

Response to the European Commission on the draft amendments to the Waste Shipment Regulation 1013/2006 and 2024/1157 with respect to the e-waste codes changes under the Basel Convention

Background

Electronic waste and their components, if recycled properly, according to the highest environmental and social standards, are a source of many metals like gold, silver, palladium, copper, nickel that are listed in the EU Critical Raw Materials (CRM) Act¹.

The e-waste is known to be one of the fastest growing waste streams in the EU and if not properly treated, for example through informal recycling channels, it can adversely impact the environment and lead to losses of valuable and critical raw materials necessary for achieving the objectives of the Green Deal and securing the EU open strategic autonomy.

In the EU, the number of facilities that recycle the critical raw materials from the e-waste is limited. They are present in a few Member States meaning that e-waste shipped to these facilities has to go a long way geographically but also administratively, following the shipment procedures described in the Waste Shipment Regulation.

The European regulatory landscape for the shipment of waste is now in the transition phase from the Waste Shipment Regulation (WSR) agreed in 2006 and the new one of 2024. In the meantime, there will be also a significant change appearing at the international level with the amendments on e-waste codes under the Basel Convention entering into force on 01/01/2025. After this date, both hazardous and non-hazardous e-waste transboundary movements will be subject to the Prior Informed Consent (PIC) procedure according to the Basel Convention. It will cover the whole e-waste but also components stemming from dedicated e-waste recycling plants, needing further treatment, such as printed circuit boards, electric motors, compressors.

Challenge

At present, Eurometaux and EuRIC e-waste recyclers report that **on average 75% of e-waste components shipments come to their facilities as green-listed waste** not requiring the notification. The situation would fully change with the proposed amendments to the Waste Shipments Regulation following the Basel Convention changes with respect to the mandatory notification of all e-waste shipments.

The proposed draft delegated acts to the WSR 1013/2006 and 2024/1157 aim to fully implement the Basel amendments for every type of shipments, intra- and extra-EU and also imports which cannot be neglected as some

¹ Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020

amount of e-waste comes to the European recycling facilities from outside of the EU. Unfortunately, this proposal goes against the previous mandate of the Council Decision (EU) 2020/1829, where it is specified that in case of changing e-waste entries, the procedures and legal obligations for the EU internal market shall remain unchanged.

Moreover, applying the prior notification and consent procedure for intra-EU shipments of non-hazardous WEEE, which are numerous according to the OECD and Member States' interpretation, would mean increased bureaucracy (e.g. Prior Informed Consent), more time and costs for our operations (e.g. notifications, bank guarantees, issuing and administration of processing certificates), with a high risk of losing the materials containing CRMs towards other non-EU players.

Ultimately, the overall impact on the society shall not be underestimated as recycling critical raw materials at the highest environmental and social standards positively contributes to decarbonisation, green and digital transitions as well as the EU open strategic autonomy.

Our key asks

We call upon the European Commission to reconsider its assessment of the alignment of the WSR 1013/2006 with the new e-waste entries under the Basel Convention and to do it only for WSR 2024/1157 where we also suggest to create an intra-EU waste code for non-hazardous waste for which the information procedure (WSR Annex VII) is maintained.

From now until May 2026, when the Art. 27 under the WSR 2024/1157 has to be fully implemented, we shall focus on preparing and introducing the EU digitalised system (EDI) for electronic submission of documents and more harmonised and streamlined procedures by notifiers and competent authorities.

Type of e-waste recycled

Eurometaux and EuRIC members recycle all types of e-waste including specific fractions of the so-called e-scrap, such as:

- printed circuit boards or shredded fractions containing them;
- processors, microchips, connectors;
- e-motors;
- compressors;
- radiators from air-conditioning;
- cell phones and other small IT devices – without batteries;
- laptops – without batteries and screens.

Every smelter has specific requirements on the material received to adequately valorise and refine different types of metals contained in highly complex and heterogeneous e-scrap.

E-waste shipments

E-waste is highly demanded all over the world and European recyclers are competing for it with the rest of the globe. The majority of the e-waste comes from the EU but our recyclers are also importing it from outside. Every e-waste shipment is a complex procedure, depending on the (i) origin of waste and the final destination but also on (ii) the classification of waste (hazardous/non-hazardous).

