



WP3 Legal Framework Preliminary results

Vittoria Luda di Cortemiglia (UNICRI)

Mary Liddane (C2P)

Lucía Herreras (WF)

Expert workshop

Lyon, 17 October 2014

Content

- ❖ General presentation of WP3 (Legal Framework)
- ❖ Focus 1: European Union legal and policy questionnaire – preliminary results
- ❖ Focus 2: International legal and policy questionnaire – preliminary results
- ❖ Next steps: comparative overview and observations

EU Legal Framework

- TFS Regulation

- REGULATION (EC) No 1013/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2006 on shipments of waste.

- WEEE II Directive

- DIRECTIVE 2012/19/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2012 on waste electrical and electronic equipment (WEEE) (recast)

EU Legal Framework

TFS Regulation

Based on the Basel Convention

Establishes procedures and control regimes for the shipment of waste.

The Regulation includes a ban on the export of hazardous wastes to non-OECD countries ("Basel ban") as well as a ban on the export of waste for disposal.

- This regulation classifies waste in two different lists: green list (Annex III and IIIB) and amber list (Annex IV), and establishes two different control and traceability procedures for trans frontier shipments:
 - Prior written notification and consent, or
 - General information requirement
- In order to determine the procedure applicable to each trans frontier shipment, it is necessary to know the category of the waste (green or amber list) and the intended treatment at the country of destination (recovery or disposal).

EU Legal Framework


WEEE II Directive

EU countries were requested to transpose it into their national legislation by **14 February 2014**.

- Art. 10 “shipments of WEEE”
- Art. 18 “administrative cooperation and exchange of information”
- Art. 22 “penalties”
- Art 23 “Inspection and monitoring”
- Annex VI “minimum requirements for shipments”



 Transposed
WEEE Directive

 Have not yet
transposed the
WEEE Directive

Member States'
Transposition up to
September 2014

WP3 Legal Framework

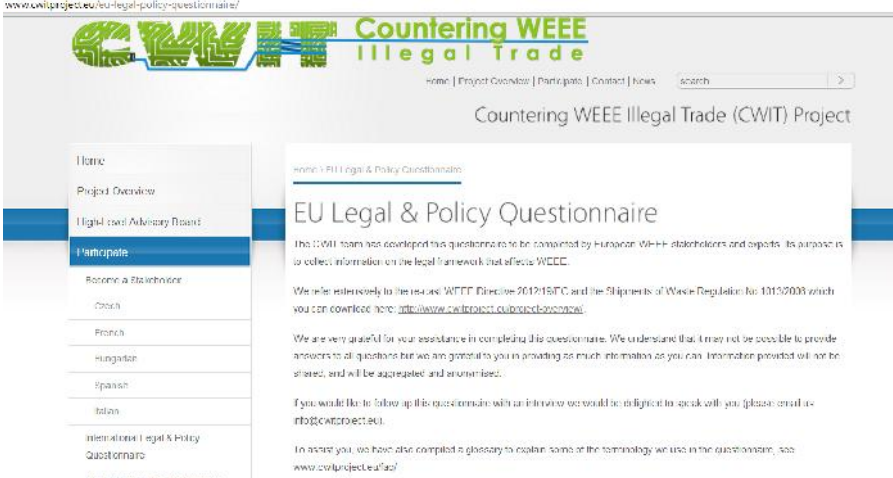
- **General objectives:**

1. **Comparative overview of relevant legal policies and requirements** and how these are implemented and enforced globally.



Questionnaires

2. Provide a valuable **resource for the stakeholders** involved in the project, the European Commission, and the wider public.



The screenshot shows the CWIT website interface. At the top, the CWIT logo and the text 'Countering WEEE Illegal Trade' are visible. Below the logo, there is a navigation menu with links for 'Home', 'Project Overview', 'Participate', 'Contact', and 'News'. A search bar is also present. The main content area features a sidebar with a 'Participate' menu that includes options for 'Become a Stakeholder' and 'Country' (listing Czech, French, Hungarian, Spanish, and Italian). The main content area displays the 'EU Legal & Policy Questionnaire' page, which includes an introduction, a link to the questionnaire, and contact information for the project.

