

REPORT ON PRACTICAL AND LEGAL PROBLEMS  
 WASTE SHIPMENTS REGULATION  
*Meeting with FEAD of 29 September 2010*

Practical problems

- Translation of documents can imply heavy administrative burden. Competent Authorities should remain pragmatic and agree to receive the translation of the relevant parts of the documents (including permit) only.
 

➔ George Kiayias informed the participants that this issue was discussed in the Correspondents' meeting in the past. The Commission cannot act on this matter. He also reported that Eastern countries' Competent Authorities are usually working with English only.
- Compatibility of electronic notification systems should be ensured.
 

➔ George Kiayias explained that DG INFSO had developed a guidance called SMIC EU platform. *[SMIC is the Semantic Interoperability Centre Europe – [www.semic.eu](http://www.semic.eu)]*
- Pre-consent facilities: some Competent Authorities do not accept the 3-year notification and are requesting annual notifications. The possibility to have a pre-authorisation valid for 3 years should be accepted. The pre-authorisation however leaves the possibility to the authority to reject the notification before the end of the 3 years.
 

➔ George Kiayias informed the members that there is an 'administrative burden group' which is able to deal with these requests. He will forward the point to the group.
- OECD list of pre-consented facilities should be updated regularly.
 

➔ George Kiayias reported that FEAD members should contact the Competent Authorities directly as they are the ones who should provide the information to the OECD.
- The codes under the List of Waste are more detailed than the Basel list. The level of details requires companies to do several notifications. Competent Authorities tend to look first at the List of Waste rather than the Basel list although the Waste Shipment Regulation does state the Basel list prior to the European List of Waste.
- Change of route / change of transport company: a new notification needs to be made in case of a change (route or transport company). Waste management companies have to contact a shipping agent to deal with the shipment. The shipping agents would not automatically communicate the change of route or transport company to the waste management company, who therefore cannot do the appropriate notification. Shipping agents should in that context be made more reliable.
 

➔ George Kiayias took note of the problem and suggested to report back to the Correspondents' group.

### Legal problems

- Acceptance of bank guarantee originating from any European bank: some Competent Authorities only accept bank guarantees from a national bank  
➔ George Kiayias confirmed that this point was in breach with European law and said that this should be taken into consideration in the study on the implementation of waste legislation currently being prepared by BiPRO.
- Problem of classification/definition of Recovery and Disposal: the example of “backfilling” was reported.  
➔ George Kiayias reported that this is not an issue which can be solved by the Waste Shipments Regulation.
- The self-sufficiency is too strictly applied in some Member States.  
➔ George Kiayias explained that this is also not an issue which can be solved by the Waste Shipments Regulation.