

Fast-Track Waste Shipment Notifications



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The basic problem with the Waste Shipment Regulation

- ▶ Goods that have once been lawfully placed in the EU can move freely.
- ▶ This wonderful principle does not count for recyclable wastes.
- ▶ The Waste Shipment Regulation is based on the Basel Convention.
- ▶ Classification of the waste results in ever increasing numbers of notifications.
- ▶ This is a complex administrative procedure for permission to move wastes
- ▶ It involves time and money from the producers of secondary raw materials.
- ▶ This is a competitive disadvantage for producers of secondary raw materials.

What is it about in this International Green Deal

▶ Companies, authorities and stakeholder organizations actively take part.

- 3 Competent Authorities (NL, AT and FR)
- 2 Recycling Associations (EERA and EuRIC)
- 2 Companies HKS NL and the Müller-Guttenbrunn Group (MGG) AT
- Observed by other authorities and companies (BE, UK, DG ENV, Umicore)

▶ The aim - remove barriers to help initiatives get off the ground.

- In this case how Art. 14 of WSR can be improved
- Business Processes & Financial Guarantees critical success factors
- As well as transit approvals



▶ The green deal defines innovative initiatives/actions as clearly as possible

- Within the boundaries of the existing legislation
- With the potential for largely scaling the initiative up, once proven successful
- But we also brainstormed about alternatives to the Financial Guarantee model used

This NSRR International Green Deal is called „Fast-Track Notifications“

Indeed this team has a dream

► Of a circular economy

- In which raw materials for secondary raw materials can easily travel to compliant recyclers in the EU
- In which secondary raw material producers work in a level playing field
- Cross border transport in the EU is not a unovercomeable burden

► True illegal exports are effectively being stopped

- Time is freed up at the competent authorities by harmonizing business processes
- Inspections become more important compared to checking paperwork
- Modern processes and approaches free up resources and money in the entire value chain



The dream is that the the “big waiting” finally stops.....

- ▶ And that notifications can come quickly
- ▶ No huge files are required anymore
- ▶ Administration will be reduced
- ▶ In which EDI and E-Signatures are used
- ▶ Costs and FG's will take less time and money
- ▶ Recyclable materials can flow within the EU
- ▶ That huge delays are prevented.....



We are celebrated a 4-th anniversary of a notification request last March

Celebrating a fourth anniversary.....



Indeed this notification dates from March 2016...

Notifizierungsnummer
AT022445

VERTRAG

gemäß Artikel 5 der Verordnung (EG) Nr. 1013/2006 des Europäischen Parlaments und des Rates vom 14. Juni 2006 über die Verbringung von Abfällen (EG-VerbringungsV)

Gegenstand dieses Vertrages ist die grenzüberschreitende Verbringung von
500 to

Menge der Abfälle in Tonnen (Mg) oder m³

*Name des Notifizierenden
(Firmenstempel):*
**Metall Recycling Mü-Gu
GmbH**

*Name des Empfängers
(Firmenstempel):*
**MER Metall-
ElektroRecycling GmbH,**

*Name der Anlage
(Firmenstempel):*
**MER Metall-
ElektroRecycling GmbH,**

Datum:
17.03.2016

Datum:
17.03.2016

Datum:
17.03.2016

Unterschrift:
Metall Recycling Mü-Gu GmbH
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A-3300 Amstetten
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We are four and a half years later now - no acceptance notification still....

What can be done to speed this up?

- ▶ The concept of becoming a pre-consented recovery facility (Art. 14)
- ▶ *...“Article 14 of Regulation No 1013/2006 provides that the competent authorities of destination which have jurisdiction over specific recovery facilities may decide to issue pre-consents to such facilities. This means that the authority of destination will not raise objections concerning shipments of certain types of waste to the facility, and as a consequence the time limit for objections by the authorities of dispatch and transit is shortened to 7 working days.....”*
<http://ec.europa.eu/environment/waste/shipments/recovery.htm>
- ▶ But in most cases this does not work or is not recognized.....see EERA study of 2017



The NSRR Fast-Track project analyzed the processes....

