



Brussels,

Ad hoc Meeting of the Waste Shipment Correspondents

Regulation (EC) No 1013/2006 on shipments of waste

27 October 2021

This meeting was held through electronic means. The purpose of the meeting was to reach agreement on a number of outstanding issues in the draft Correspondents' guidelines on the classification of plastic waste, with a view to adopting the guidelines in the near future.

1. INTRODUCTION BY THE COMMISSION

The Commission recalled that the preparatory work started already in 2019 on developing the draft Correspondents' Guidelines on the classification of plastic waste to provide a common interpretation of some provisions in the new entries on plastic waste agreed in the Basel Convention (A3210, Y48 and B3011), in the OECD Decision (AC300) and in the Waste Shipment Regulation (WSR) (EU48 and EU3011). The Commission again underlined the importance of coming to an agreement on these guidelines soon, as the new entries are effective since 1 January 2021 and in order to avoid diverging interpretations across the EU and ensure sound shipments of waste.

2. APPROVAL OF THE AGENDA

The Commission proposed the following draft agenda to guide the discussions during the meeting:

- 1) Welcome and introduction by the Commission
- 2) Discussion of the outstanding issues based on the discussion paper:
 - a. Paragraph 24: focus on the wording on the exclusion of caps, lids and labels from the measurement of contamination and other types of wastes, and other polymers or resins.
 - b. Footnotes 12, 14 and 15: focus on the wording ("explanation" or "rationale") on what should be provided by a Member State that opts to apply the maximum value as specified in the case of B3011, also for EU3011 shipments.
 - c. Transit: additional wording in paragraph 4 and deletion of paragraph 23, in order to clarify that the transit country should not apply a maximum level different from the levels set by the dispatch and destination countries.

- d. Paragraph 42: discuss the need for additional wording on the precautionary principle during controls on the ground.
 - e. Paragraph 45: discuss the wording in this paragraph on the market value of a shipment as an indicator when conducting inspections.
 - f. Date of application of the Correspondents' Guidelines (paragraph 2).
- 3) Other outstanding issues
 - 4) Next steps
 - 5) Any other business

The agenda was approved by Correspondents without objections.

3. DISCUSSION OF OUTSTANDING ISSUES

A general agreement was expressed by those Correspondents that took the floor, that there is a need to finalize and adopt the guidelines as soon as possible. The Commission then gave a brief overview of the outstanding issues and presented options to advance the drafting of the paragraphs in question.

a. Paragraph 24: Measurement of contamination and other types of wastes, and other polymers or resins: exclusion of caps, lids and labels that are related to the plastic waste shipped

- At the beginning of the discussions, the Commission tabled a proposal for a wording on paragraph 24, which was building on the previous discussions by the Correspondents and the input sent by some of them.
- In the ensuing discussions, many Correspondents expressed support for this wording.
- However, one Correspondent expressed concerns that the proposed wording was not clear enough in clarifying that caps, lids and labels contained in residual waste resulting from removal of contamination and other types of wastes from plastic products that have become waste should be taken into consideration when measuring “contamination and other types of wastes” in a consignment when classifying it. On the other hand, other Correspondents indicated that the proposed wording was sufficiently clear on this point.
- In the ensuing discussion, support was expressed for adding a footnote that would clarify and accommodate the concern expressed.
- No agreement could be found on the wording of that footnote. The Correspondents agreed that text proposals for this footnote in paragraph 24 should be shared very soon after the meeting.
- It was also agreed that text would also be shared soon after the meeting for two footnotes in other sections of the document, relating to the definition of “mixture of wastes”.

b. Footnotes 12, 14 and 15: explanation vs. rationale

- All Correspondents that intervened supported the use of the word ‘rationale’ in these footnotes.
- One Correspondent reiterated concerns with the inclusion of these footnotes as being counterproductive for a level playing field in the EU and indicated that the rationale put forward by another Correspondent for the inclusion of these footnotes, based on a reference to their national regime, was not sufficient.

- This other Correspondent reacted by referring to its earlier written comments and the WSR's objective to protect the environment and human health.

c. Paragraphs 4/23: Application of the maximum levels set in the guidelines in a transit country

- The Commission gave a brief explanation that the aim of the text is to confirm that competent authorities in transit countries have to respect the maximum levels applied in dispatch and destination countries, as regulated by Article 28 (2) WSR in case of disagreement between the competent authorities in those two countries. Participants were invited to provide their views on the compromise proposal for additional wording in paragraph 4 submitted by one Correspondent before the meeting with a view to agreeing on the acceptable wording.
- It was suggested by one Correspondent to further simplify the text. Several
- Correspondents supported the view that this paragraph has to unambiguously inform that competent authorities in transit countries are not implied in the classification of shipped waste.
- It was concluded that there were no objections among the Correspondents in the meeting on the rewording of paragraph 4, and the deletion of paragraph 23, as proposed in recent comments from one Correspondent to the draft of 18 October.