Delivery of the input materials to the e-waste recycling facilities has to be ensured through a regular supply and predictable procedures. In the case when e-waste shipments are classified as notifiable the level of unpredictability increases, even from well-established suppliers.

Any delay in shipments can impact efficiency of entire recycling chains and result in e.g. rerouting it to destinations where the e-waste would be treated in a less environmentally sound manner than initially planned or lead to additional storage costs whilst decisions are pending.

Installing a system whereby massive amounts of notifications will have to be applied for and approved by the Member States competent authorities will be contrary to the EU Circular Economy objectives, as it will make it harder to keep and recycle those materials in the EU. It will lead to the same requirements for shipments within the EU or towards OECD countries without any push to ease intra-EU shipments. The impact on European recyclers could be delays in getting metals to recycle or even curtail of the shipments.

At present, Eurometaux and EuRIC e-waste recyclers report that:

- the time to obtain a **new notification takes on average 3-6 months and can go up to 1 year for the intra-EU shipments.**
- the time to **renew the notification takes on average 6 months up to 1 year**, depending on the competent authorities.

The new Basel Convention provisions will require that every e-waste shipment follows the PIC procedure, independently if the waste is hazardous or not. That will translate to a substantial increase in notifications that will have to be arranged by the recyclers but also dealt with by the competent authorities.

Eurometaux and EuRIC e-waste recyclers estimate that on **average the amount of notifications will grow up to 150+ per recycler** under the assumption that trade within the EU and that import into the EU will not be hindered.

- Already some companies report that their suppliers warn to stop e-waste shipments if the notification is required.

Environmental Sound Management (ESM) of waste and EU CRM goals

While the objectives of the Basel Convention enlarging the control of transboundary movements of e-waste and making it subject to the Prior Informed Consent procedure are meant to stimulate environmentally sound management of waste, the EU Waste Shipment Regulation already provides a reliable framework to secure it.

Also taking into account that due to Japan's objection no decision was taken to incorporate the Basel amendments at the OECD level, we are even more concerned that amounts of e-waste can be intercepted by other non-EU players.

Without a more flexible, transitional approach, the upcoming two years will therefore see a huge increase in the amount of notifications of e-waste, also for intra-EU shipments, that could hamper the ambitions of the EU Critical Raw Materials Act, containing a benchmark to recycle 25% of its strategic raw materials by 2030, among which many of those recycled from the e-scrap like e.g. Platinum-Group Metals (PGM's) or copper.

Reaching a pragmatic solution for the notification topic is of the utmost importance for the e-scrap recycling industry overall.

Appendix

Suggested change to the:

ANNEX

Amendments to Regulation (EU) 2024/1157 as regards changes on shipments of electrical and electronic waste agreed under the Basel Convention

Annexes III, IV and V to Regulation (EU) 2024/1157 are amended as follows:

(1) Annex III is amended as follows: (a) In Part I, point (e) is deleted;

(b) In Part II, under the heading “Other wastes containing metals”, codes GC010 and GC020, as well as the descriptions of those codes, are ~~deleted~~ **replaced by headline: “For waste shipped within the Union, OECD entries GC010 and GC020 does not apply and the following entry applies instead: XXX Code: Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery as well as electrical assemblies consisting only of metals or alloys”**.

ABOUT EUROMETAUX

Eurometaux is the decisive voice of non-ferrous metals producers and recyclers in Europe. With an annual turnover of €120bn, our members represent an essential industry for European society that businesses in almost every sector depend on. Together, we are leading Europe towards a more circular future through the endlessly recyclable potential of metals. Website: www.eurometaux.eu

Contact: Kamila SLUPEK, Sustainability Director | slupek@eurometaux.be | +32 (0)2 775 63 25

ABOUT EuRIC

The European Recycling Industries' Confederation (EuRIC) is the umbrella organisation for the recycling industries in Europe. Through its 75 members from 23 European countries, EuRIC represents more than 5,500 large companies and SMEs involved in the recycling and trade of various resource streams such as ferrous and non-ferrous metals. They represent a contribution of 95 billion EUR to the EU economy and 300,000 green and local jobs. By turning waste into resources, recycling reintroduces valuable materials into value chains over and over again. Website: www.euric.org

Contact: Julia ETTINGER, Secretary General | jettinger@euric.org | +32 (0)489 09 08 95