European legal questionnaire

Currently: Analysis phase



- Response rate: **57%**

Table 1: Type of respondents to the EU questionnaire

Country	Organisation	Type of Respondent
Austria	Austrian Coordination body for WEEE	Policy Maker
Belgium	Public Waste Agency	Policy Maker
Bulgaria	Ministry of Environment	Policy Maker
Denmark	Environmental Protection Agency	Policy Maker
Estonia	Ministry of Environment	Policy Maker
Finland	Ministry of Environment	Policy Maker
Germany	Ministry of Environment	Policy Maker
Ireland	Shipment of Waste Office/EPA	Policy Maker
Italy	Compliance Scheme	Industry
Norway	Environment Agency	Policy Maker
Portugal	WEEE Processor	Industry
Romania	Appliance Association	Industry
Slovakia	Ministry of Environment	Policy Maker
Slovenia	Ministry of Environment	Policy Maker
Spain	Scrap Dealers Association	Industry
Sweden	Environmental Protection Agency	Policy Maker
United Kingdom	Compliance Scheme	Industry

EU Questionnaire

General legal framework on EEE and e-waste;

List of legislation applicable. Functionality test? WEEE treatment equivalent conditions out of EU? Packaging of used EEE? Inspection program? Permits?

Legal framework impacting the illegal trade of E-waste;

Types of penalties. Liability (types and actors).

Comments

In your opinion what is missing? obstacles for implementation?

Preliminary results: Implementation – Practical issues

Specific templates & guidelines: most of them in draft status or not available.

- Templates and/or guidelines
 - (protocol of) Functionality test for used appliances
 - Template of invoice/contract of sale and shipping of used equipment
 - Holder's declaration of used equipment (not waste)
 - Guidance document on appropriate packaging for used appliances
 - Definition of conclusive proof (shipment is b2b agreement)
 - Guidelines for proving material shipped is not waste

- [\(AT\) shipment manual](#)
- [\(AT\) Re-use guide](#)
- (BE) Code of good practice on re-use (OVAM)
- [\(DK\) “How to pack used electronics prior to transport”](#)
- [\(DE\) guideline on requirements for the management of WEEE](#)
- [\(DE\) guideline on the implementation of the Waste Shipment Regulation](#)
- [\(DE\) Handbook on waste transport inspections](#)
- [\(SE\) A Guide for Exporters of Used Goods](#)
- [\(UK\) Equivalent Standard information for WEEE export](#)

**Input for
recommendations**



Common criteria for:

- Test of functionality
- Classification of WEEE (hazardous/non hazardous; U-EEE/WEEE)
- Conclusive proof

- (AT) shipment manual

- http://www.abfallwirtschaft.steiermark.at/cms/dokumente/11962415_45536/73f5860d/Handbuch_Leitfaden_Abfall_versus_Gebrauchtware_de-eng_2013-08-08_Medium_Quality_end.pdf

- (AT) Re-use guide

- <http://www.bmlfuw.gv.at/greentec/abfall-ressourcen/abfallvermeidung/RepaNet.html>

- (DK) “How to pack used electronics prior to transport”

- <http://eng.mst.dk/topics/waste/shipment-of-used-electronics/>

- (DE) guideline on requirements for the management of WEEE

- http://www.laga-online.de/servlet/is/23874/M31_Merkblatt_Elektroaltgeraete.pdf?command=downloadContent&filename=M31_Merkblatt_Elektroaltgeraete.pdf

- (DE) guideline on the implementation of the Waste Shipment Regulation

- http://www.laga-online.de/servlet/is/23874/M25_VH_Abfallverbringung.pdf?command=downloadContent&filename=M25_VH_Abfallverbringung.pdf

- (DE) Handbook on waste transport inspections

- <http://www.hlug.de/start/abfall/hessian-database-for-waste-transport.html>

- (SE) A Guide for Exporters of Used Goods

- <http://www.naturvardsverket.se/Om-Naturvardsverket/Publikationer/ISBN/8400/978-91-620-8494-3/>

- (UK) Equivalent Standard information for WEEE export

- <https://www.gov.uk/waste-electrical-and-electronic-equipment-weee-exporting#ES>

International questionnaire

- **Specific Objectives:** the legal framework in place or proposals to develop measures to deal with e-waste.
- **Selected target countries*:** Canada, Chile, China, Colombia, Ghana, India, Japan, Kenya, Mexico, New Zealand, Nigeria and USA.