d. Paragraph 42: Wording on the precautionary principle also in section 7 on controls of shipments

- The Commission mentioned the request of one Correspondent to introduce additional language in paragraph 42 on the precautionary principle that should be taken into account during inspections. A number of options were presented how to accommodate this request, if at all, taking into account that a provision on the precautionary principle was already contained in paragraph 31.
- One Correspondent stressed the importance to include an explicit reference to the precautionary approach for inspection purposes, as this addition would eliminate ambiguity in the implementation phase.
- Eventually, a compromise proposal to include a new paragraph after paragraph 43 was not met with objections from the participants.

e. Paragraph 45: Market value as an indicator when conducting inspections

- Taking into consideration divergent views expressed by the Correspondents on how the market value of a shipment could be an indicator when conducting inspections, the Commission presented two alternative options to address this issue.
- Several Correspondents expressed openness for both options, whereby some reiterating the general interest on having a market value as an indicator in the guidance, while others cautioned for introducing a reference to the market values as these are fluctuating, hence in some cases might be misleading.
- One Correspondent referred to the Correspondents' Guidelines No 1 that already mentions market value as one indicator to classify something as waste.
- One Correspondent suggested to consider completely deleting the concerned paragraph.

- As a compromise one Correspondent proposed to keep the paragraph in question but deleting the second sentence that referred to a negative or positive market value. This proposal was not met with objections by the Correspondents.

f. Paragraph 2: Date of application of the guidelines

- As regards the date of application of the guidelines, once agreed upon, it was acknowledged that a certain transitional period may be needed at the national level to ensure a timely and correct implementation.
- Correspondents that intervened did not object to the proposal of one Correspondent to insert a specific date that is 3 weeks after the date of agreement, for the date of application of the guidelines.

4. OTHER OUTSTANDING ISSUES

- One Correspondent reminded the meeting of the editorial comments submitted by his Member State. No objections were raised against reflecting these comments in the next revised draft for a final adoption.
- One Correspondent asked how the recent publication of an update of Regulation (EC) 1418/2007 would be reflected in the guidelines. The Commission confirmed that the next revised draft would take this into account.

5. NEXT STEPS

Correspondents were invited to share their pending text proposals and views on the three outstanding footnotes related to the exemption of caps, lids and labels from the measurement of contamination, other types of waste and non-targeted plastics as well as to the definition of “mixture of wastes” **by 3 November 2021**. The Commission is to prepare a next revised draft of the guidelines and to submit this through an informal written procedure for final adoption to the Correspondents with a deadline soon after (tentatively 12 November 2021).

6. AOB

- **Update of Commission Regulation (EC) No 1418/2007**

Several Correspondents queried about the restrictions on the exports of certain waste to India and China, ensuing from the revised Regulation (EC) No 1418/2007. The Commission was encouraged to publish the responses received from third countries in the context of this revision. Also a concern was raised relating to the practical application of the waste shipment rules for shipment from and to Kosovo. The Commission confirmed that China had not provided a reply and that the content related to exports of paper waste to India was consistent with the reply by India.

- **Review of the WSR**

The Commission informed the meeting that the revision proposal for the Waste Shipment Regulation is foreseen to be adopted on 17 November 2021.

7. LIST OF PARTICIPANTS

Member States	
Austria	Federal Ministry of Climate Action, Environment, Energy, Mobility, Innovation and Technology
Belgium	Environment Brussels
	OVAM – Public Waste Agency of Flanders
	Public Service of Wallonia
Croatia	Ministry of Economy and Sustainable Development
Czech Republic	Ministry of Environment
Denmark	Ministry of Environment
Estonia	Ministry of Environment
Finland	Finnish Environment Institute
France	Ministry of Environment
Germany	Federal Environment Ministry
	Environment Ministry, Hesse
Greece	Hellenic Ministry of Environment and Energy
Ireland	Ministry of Environment
Italy	Ministry of Environment, Land and Sea
Latvia	State Environmental Service
Lithuania	Environmental Protection Agency
Luxemburg	Ministry of Environment, Climate and Sustainable Development
Malta	Environment and Resources Authority
Netherlands	Human Environment and Transport Inspectorate
	Ministry of Infrastructure and Water Management
Poland	Chief Inspectorate of Environmental Protection
Portugal	Portuguese Environment Agency
	Portuguese Permanent Representation to the EU
Slovenia	Ministry of environment and spatial planning
Slovakia	Ministry of the Environment
Sweden	Swedish Environmental Protection Agency
European Commission	
DG Environment	
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