



Harmonising the Classification of Waste under the Waste Shipments Regulation (WSR)

The EPMF's Position on the Green-Listing of Wastes

The European Precious Metals Federation (EPMF) is an international trade association representing the interests of the precious metals industry in Europe. The main purpose of the EPMF is to promote and support the European precious metals industry, including refining, recycling, trading, and fabrication of precious metals such as gold, silver, platinum, and palladium. The EPMF represents the interests of its members in discussions with regulators, policy makers, and other stakeholders, mainly in sustainability and chemicals management fields. The organization also seeks to provide information and resources to its members in critical areas like EU regulations and new science.

Our Asks

- Create a strong and efficient European single market for waste that facilitates waste shipments.
- Ensure coherence and harmonisation between the WSR and other EU policies, including the CRM Act, the Ambient Air Quality Directive, and the Water Framework Directive.
- Uphold a risk-based approach vs. a hazard-based approach for waste shipments.
- Make the Green-listed regime for intra-EU waste shipments permanent beyond 1 January 2027.
- Introduce separate, well defined waste codes for non-hazardous e-waste to ensure regulatory certainty and harmonisation.
- Facilitate intra-EU shipment of all waste containing CRMs, as well as imports of e-waste from third countries into the EU destined for recovery in pre-consented facilities.
- Avoid setting contamination thresholds for metals as this would omit valuable sources of CRMs from being exploited.

Introduction

The recovery and recycling of precious metals from waste like e-waste is imperative to reaching the strategic and circular objectives of the European Union. The current regulatory landscape and subsequent market barriers, however, make the efficient transportation - and thus, recycling - of these materials challenging for European precious metal refiners and recyclers. Transboundary waste movements must be predictable, efficient, and free of unnecessary regulatory burdens and barriers that inhibit the transport and access to this valuable urban resource.

The EPMF supports the Commission's ambition to harmonise waste classification and to expand the Green List of Waste to reduce regulatory burdens and facilitate the movement of waste across EU



borders. We welcome the chance to provide input on what waste streams should be reclassified as green-listed and urge the Commission to facilitate European refiners and recyclers' access to valuable secondary raw materials.

Establish a European Single Market for Waste

While precious metals are highly recyclable, Europe's current waste management system makes it difficult for precious metals recyclers and refiners to carry out their operations. This is largely due to problems accessing secondary raw materials. Conflicting approaches to waste across Member States (and in some cases, regions) create regulatory burdens, hamper the recovery of secondary raw materials, and obstruct economies of scale. These issues are compounded by other challenges, including lack of collection infrastructure, low economic incentives, and high costs. A strong and efficient European single market for waste is imperative to remove these barriers, underpinned by harmonised rules, implementation, enforcement, and guidance across Member States. Predictable EU-wide rules can help streamline waste shipments without unnecessary costs or legal barriers.

European precious metal refiners and recyclers also depend on well-established global supply chains of secondary raw materials for precious metals and critical raw material (CRM) recovery. Imports and exports of precious metal and CRM-rich waste like e-waste and catalysts are crucial to reach the objectives of the CRMA and the European Circular Economy. Strict rules for waste imports risk undermining the EU's industrial competitiveness; it is therefore important that the single market for waste upholds fair trade and favours fit-for-purpose trade agreements to ensure access to CRM-rich waste and scrap while avoiding illegal waste shipments.

Uphold harmonisation between the Waste Shipments Regulation and other EU legislation

We urge the Commission to ensure alignment between the objectives of this Delegated Act and other EU legislation. Regulatory harmonization is of particular importance to reduce administrative burdens and higher costs, while ensuring regulatory certainty.

The Critical Raw Materials Act's (CRMA) Implementing Act on waste streams with high CRM recovery potential is currently being drafted. Waste streams are important feedstocks for low-volume CRMs like Platinum Group Metals (PGMs), which are essential for Europe's clean energy transition, digital infrastructure, strategic autonomy, and resilience on the global stage. Alignment of rules, approaches, and objectives between these two initiatives is essential to avoid fragmentation and regulatory complexity at EU, national, and local level.

Waste is recycled in Europe following high environmental and social standards. The EU regulatory landscape for waste boasts robust safeguards in addition to the Green List of Waste. Final metallurgical recycling processes are governed by environmental permits in accordance with the Industrial Emissions Directive (IED), which defines requirements for handling, storage, and processing of waste to minimise its impact on the environment. The Water Framework Directive and the Ambient Air Quality Directive both impose rigorous standards on water and air quality in the vicinity of waste treatment operations. The Green List of Waste cannot be considered separately from such rules. Existing safeguards imposed by other EU legislation must be considered when developing the List in order to ensure efficiency and avoid regulatory fragmentation.

Uphold a risk-based approach vs. a hazard-based approach for waste shipments



Metal-containing waste streams - particularly e-waste - are highly complex, containing elevated concentrations of CRMs and precious metals. The list submitted by the EPMF to the public consultation on the CRMA list of waste streams with high CRM recovery potential contains both hazardous and non-hazardous waste streams. While these wastes represent valuable secondary sources of critical materials, they may contain hazardous substances.

