

## **BIR urges the EU Council of Ministers to correct its “impossible law” requiring equivalent conditions for EU waste exports for repair and recycling both inside and outside the EU**

Laws are being amended to support the EU Circular Economy, among which in the current draft of the Framework Directive on Waste there is a requirement for EU-based exporters of waste for preparation for reuse or recycling to prove “that the treatment of waste outside the Union took place in conditions that are equivalent to the requirements of the relevant Union environmental legislation”.

BIR Trade & Environment Director Ross Bartley has alerted the Council of Ministers to this “impossible law” and proposed an equitable correction, qualifying “equivalent” as “broadly equivalent”. It is easy to understand, he argues, that countries outside the European Union have their own laws which simply cannot be proven by an EU waste exporter to be equivalent to the European Union’s environmental laws. Even across the EU, repair and recycling facilities cannot be proven to operate under equivalent conditions, and variations are found between such facilities in the various OECD member countries. Furthermore, repair and recycling facility conditions vary in countries across the rest of the world.

Most European recyclers, and in particular the major European consumers of wastes and scrap, recognise the “equivalent conditions” requirement as an intentional barrier to trade. EU Member States that generate more waste than their national facilities can repair or recycle should seriously consider whether this trade barrier would prevent them achieving obligatory targets.

BIR’s advice is that trade in waste and scrap should be free and fair and that, in the absence of guidelines on what are “broadly equivalent” conditions for repair and recycling, the EU Member State Competent Authorities of the country of export should be allowed to assess the information provided to them.

BIR has actively supported the view that all wastes should be environmentally soundly managed in all countries (note that the United Nations Environment Programme’s Basel Convention published its [Framework on Environmentally Sound Management](#) in 2013 and that the OECD published its [Recommendation of the Council on the Environmentally Sound Management of Waste](#) in 2004).

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