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Issues in relation to shipments of hazardous oily wastewater

Dokumenter uden PDF-version (ikke vedlagt)

Udskrevet 13. jun 2023

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Fra: Amalie Wang Norus (amwno@mim.dk)
Titel: SV: Meeting regarding hazardous waste for recovery operations
Sendt: 23-02-2023 11:36
Bilag: Issues in relation to shipments of hazardous oily wastewater.docx;

Dear Yorg and Gaël,

Sorry to bother you at Open Ended!

Just a little follow up from my end, I have explained our issue a little further in the attached note.

I am looking forward to hearing from you soon regarding the meeting, as mentioned earlier a colloque and I would like to come to Brussels to discuss our issue further.

Best regards

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Emne: SV: Meeting regarding hazardous waste for recovery operations

Just a little confusion from my side, I forgot that only Danes use numbers for the weeks, so perhaps a meeting between 27th of February and the 3rd of March would be possible?

Kind regards,

Amalie

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Sendt: 16. februar 2023 14:51
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Emne: Meeting regarding hazardous waste for recovery operations

Dear Gael and Yorg,

I hope this e-mail finds you well and that you are doing well. I am back from maternity leave and see that I am just in time for the closing of the revision of the waste shipment regulation – I see that you have done great progress on the revision.

My Minister, Magnus Heunicke, had a meeting with your Commissioner on February 10th in which they discussed an issue that we in Denmark has been trying to solve for some time now. Basically we have some problems in the balance between operations for recovery and operations for disposal. We have a Danish company whom import oily waste water for recovery, however there is on 3 pct. of the imported oily water that can be recovered the rest is

going for disposal. My Minister and your Commissioner agreed that we could have further technical discussions on the subject. Therefore, I would ask if we could come visit you sometime next week hopefully, or perhaps the beginning of the week after (week 9).

I will follow up as soon as possible with a one pager explaining our issue a little more in depth.

Please do not hesitate to get in touch if you require further information.

Best regards

Amalie Wang Norus

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Issues in relation to shipments of hazardous oily wastewater

The Danish case

In Denmark, we are phasing a challenging situation regarding a Danish company importing oily wastewater for recovery. The shipment consists of only about 3% oil for recovery, while the remaining part of the shipment is destined for a disposal operation. The Danish reading of the current waste shipment regulation as well as the revised proposal do not foresee a possibility for objecting such shipments.

Danish understanding of the waste shipment regulation

MS can currently object to the shipment of hazardous waste destined for disposal according to Article 11 of the Waste Shipment Regulation. Article 12 makes it possible to transfer waste destined for recovery, as long as the competent authorities do not raise any objections regarding the shipment, according to the list of grounds for objections in Article 12.

It is our understanding, that Article 11 regulates shipments, where the total amount of waste is destined for disposal while Article 12 regulates shipments fully destined for recovery. To assess if an operation is recovery or disposal, it has to be assessed what the principle objective of the first operation is, as that establishes the assessment of the operation in question. However, it is unclear how the competent authority should respond to a shipment of wastewater where only a very limited part of the shipment is destined for a recovery operation (principle objective) while the vast majority of the shipment is destined for a disposal operation (secondary objective).

It is our understanding that an MS only can object to such a shipment by using Article 12, paragraph 1, point g, which allows for the competent authority to evaluate whether the cost of the disposal of the non-recoverable fraction of the waste do not justify the recovery of the recoverable part of the waste. In such a justification, MS can apply economic or environmental considerations. It is our understanding that the so-called *environmental consideration* is only meant to be understood as *best available technology (BAT) requirements*.

In the Danish case, this justification would not be sufficient to object to the shipment of oily wastewater. Economically, it is still a good business case to import oily wastewater for recovery, even when the wastewater only contains around 3% oil. Environmentally, the facility uses BAT requirements, and consequently, we do not see any ground for utilizing the objection in Article 12, paragraph 1, point g.

The revised proposal for WSR with the full prohibition of shipment of waste destined for disposal in Article 11 does not alter the abovementioned Danish case. With the proposal, an MS would still not have any grounds for objections for a shipment of hazardous waste destined for recovery, even if the

amount of waste for recovery is insignificant compared to the fraction of non-recoverable waste that would have to be disposed of.

Consequently, we foresee that these shipments containing only insignificant amounts of recoverable waste can continue to take place with the new legislation without any grounds for objection. We believe that there might be inconsistencies between the Commission's proposal in Article 11 on prohibition of shipments of waste destined for disposal and Article 12 on the possible objections to shipments of waste destined for recovery. Specifically in relation to wastewater, we find it inconsistent to prohibit shipments of waste destined for disposal while at the same time making it possible for such shipments to be carried out even if they only include a small amount of waste destined for recovery.