Fast-Track Notification “Pre-Consent ” requirements

Application treated by:	Centralized Competent authority
The pre-consent is issued by:	Centralized Competent authority
Pre-consent can be granted for:	Materials for recovery (R-Codes) - R13 only if pre-stage for other R-Codes
Requirements for a pre-consent:	<ol style="list-style-type: none"> 1. Facility details - addresses of office, treatment facility registers, responsible manager 2. A certain time of experience with the recovery processes (details to be agreed) 3. A good criminal track record - linked to specified environmental crimes that still need to be defined company related (wording to be finalized) 4. Proof of good conduct of applicant - manager related 5. The facility is required to be ISO 14001 or EMAS (or equivalent) certified 6. Waste Code listing for pre-consent needs to be defined with EU Waste Code 7. Description of the waste treatment process per EWC Code 8. For recovery facilities using best available technologies 9. Current excerpt from the commercial register
Duration of pre-consent:	10 years, can be revoked.
Pre-Consent decision contains:	<ul style="list-style-type: none"> Facility details - addresses of office, treatment facility Confirmation of pre-consent List of Wastes covered by pre-consent Pre-consents are reported annually to EU Commission
Duration of the treatment of a notification request:	7 days after confirmation of receipt.



Fast-Track Notifications need to be based upon mutually recognized pre-consents

When is a Fast-Track Notification request complete...

Part 1: Information to be supplied on, or annexed to, the notification document:	Req'd
1. Serial number or other accepted identifier of the notification document and intended total number of Shipments	yes
2. Notifier's name, address, telephone number, fax number, e-mail address, registration number and contact person	yes
3. If the notifier is not the producer: producer's (producers') name, address, telephone number, fax number, e-mail address and contact person	yes
4. Dealer's (dealers') or broker's (brokers') name, address, telephone number, fax number, e-mail address and contact person, where the notifier has authorised him in accordance with point 15 of Article 2.	yes
5. Recovery or disposal facility's name, address, telephone number, fax number, e-mail address, registration number, contact person, technologies employed and possible status as pre-consented in accordance with Art.14	yes
6. Consignee's name, address, telephone number, fax number, e-mail address, registration number and contact person	yes
7. Intended carrier's (carriers') and/or their agent's (agents') name, address, telephone number, fax number, e-mail address, registration number and contact person.	yes
8. Country of dispatch and relevant competent authority.	yes
9. Countries of transit and relevant competent authorities.	yes
10. Country of destination and relevant competent authority.	yes
11. Single notification or general notification. If general notification, period of validity requested.	yes
12. Date(s) envisaged for start of the shipment(s).	yes
13. Means of transport envisaged.	yes
14. Intended routing (point of exit from and entry into each country concerned, including customs offices of entry into and/or exit from and/or export from the Community) and intended route (route between points of exit and entry), including possible alternatives, also in case of unforeseen circumstances.	yes
15. Evidence of registration of the carrier(s) regarding waste transports (e.g. a declaration certifying its existence).	yes
16. Designation of the waste on the appropriate list, the source(s), description, composition and any hazardous characteristics. In the case of waste from various sources, also a detailed inventory of the waste.	tbd

Only borders crossings should be enough for pre-consents, as these are recoverable materials.

A listing of transporters with registration numbers of the permits for notified waste shipments with simple statement of insurance suffices - there needs to be a mutual recognition of national permits. Need for a database of registered carriers.

Many analyses asked do not have added value - the waste codes describe the recoverable wastes clearly - further discussion necessary

For raw materials for secondary products a simplified notification process is needed.....

The first Fast-Track Pilot Case after analysis phase

- ▶ To try out how close we could get to the target of one week
- ▶ Notifiable non-hazardous waste from WEEE from HKS in the Netherlands
- ▶ To the pre-consented recycling facility of MGG Metran in Austria
- ▶ The processing time required was 19 working days
- ▶ Analyzing this case we found quite some room for improvement
- ▶ As well as it left practical hints where to look for improvements.

The case showed our working group quite some learnings.....

Timing first Fast-Track Notification pilot case

- 21-02-2019: Notification submitted via Website IL&T.
 - 21-02-2019: Mail from IL&T attachments to notification added.
 - 22-02-2019: Received mail from IL&T notification dated
 - 21-02-2019: Reply – “will be informed as soon as it is processed” (within six weeks).
 - 22-02-2019: Mail from IL&T request information.
 - 25-02-2019: Mail of IL&T request submitting information.
 - 25-02-2019: Mail to IL&T with requested information.
 - 01-03-2019: Mail to IL&T with substantiated processing costs.
 - 05-03-2019: Mail from IL&T request to change notification document.
 - 05-03-2019: Financial guarantee of 8000 € agreed upon
 - 05-03-2019: Mail to IL&T given permission to change notification document.
 - 05-03-2019: Mail from IL&T notification sent to Austria and Germany incl. decision & stamped box 20 notification doc.
 - 06-03-2019: Mail from competent authority Austria requesting to deliver contract in German.
 - 12-03-2019: Mail to Austrian competent with contract in German.
 - 12-03-2019: Mail from the Austrian competent authority acknowledgement of receipt of notification.
 - 19-03-2019: Mail from the Austrian CA granted notification with signed notification document - fees € 414.10.
 - 25-03-2019: Letter from German CA (dated March 13th) with permission transit arrived – fees 230 €.
- Review documentation – [link](#).

