of non hazardous waste):
- *contract between exporter and importer*
 - *documentation and information accompanied with the shipment*

Main discussion items

1. Single legal base: environment (accepted)
2. Inclusion of animal by-products in the regulation (not accepted)
3. Objection grounds for waste shipments (some accepted)
4. Ban on waste shipments for interim operations (not accepted)
5. Border area agreements (accepted)
6. Enforcement (accepted)

Legislative process:

- 30 June 2003: Commission proposal
- 14 November 2003: EP first reading
- September 2004: adoption of political agreement in Council
- July 2005: adoption of Common position of the Council in all 20 languages
- October 2005: informal agreement EP and Council + EP second reading
- Final adoption of regulation in 2006
- Entry into force of the waste shipment regulation in 2007

Questions



More information:

<http://europa.eu.int/comm/environment/waste>

www.europarl.eu.int

www.eurofractie.nl