

# “Waste/non-waste: how to address challenges?”

Breakout session

13:30 – 14:45

Mandela Room



WE MAKE  
TOMORROW  
BEAUTIFUL  
**OVAM**

# The hosts



WE MAKE  
TOMORROW  
BEAUTIFUL  
**OVAM**



**WOUTER DUJARDIN**

Policy advisor textiles &  
EoW legislation

Moderator



**VICTOR DRIES**

Policy advisor  
international policy

Note taker

# The participants

## EU commission



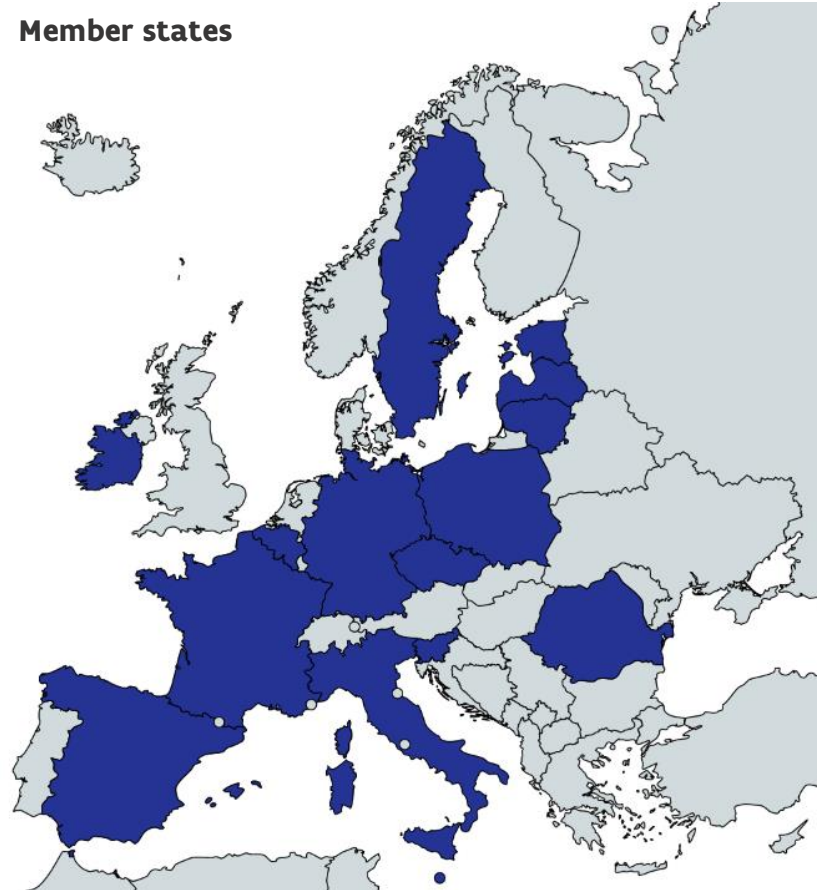
## Federations



## Consultancy

Reason & Rhyme

## Member states



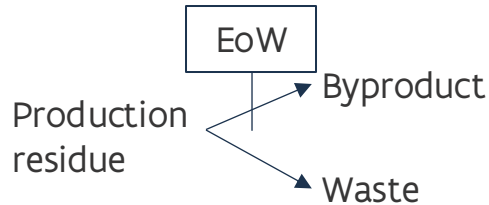
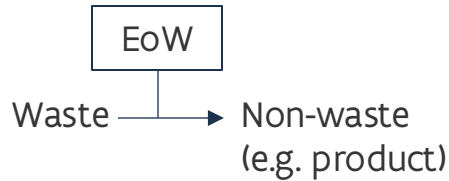
# Agenda

- 1. Challenge I: Closing the end-of-waste backdoor**
- 2. Challenge II: Cooperation on national EoW criteria**

# Recap of End-of-waste (EoW) legislation



**Conformity needed with EoW legislation to be non-waste/byproduct**



**EoW framework defined on the EU-level**

General criteria:  
End-of-waste criteria (art. 6)  
By-product criteria (art. 5)

Current specific EU criteria:

- Scrap metal
- Glass cullet
- fertilising products

MS can create own specific EoW criteria

**But the implementation in the MS is heterogeneous. Each MS has its own:**



Interpretation



Sets of specific EoW criteria



System of proving conformity



Level of enforcement

# Challenge 1: Closing the EoW backdoor



## The challenge

EoW status gives waste or production residue a product status



Possible to circumvent export bans and import bans

New WSR will increase challenge:

- Exports of EU plastic waste require notification (2026)
- ban on EU-waste export to all non-OECD countries (2027)

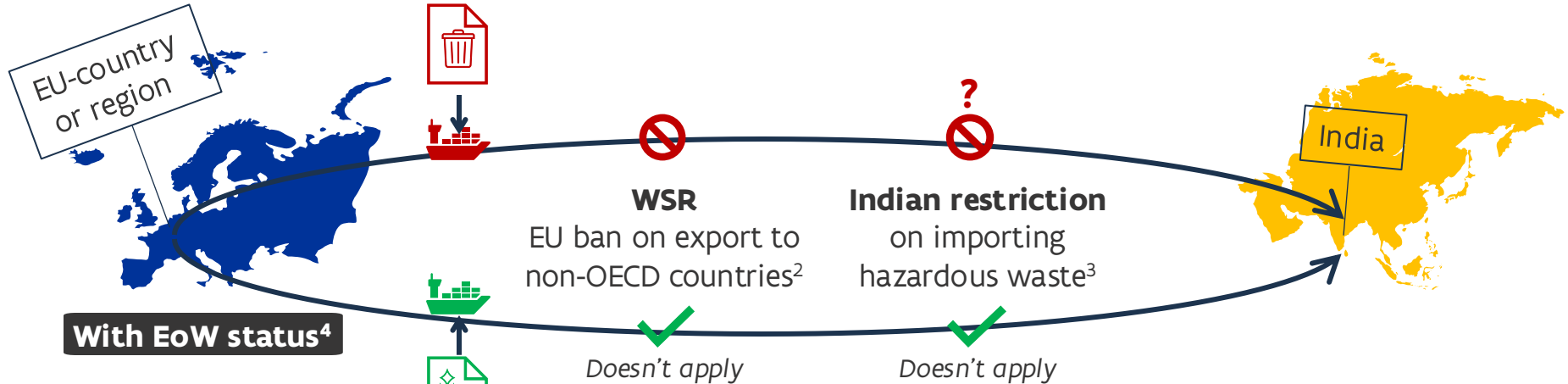
# Challenge 1: Closing the EoW backdoor



Example: company exports plasticizer production residue<sup>1</sup>

## Without EoW status

Transport requires  
**waste** documents



Transport requires  
**product** documents

1. Classified as 'hazardous' in WSR, annex V, part 1, Basel No. A3050

2. WSR, article 36, 1 (a)

3. Approval needed by Ministry of Environment and Directorate General of Foreign Trade license, Hazardous And Other Wastes (Management and Transboundary Movement) Rules 2016

4. For example obtained by self-assessment or statement of competent authority, according to MS rules on EoW

# Challenge 1: Closing the EoW backdoor



## Three possible positions

1

“The opinion of the country of destination is not required if a material is considered EoW in a MS”

2

“The opinion of the competent authority in the country of destination is required even if a material is considered EoW in a MS.  
The stricter interpretation applies.”

3

“An end-of-waste status is only valid within the OECD.  
Outside the OECD, the material must always be considered as waste.”

**Pick the position you agree the most with and move to its spot**



# Challenge 1: Closing the EoW backdoor

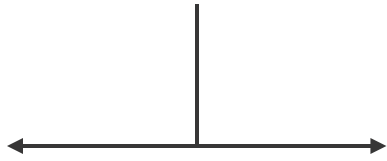


What if the competent authority doesn't give an opinion?

2

“The opinion of the competent authority in the country of destination is required even if a material is considered EoW in a MS.  
The stricter interpretation applies.”

2A



2B

No opinion = tacit consent of EoW status  
→ Transport can happen as **product**

No opinion = no confirmation of EoW status  
→ Transport needs to happen as **waste**

**Pick the position you agree the most with and move to its spot**

# Agenda

- 1. Challenge I: Closing the end-of-waste backdoor**
- 2. Challenge II: Cooperation on national EoW criteria**

# Challenge 2: Cooperation on national EoW criteria



## The challenge

Specific EoW criteria enables certainty for governments and companies



Only a few EU EoW criteria exist  
Also few national EoW criteria  
No overview of national EoW criteria

**Is more cooperation between MS the solution?**

**1**

**YES**

We are in favor for cooperation because...  
We would like to cooperate by...

**2**

**NO**

We are not in favor for cooperation because...

**Pick the position you agree the most with and move to its spot**