



# Against the Law

*The BIR is Generally Dissatisfied with Legislation Around the World*

**The message at the Autumn Convention of the Bureau of International Recycling (BIR) in Warsaw can be summed up as: Laws – and how they are damaging the industry. For two days, representatives of the various sectors met up in the Polish capital to discuss the current situation. The same point kept coming up: the participants' dissatisfaction with international laws and lawmakers.**

Members of the Paper Division complained that exports to Asia have become even more regulated. Although China and other Asian markets are developing into long-term customers for European and US recovered fibre, exporters are having to battle even harder against the high legal requirements. Revision of the EU Waste Shipment Regulations is also playing its part.

The majority of the paper that China currently imports (42.65%) is obtained from the US. The rest comes from Europe (32.99%), Asia (21.16%), Oceania (3.19%) and Africa (0.02%). These figures were presented by Ranjit Baxi. He also stated that an analysis of the paper recycling rates throughout Africa has – surprisingly – found that South Africa does not take the top spot: “Even though we recently kept finding things in the media about South Africa’s rates, it is actually Cameroon that has brought in the best result.” Between July and August this year, the victorious country racked up 822 million tonnes. Nigeria took second place with 393 tonnes. South Africa came in next with just 40 million tonnes.

But despite such results, the Paper Division representatives are of the opinion that EU laws are going in the wrong



direction. To support this, the BIR invited Marek Skrowider as a guest speaker, and he gave a lecture on "Recovered Paper Collection System in Poland - Status and Limitations". He presented the system, and explained how it should actually work and the reasons why problems keep occurring in reality. Despite very strict laws, there is a continuous demand for recovered paper worldwide. In Spain and other European countries especially, this secondary raw material is currently highly in demand, which has resulted in a price increase. However, this is not as serious as could be expected with such high demand. The reason for this is that collection rates have also risen over the previous period. Paper Division President Dominique Maguin from Veolia Proprete France Recycling explained that the collection rate for domestic recovered paper, for example, has reached 64.6%. This is an improvement of 7.5 percentage points over the last year.

The Plastics Committee also invited a Polish guest speaker to explain his topic from a national perspective. In a similar

way to Marek Skrowider, his counterpart in the Paper Division, Maciej Krzyczkowski described the difference between the requirements of the EU legislation and the reality in Poland to the interested audience: "The European Union's laws can be interpreted. In Poland, they are interpreted in such a way that it repeatedly leads to problems." For example, on the one hand, the specified quality standard is not being met, whilst on the other hand the figures that the Polish government is passing on to the EU do not correspond to the reality. "Apparently, we've recycled 48%, but 35% is the more likely figure – maximum."

The misfiring legislation was also a topic at the Non-Ferrous Division Meeting. In this case: Annex VII. The view was that this guideline is having a huge negative impact on trade and export within NF metals. One complaint was that it is very expensive for all involved; another point which meets the disapproval of the industry's leading figures is that business partners, suppliers and buyers have to be disclosed. "We will have to live and work with this grievance for some time yet," Hillary Stone admitted candidly. The opinion was that it is particularly strange to offer members of a free market the

*Ranjit Baxi (3rd from the left) is the new President of the BIR's Paper Division.*





*Christian Rubach, Om Bathia and Ross Bartley spoke to in different divisions.*



choice between a fine, a jail sentence or disclosure of confidential information. "It's not hard to guess what one picks in such a situation," was Stone's pragmatic comment. Whether this choice – and the subsequent decision – are, however, for the good of the market, is another issue entirely. The particular problem in this context is the completion of the annex VII form. The participants pointed out that there are still a few basic questions which remain unclear: "Who is the person who arranges the shipment?"; "Why when the arranger is neither the producer nor the collector must information about those entities be disclosed?"; "Who is the importer/consignor?"; "How many carriers should be named?"; "What happens if the transport arrangements alter?". There are also some confidentiality issues – for example, the identity of customer, why the identity of the waste generator has to be disclosed and why the identity of the recovery facility has to be disclosed. Robert Voss of Voss International Ltd, who was heading the meeting, also

allowed himself a rather biting comment: "For one NF metal sea shipment, we tried our best and listed the route that our ship might take – as stipulated in annex VII. We ended up listing 52 states whose territorial waters our ship might pass through. To record all this, we did have to attach a few more sheets of paper to the one-page form."

Dr. Joachim Wuttke of the German Federal Environment Agency addressed the exact impact of annex VII and article 18 contained in it. He regretted that "during the amendment process until 12 July, there were only rare discussions. Some points of discussion have never been raised before – like the jurisdiction."

At the Stainless Steel & Special Alloys Committee Meeting, over-regulation of the market was not the topic of discussion; rather, worrying signs for the future were on the agenda. In this context, Michael G. Wright of ELD Haniel stated that the nickel market is on the brink of suffering a collapse, as he predicted at the previous BIR Spring Convention in Athens: "There's always an undulation at play,



*BIR President Dominique Maguin listens to a guest speaker.*



## *BIR spokesperson Elisabeth Christ*

which could also be compared to a continuous cycle." And it is this very cycle which is on the verge of completion. According to Wright, experts already know the course of this undulation from 2005. His summary: "We are very close to, or at the bottom of the cycle." It seems that the provocative question he asked in Athens – "Will the high nickel price kill the high nickel price?" – hit the mark spot-on.

### *Take a look*

Dominique Maguin has stepped down from his position as President of the Paper Division. At the BIR Convention in Warsaw, he thanked his team and handed the position over to Ranjit Baxi, J&H Sales International Ltd, who had already been voted as the new president by the Paper Division



members before the convention. Baxi very much appreciated the vote of confidence and was looking forward to his new task. He also praised Dominique Maguin, saying he was an excellent president. "We will be able to harvest the fruits of his labour for years to come," the Englishman, who was born in the Far East, predicted. Baxi was not willing to reveal his aims as division president to RECYCLING m@gazine: "Initially, I'll have my hands full with familiarising myself with the new job and keeping everything running smoothly." In his own words, it would be hard to fill Maguin's shoes. For this reason, he intends to concentrate at first on taking over his predecessor's projects. But he did promise to disclose his personal aims to RECYCLING m@gazine as soon as he was properly settled in the job. "Ask me again next year," Baxi joked. ■



*There were lots of discussions  
at the BIR Convention.*