



Rat der Gemeinden und Regionen Europas
Council of European Municipalities and Regions
Europæiske kommuners og regioners råd
Συμβούλιο των Ευρωπαϊκών Δήμων και Περιφερειών
Consejo de municipios y regiones de Europa
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Raad der Europese gemeenten en regio's
Conselho dos municípios e regiões da Europa

Revision of the waste shipment regulation

Waste should be classified according to its content rather than its treatment process

As the representative organisation of local and regional government in Europe, CEMR welcomes the Commission's initiative to revise the Waste Shipment regulation and its objective to ensure a better protection of the environment, greater clarity in the legislation and a more uniform application of the legislation throughout the Community.

We however believe that the revised regulation should go much further in terms of introducing greater legal certainty in the classification of waste management operations and ensuring that waste to be recovered is only shipped if the environmental benefits generated by the recovery process outweigh the environmental costs incurred in the travel and treatment of this waste. These issues can be addressed by introducing minimum standards for waste recovery operations and tighter control over sorting facilities and other forms of "interim" recovery operations so as to avoid sham recovery operations.

CEMR therefore very much welcomes the rapporteur's and the Committee's proposals for amendments to the regulation, which we believe will provide needed legal certainty to local and regional authorities and will ensure that the choice of treatment operation for waste is made according to the environmental benefit to be gained.

We also welcome the rapporteur's draft report on the follow-up to the waste framework directive, and its call for better application of the proximity principle and for the development of clear conditions for recovery operations.

We therefore urge MEPs to support the following amendments to the draft waste shipment regulation:

- Amendments aimed at reducing the possibility of sham recovery operations: amendments 58 (Article 2), 12 (Article 3), 61 (Article 3), 16 (Article 6), 17 and 18 (Article 7), 23 (Article 12), 28 (Article 13), 99 and 108 (Article 13), 38 (Article 16), 145 (Article 62)
- Amendments aimed at guaranteeing sufficient environmental benefit of recovery operations : Please support amendments 101, 102, 103, 104, 105, 106, 107, 110, 113, 117 (Article 13), 31 (Article 13), 33 (Article 13)
- Amendments aimed at ensuring greater clarity

Please support amendments 47 (Preamble 1), 15 (Article 4), 22 (Article 10), 111 and 112 (Article 13) and 40 (Article 42)

Background

Long-term planning for waste management facilities

Local and regional authorities across Europe have responsibility for the management of waste and for the planning and financing of waste management facilities. EU waste policy and legislation therefore has direct implications for the way in which local authorities plan and carry out waste management operations. Recent EU legislation, in particular the Landfill Directive, has led to an increase in planned capacity for incineration facilities. However lack of clarity as regards current and future legislation as well as the competitive advantage that co-incineration facilities currently have over municipal incineration plants could have the consequence of sub-optimising the process at plants that run below their nominal capacity. Such sub-optimisation has negative effects on the economic and the environmental performance of incineration plants.

At the same time, the difficulties encountered by authorities in planning adequate treatment capacity have the undesirable effect of providing an impetus to divert waste away from treatment options that rank higher on the waste hierarchy and into incineration alone for the purpose of utilising the installed capacity and thus improving the return on their own investments of public funding.

Local and regional government therefore need clear legislation as well as long-term guidelines, which would enable them to plan investments in waste management facilities in a reliable way and in accordance with the environmental priorities set out at EU level.

Clarity in the Waste Shipment Regulation

Two recent ECJ rulings (Luxemburg ruling C-458/00 and 'Belgian Cement Kilns' ruling C-228/00) have brought to the fore the questions of uncertainty in relation to the classification of waste and the application of the principle of proximity within the current waste shipment regulation. Although the two rulings have provided some certainty as regards the classification of waste management operations - household waste going to a local incinerator is considered a disposal operation and therefore subject to the proximity principle - they are far from satisfactory, in environmental terms in particular, since they conclude that waste is considered 'for disposal' or 'for recovery' according to its destination/treatment process, rather than its content. In addition the recovery targets set out at EU level could prove much more difficult to achieve if all waste that is burned in a municipal incinerator is considered as being 'disposed of'.