International questionnaire

Currently: Analysis phase

- Response rate: **64%**

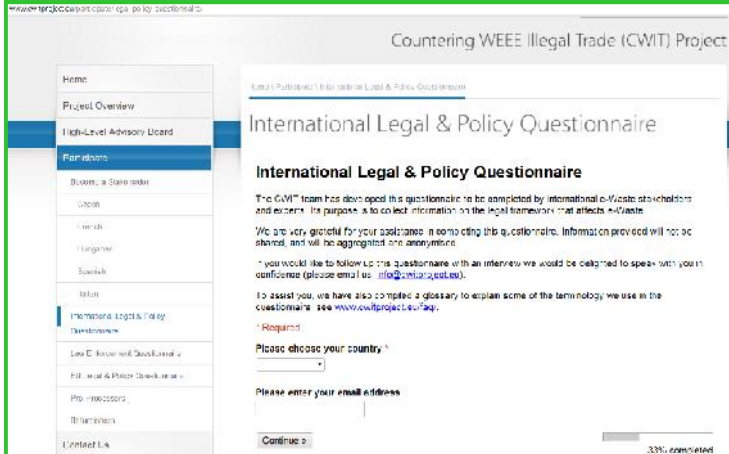


Country	Organisation	Type of Respondent
Canada		Academia
Chile	Compliance Scheme	Industry
China		Academia
Japan	Ministry of Environment	Policy Maker
Kenya	Environment Management Authority	Policy Maker
New Zealand	Ministry of Environment	Policy Maker
Nigeria	Environmental Standards Enforcement Agency	Policy Maker

Table 2 - Type of respondents to the International Questionnaire

International preliminary results

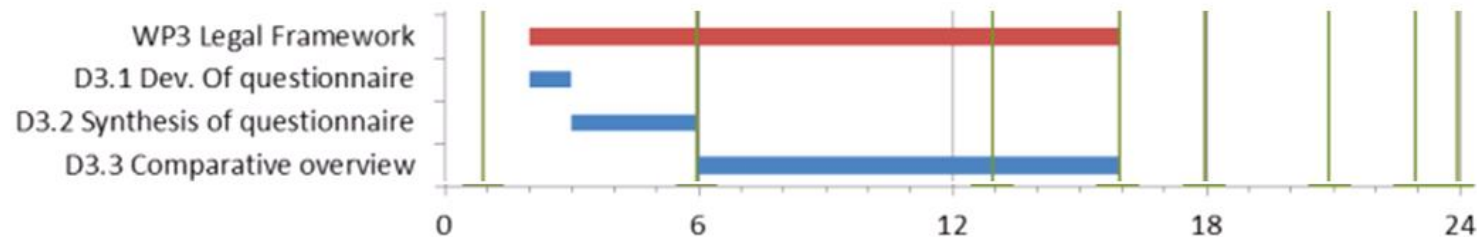
- Stage of development of national e-waste management regulation
 - Enacted/Implemented: China, Japan & Nigeria.
 - In draft/Incomplete: Chile & Kenya.
 - No national legislation specifically dedicated to WEEE: Canada & NZ.



The screenshot displays the 'International Legal & Policy Questionnaire' form on the CWIT Project website. The page title is 'Countering WEEE Illegal Trade (CWIT) Project'. The form is titled 'International Legal & Policy Questionnaire' and includes an introduction paragraph: 'The CWIT team has developed this questionnaire to be completed by international e-waste stakeholders and experts. Its purpose is to collect information on the legal frameworks that affects e-waste. We are very grateful for your assistance in completing this questionnaire. Information provided will not be shared, and will be aggregated into anonymous data.' Below the introduction, there is a 'Requirements' section and a 'Please choose your country' dropdown menu. The form also includes a 'Please enter your email address' field and a 'Continue' button. The page number '33/34' is visible in the bottom right corner.

Next step: the Analysis

- Carry out the comparative overview of the 2 questionnaires and deliver observations
 - Input from IMPEL questionnaire will be integrated to fill-in the potential gaps.
- The final analysis will be submitted to the EC on November (month 15).



Next step: the analysis

Main focus of the analysis:

- Overview of legislation
 - national implementation of the recast WEEE Directive
 - legislation/policies in place across each country, transposition status etc.
- Implementation of controls for e-waste
 - Inspection & Monitoring controls
 - Functionality & test procedures
- Prosecution issues
- Penalty types
- Conclusion (reasons for non-compliance and best practices)

Other topics to focus on?





Thank you for your attention

For further information please contact:

Vittoria Luda di Cortemiglia luda@unicri.it

Mary Liddane m.liddane@complianceandrisk.com

Lucía Herreras lucia.Herreras@weee-forum.org

Visit the CWIT website:

www.cwitproject.eu

This project and the research leading to these results has received funding from the European Community's Seventh Framework Programme (FP7/2007-2013) under grant agreement n° 312605

