

ETRMA's reply to the Public Consultation on the Waste Shipments – revision of the EU rules

The European Tyre and Rubber Manufacturers' Association (ETRMA), representing tyre and rubber goods producers in Europe, supports the overall goals of the revision of the Waste Shipment Regulation. The ETRMA is ready to support the EC with ideas and suggestions on how to develop an EU waste management that is more efficient and meets the goals of the green deal.

Facilitating shipments of waste for reuse and recycling in the EU, not exporting waste challenges outside the EU and addressing illegal shipments of waste, are crucial for the European Union to adequately manage waste shipments in a clean and more circular economy and to avoid losses of valuable resources that can be recycled in the EU. This is consistent with the objectives of the EU Circular Economy Action Plan and the EU Green Deal.

We would like to raise awareness to the current problems of implementation mainly derived from the lack of harmonized criteria in EU member States, those are.

- Differences in customs interpretation of the coding to be applied to certain wastes, mainly for those that arise from the treatment of other waste streams, that usually do not have a clear and well identified code in current list of wastes.
- Excessive administrative burden in the movement of wastes inside the European Union where the rules for treatment and recovery are usually equivalent.

The European Tyre and Rubber Manufacturers have since more than 20 years been on the path to develop a more circular tyre economy, based on the extended produced responsibility model for the management of end of life tyres in most Member State. Because of this development, all tyres are collected and treated resulting in a current 95% treatment rate across Europe. During this period the material recovery from ELT, has increased from 10% up to 60% annually in Europe. Out of the approx. 3 million tonnes (Mt) of tyres reaching end-of-life stage, 1.6 Mt are recycled into rubber, steel and textile fibers. In other words, raw materials recycled from waste tyres which are used in many different applications and contribute to decrease Member States' reliance on natural resources and provide large environmental benefits as well as jobs creation and industrial growth opportunities.

However, even though the domestic recycling capacity is often proportionate to the national ELT arising of many EU member states, the weak market demand for recycled rubber and/or ELT derived materials leads to the necessary transboundary movement of waste as well as of recycled materials. At this point in time, most of the EU member states are very much dependent on the treatment facilities and capacities for end-of-life tyres outside of Europe.

Therefore, the European Tyre and Rubber Manufacturers first supports the Commission's proposal of the WSR, but also asks the Commission to bear in mind that waste shipment does not necessarily mean a lack of recovery or a mismanagement of waste. The solutions come from a better regulation that means clearer rules across Europe that cannot be misinterpreted by local authorities, and a

further effort for waste/product codes that needs to be a continuous process integrating new codes when necessary. Implementing easier and faster procedures for updating the EWC, the Basel Code and the Tariff Code is paramount. A stricter implementation of the allowances of waste treatment at destination countries, only for cases where an equivalent to the EU level of health and environment protection's requirements are met is now proposed. To facilitate that control we need better fitting and harmonized interpretation of waste codes related to end of life tyres and its derived materials such as shreds, textile, and metal fractions.

The stricter application of the waste treatment allowance at destination will increase the health and environment protection in non OECD countries while it also should not block completely current and short-term solutions and also promotes the development of new applications in the EU.

We also ask the Commission to, in parallel with this modification and before tightening conditions of waste shipment, to assess in deep and in a permanent way the waste streams generated in Europe and the reasons for them to be shipped, and to develop incentives for the use of secondary raw materials within Europe.

As an example, good green public procurement could foster the development of road infrastructures with a high positive impact. In the reduction of the consumption of construction materials and the CO2 emissions associated with them, if materials obtained from the treatment of tyres could be adequately promoted for road pavements.

With regard to end-of-waste, article 6 of Directive 2008/98/EC, of 19 November, on Waste (recently amended by Directive 2018/851/EC of 30 May 2018), imposes that Member States establish measures in order to define when a waste ceases to be waste and the Commission assess to develop Union-wide criteria.

Taking into consideration that ELT rubber waste is a well-defined and homogenous waste stream, and with a constant supply. To enhance existing ELT-recycled rubber markets and create new ones able to optimize the excellent technical properties of the high-quality rubber contained in ELT, it is vital and urgent that the EU takes action and considers further measures to secure the Circular Economy of tyres, with a special focus on rubber.

On the basis of the above, in order to improve the legal certainty of the tyre waste management activity and to encourage the market use of materials obtained from this activity, such as recycled rubber, it would be appropriate to include in the WSR a general criteria or general measures to determine when a material recovered from this activity acquires the status of *end of waste status*, regardless of the Member State where that waste has been generated or where that material has been recovered.

¹ **ETRMA:** The European Tyre & Rubber Manufacturers Association represent nearly 4.400 companies in the EU, directly employing about 370.000 people. The global sales of ETRMA's corporate members represent 70% of total global sales and 7 out of 10 world leaders in the sector are ETRMA Members¹. The product range of its members is extensive from tyres to pharmaceutical, baby care, construction and automotive rubber goods and many more applications. We have a strong manufacturing and research presence within the EU and candidate countries, with 93 tyre plants and 16 R&D centres.