

Meeting: EUROMETREC 12 November 2012

Participants:

- Ross Bartley - Environmental & Technical Director, EUROMETREC (European Trade and Recycling Federation, non-ferrous metals), EFR (European Ferrous Recovery and Recycling Federation, ferrous metals)
- Valerie Plainemaison – FNADE
- Ulrich Seifert – BDE
- Baudouin Ska - FEGE-FEBEM

- Nadine De Greef – FEAD Secretary General
- Rene Schroeder – FEAD
- Chrysoula Baltzaki - FEAD
- Katharina Rieke – FEAD trainee

Key Points:

- In 2011, **DG ENTERPRISE**, presumably upon strong advocacy of the producers, recently launched a study on ***“The Feasibility of Introducing a Certification Scheme/Standard for Recycling Treatment Facilities”*** (located in third countries only). In September 2012, on the final draft study, DG ENT only consulted a very limited number of stakeholders of which FEAD was not part. **EUROMETREC** drew our attention to this final draft study. The consultants are currently finalising the study based on comments that they have received from the very few stakeholders. It seems that a broader consultation of stakeholders will take place. The study was mentioned on 13 November on the occasion of the DG ENT's conference on the European Innovation Partnership for Raw Materials.
- According to **EUROMETREC**, it is not fully clear whether the study's conclusion on imposing a mandatory certification is targeted on the waste exporters or on the certification of the exported material or on the certification of the facilities. If the main target of the study is unclear, it will become very hard to develop a good cost-benefit analysis. The study also does not explain what is meant by “recycling treatment facilities”.
- It is not clear how many facilities could be affected by the certification scheme proposed in the study but it would be difficult for the EU to impose a mandatory certification of facilities falling outside of its jurisdiction. Moreover, it would be most likely in contradiction with WTO rules and therefore only affect facilities within the EU.
- The study also seems to mix up illegal shipments of waste (e.g. WEEE) with exports of green listed waste. It was considered as a more efficient tool to combat illegal export to develop EU harmonized inspection criteria and to promote the electronic use of Annex

VII of the WSR in order to improve traceability by the Competent Authority. According to **EUROMETREC**, Annex VII is not going to be replaced by the certification scheme.

- The study seems to specifically question the export of non-hazardous (green listed) waste. Exports of hazardous waste to non-OECD countries are clearly prohibited and hence illegal. For hazardous waste exports, the problem therefore lies in better enforcement of the legislation.
- The timeline is not yet clear but it seems that DG Enterprise itself still needs to look into the study, once finalised, and then they will decide whether they will start with an impact assessment.
- In fact, it is difficult for the waste management sector to be opposed to a certification of recycling installations, however the study fails to provide a clear justification for doing so. It seems that certification should serve as an instrument to enforce some of the Waste Shipment Regulation's provisions (art. 49 of WSR on Environmentally Sound Management). Whereas, according to **EUROMETREC**, certification is surely a tool to demonstrate compliance towards the competent authority, it cannot take away from them their responsibility to prohibit waste shipments to non-OECD countries. It would mean that industry will be policing itself. For local authorities, it would be a way to externalize their costs of controlling to the private sector.
- According to **EUROMETREC**, Annex VII data – and the exploitation of that data by customs and police which is currently mostly uncollected, unprocessed and unexploited - can have a much greater, hugely effective, control on non-hazardous waste exports than will the DG Enterprise / EUROMETAUX / CEPI proposed certification system. Besides that, an EU wide electronic Annex VII database will quickly be able to show 'out of the ordinary' waste shipments to authorities, such an EU electronic database can be conceived in such a way as to protect business confidentiality.
- **EUROMETREC** informed us that they received only 3 working days to comment on the study and they have not heard from DG Enterprise ever since. DG ENV is aware of the study.
- The new **EEA** Report ***“Movements of waste across the EU's internal and external borders”*** provides data on illegal shipments. It shows that only 7-8% of all exports are illegal. It would therefore be questionable whether the certification scheme will change anything. It is likely that those who want to export illegally will continue to do so and it might only encourage the production of fake certificates.
- The **ESA** report ***“Overseas options: the importance of exports to UK recycling”*** has shown that the amount of recyclables collected exceeds the reprocessing capacity in the UK. This might however be different in other Member States such as Germany. **EUROMETREC** informed that for paper and metal however the UK situation is similar in the entire EU.
- If there are not enough recycling facilities in Europe together with a prohibition of exports one can presume that the excess waste will lead to a fall in prices and may be treated lower down the waste hierarchy.
- A distortion of prices is caused by countries like China who can afford to buy the material at higher prices due to lower energy, labour costs and subsidies.

- Against the background of on-going discussions on re-industrializing of the EU (bringing back the manufacturing industry), investments in industrial and re-processing installations are needed. As a consequence, this would automatically pull the demand-side for secondary raw materials.
 - Producers such as **CEPI, EUROMETAUX, EUROFER, ORGALIME** consider themselves the 'actual recyclers' as they put the reprocessed material into a production process. They are therefore advocating for a clearer recycling definition based on the formulation of the recycling definition of the Packaging and Packaging Waste directive i.e. the reprocessed material has to go into a production process. For image reasons, they do not wish to share their position as "the recycler" with the waste management sector and some even question the competence of the waste management sector to deliver high quality recycled materials.
 - Together with the local authorities, the producers seem to form an alliance to keep the materials within EU to ensure a better access.
 - **EUROMETREC** informed that besides Hungary and Germany, also in Bulgaria – based on their waste management law - private waste management companies are suffering from being forced out of the market. Households in Bulgaria are required to bring their recyclable wastes to container parks. ("flow control")
 - A grey area is the export of electronic waste because they are often disguised as second hand functioning material. There is a legal reuse market for these kind of products but it is often misused for illegal shipments of e-waste. If the laws would be applied correctly, there would not be a problem. In the framework of the Basel Convention, some countries would like to ban the export of second hand material entirely.
- ➔ It was proposed that FEAD will prepare a separate letter/position paper on the study and that we will ask for a subsequent joint meeting (FEAD & EUROMETREC) with DG Enterprise, if possible together with DG Environment.