Total notification request treatment 19 working days – first loads arrived

What did we learn from this first Fast-Track Notification

Where is the room for improvements:

- ▶ Electronic notification request and original signatures are a contradiction
- ▶ Sending original documents by post instead or on top of electronical exchanges
- ▶ Issue of languages needs to be further discussed and improved (contract)
- ▶ Why is there a need for a long technical report by the inspection for Fast Tracks?
- ▶ Figure out a simpler alternative to current financial guarantee
- ▶ Changing [transit approval](#) to a transit information procedure with tacid approval
 - It was again a long document
 - And yet another cost
 - More importantly again a time-consuming procedure (it was dated 13 March, but arrived 25 March)

One week for the entire process should continue to be our goal

Three areas of further work

- ▶ Financial Guarantees
- ▶ Transit Approvals
- ▶ Electronic Data Interchange

One week for the entire process should continue to be our goal

Financial Guarantees – what does WSR describe

- ▶ Article 6 goes into a lot of detail
- ▶ It describes all costs to be allocated per notification
- ▶ These costs imply the return, the storage (90 days) and treatment
- ▶ It may even require a downstream financial guarantee
- ▶ Money needs to be accessible for the period of notification
- ▶ Plus the time needed for all material to be treated as intended

This is a direct allocation of all costs allocated for each notification case

A rough assessment of the financial guarantees

▶ Financial guarantees are hardly ever required

- we assessed the incidences as approx. 1 in 10 000 cases or 0,01%
- if needed it is not guaranteed that the value covers the full costs

▶ A huge amount of capital (over 1 billion €) is immobilized

- the assessment is incomplete and based on rough estimates
- and will require more analyses

▶ Incidence frequency and capital immobilized are disproportionate

It is as if you insure a house by immobilizing the value of it...

We do not immobilize the financial value of our house.....



We "pool" the risks by taking an appropriate insurance

Brainstorming the current play of the Financial Guarantee

State of Play:

- ▶ Huge amounts of time spent on defining and negotiating and fixing amount FGs
- ▶ No harmonisation among CA's at all in the way the financial guarantee is quantified
- ▶ Each notification requires separate bank guarantee or insurance
- ▶ Each case requires large amounts of administrative work for both industry and CA's
- ▶ Actual amount of fixed capital tied up is estimated to be well in excess of 1 billion €
- ▶ Against an occurrence of incidents (use of FGs) is approx 0.01%
- ▶ Bank guarantees/insurance don't always cover the risk of individual incidents
- ▶ Release of bank guarantee involves again individual checks by CA and companies

Financial Guarantee is disproportionate and can even be ineffective

Alternative models for future Financial Guarantees

▶ Insurance based model

- A small insurance fee per MT of material shipped
- Allowing more than one assurer to offer these insurance services
- Insurance covers any risks if material cannot be recycled as planned

▶ A fund-based model

- Either in EU or on MS level a fund is created which is filled with small fee's per MT
- Once the fund is filled with a minimum threshold, the fee's can reduce

▶ A complete abolishment of the financial guarantee

- The risks are so small that the costs of managing any model are higher than the risks
- This would largely stimulate the recycling industry
- And with it the EU Circular Economy plans.

A disproportionate system simply needs to be changed...

Electronic Data Interchange for (Fast-Track) Notifications

- ▶ **Electronic exchange of documents, acceptance of electronic signatures etc.**
 - This should also involve pre-consents
 - Notification requests should be handled electronically
 - Electronic signatures would automatically become accepted.
- ▶ **Electronic forms accompanying the load, replacing the paperwork**
- ▶ **Electronic exchange of**
 - transport planning,
 - receipt and
 - treatment confirmations between all parties.
- ▶ **This is currently covered in a separate working group within DG ENV,**
 - making a lot of progress

EDI is a critical success factor to make Fast Track Notifications work

A few closing remarks

- ▶ What a great idea these international green deals
- ▶ A working group like this one brings the positive energy to be creative
 - Competent Authorities work together with Industry representatives
 - We work on the basis of the Chapham rules, so that we can have really open debates
- ▶ The French initiative to create a central guidance by the PNTTD is a great model for others
- ▶ The Waste Shipment Regulation review has already picked up quite some ideas
- ▶ It appears that this project was just-in-time to have impact in a new thinking

Freeing up energy, resources and money for the sake of the development of a Circular Economy