For metal scrap and components containing metals, concentration limits defined in Annex III of the Waste Framework Directive do not apply to pure metal alloys in their massive form. Despite this, Member States often consider metal waste in massive form as hazardous based on a precautionary, risk-based approach. This interpretation also varies by Member State, which drives up costs, causes delays, and excludes massive forms of CRM and precious metals contained in e-waste from re-entering the circular economy.

European pre-consented final recovery facilities possess advanced metallurgical recovery and recycling capabilities that effectively neutralize hazardous substances, operating under stringent environmental safeguards and emission standards (see above). Adopting a risk-based approach to waste classification that considers the physical form, exposure risk, and destination of waste rather than its composition would reduce regulatory burdens and enhance access to valuable circular sources of CRMs and precious metals.

Make the Green-listed regime for intra-EU waste shipments permanent beyond 1 January 2027

We call on the Commission to make the current intra-EU regime for green-listed e-waste shipments permanent beyond 1 January 2027. As stated above, e-waste is rich in precious metals and CRMs that are essential to the development of the EU, from defence, digitalization, sustainability, and renewable energy transition. It is imperative that access to this valuable resource is uninhibited and facilitated for EU refiners and recyclers.

Currently, e-waste recyclers face significant delays brought on by complex notification procedures. If the current intra-EU regime is not extended beyond 1 January 2027, recyclers will have to comply with over 150 additional notification procedure requirements per e-waste recycler on top of current requirements (assuming that intra-EU trade and imports will not be hindered). Making the current regime permanent would safeguard access to the valuable materials contained in e-waste and directly support the EU's transition towards a circular economy, all while reducing dependence on third countries for critical resources. To strengthen its strategic autonomy and meet its targets for CRM recovery, the EU must optimise waste recovery operations and reinforce its secondary materials economy. Any measure that hampers progress toward these objectives would ultimately undermine the Union's sustainability, resilience, and defence goals.

Introduce separate, well defined waste codes for non-hazardous e-waste to ensure regulatory certainty and harmonisation

One of the main challenges currently limiting the efficient access to and valorisation of e-waste lies in the mirror entries under the EU List of Waste. These entries are broadly defined, leaving room for interpretation as to which wastes should be classified as hazardous or non-hazardous. This ambiguity creates regulatory uncertainty and inconsistency among Member State interpretations, resulting in uneven enforcement, administrative delays, and obstacles to the cross-border shipment of waste destined for recovery.



Establishing new, distinct codes for non-hazardous e-waste would significantly reduce interpretative discrepancies, and clearer classifications would provide legal and operational certainty for recyclers and refiners operating across EU borders and streamline notification procedures.

Facilitate intra-EU shipment of all waste containing CRMs, as well as imports from third countries into the EU (irrespective of hazardous or non-hazardous classification)

In order to ensure a stable supply of waste for European recyclers and refiners, intra-EU waste shipments for waste destined for pre-consented facilities must be streamlined and unburdened across the European Union.

Automatic recognition of pre-consented status across Europe once approved in one Member State can help reduce financial and administrative burdens for recyclers, allowing precious metals and CRMs contained in waste to re-enter the circular economy more quickly and effectively. Creating fast-track procedures of waste destined for pre-consented facilities can also help enable access to valuable materials. Finally, automatic approvals (binding tacit consent) for transboundary shipments when a competent authority fails to respond within 30 days can help to simplify procedures and reduce administrative burdens for European recyclers, thus contributing to the EU's green and strategic autonomy objectives.

Imports of waste from third-countries entering the EU must also be enabled and facilitated. These imports are strategically important for European recyclers, who compete globally for valuable input materials. Ensuring the supply of precious metals and CRMs from secondary sources requires unburdened imports of waste to pre-consented facilities across the Union. Imports should be held to the same standards and requirements for intra-EU shipments of waste, thus simplifying procedures for European recyclers and further contributing to the circular economy objectives of the EU.

Avoid setting contamination thresholds for metals, as this would omit valuable sources of CRMs from being exploited

We warn against the use of contamination thresholds for waste containing non-ferrous metals, especially those containing precious metals and CRMs. As stated above, contamination thresholds are based on material composition, whereas waste codes are based on materials in their massive forms. Imposing contamination thresholds for wastes containing metals fails to consider the nature of certain waste streams, notably complex wastes like e-waste which contain numerous components that can influence hazard classifications under the Classification, Labelling and Packaging (CLP) Regulation.

Contamination thresholds also risk classifying previously green-listed metal waste streams as hazardous via the precautionary principle. This would subject them to complex notification procedures, costs, delays, and burdens that would postpone their re-entry into the Circular Economy or even their disposal.

We urge the Commission to focus on facilitating access to CRMs and precious metals contained in waste streams, and to uphold a risk-based approach to waste shipments. Rather than focusing on contamination thresholds as criteria for green-listing waste, we suggest prioritizing the destination of such wastes (see above). Favouring a risk-based approach vs. a hazard-based approach to waste focused on assuring their transport to pre-consented facilities would help to streamline procedures and accelerate the Circular Economy Transition.