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Harmonised classification (green-listing) of waste to accelerate the transition to EU Circular Economy and the single market for waste

Background

Eurometaux, representing the non-ferrous metals industry in Europe, would like to highlight key issues indispensable for strengthening the EU single market for waste and accelerating the transition towards the EU Circular Economy objectives. Recycling of non-ferrous metals plays a central role in enabling the EU's green and digital transitions, contributing to strategic autonomy, decarbonisation, and resource efficiency. Eurometaux members not only extract and process metals but also recycle them from various waste streams. EU state-of-the-art high-quality recycling facilities can recover 25+ metals from complex waste.

However, before waste reaches high-quality recycling facilities, it frequently goes a long way not only geographically but also administratively in accordance with the shipment procedures established under the Waste Shipment Regulation (WSR). The legal framework governing transboundary waste movements must ensure predictability, efficiency, and a level playing field for both intra- and extra-EU shipments.

This paper contributes to the consultation on green-listing waste streams and harmonising classification of waste to facilitate intra-EU waste shipments.

Our key recommendations:

- Coordinate green-listing of waste under the Waste Shipments Regulation (WSR) with the future implementing act under the Critical Raw Materials Act (Art. 26(7)) listing products, components and waste streams containing critical raw materials.
- Maintain green-listed regime for intra-EU e-waste shipments beyond 01/01/2027.
- Abstain from establishing contamination thresholds for green-listed waste.

Waste Shipment Regulation and Critical Raw Materials Act coherence

We would like to highlight the need for this initiative to align with other existing and ongoing legislative procedures. As an example, prior to this consultation, the European Commission (DG GROW) has drafted an implementing act listing products, components and waste streams containing critical raw materials as part of the implementation of the EU Critical Raw Materials Act (Art. 26(7)). Without such an alignment, there is a significant risk of fragmented and complex discussions among Member States regarding waste classification, concerning the hazardous vs. non-hazardous status of waste streams such as e-waste and battery waste. Harmonised definitions are key to facilitate the smooth transport of waste. This is essential for progressing toward the creation of a true Single Market for waste and circularity, as recommended in "[*The Future of European Competitiveness*](#)" by Mario Draghi.

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Green-listing of waste should promote increased processing of waste with significant CRM recovery potential and ensure that these materials are directed to EU high-quality recyclers. In addition, it is important to fast-track shipment of these materials, simplify administrative procedures and reducing unnecessary burdens.

Our recommendation

- Ensure coherence between the Waste Shipment Regulation and Critical Raw Materials Act coordinating green-listing of waste under the Waste Shipments Regulation with the future implementing act under EU Critical Raw Materials Act (Art. 26(7)) listing products, components and waste streams containing critical raw materials.

Green-listed regime for intra-EU e-waste shipments beyond 01/01/2027

The latest amendment to the Basel Convention created a new regime foreseeing that all e-waste shipments, independently if hazardous or non-hazardous, require the Prior Informed Consent (PIC) procedure. Fortunately, the amendment to the Waste Shipments Regulation granted an exemption for the intra-EU e-waste shipments until 31/12/2026. However, if the exemption is not prolonged, it will create an outburst of notification's requests. It is essential that the current exemption is permanently maintained.

In 2024, Eurometaux and Recycling Europe (previously EuRIC) members have evaluated that on average 75% of e-waste components shipments come to their recycling facilities as green-listed waste not requiring the notification¹. If the shipment regime changes, the number of notifications will grow on average to up to 150+ per recycler assuming that trade within the EU and that imports into the EU will not be hindered¹.

Consequently, EU high-quality recyclers note that the availability of e-waste for recycling may decrease due to procedural aspects, given that:

- obtaining a new notification takes on average 3-6 months and can go up to 1 year for the intra-EU shipments.
- renewing the notification takes on average 6 months up to 1 year, depending on the competent authorities.

Our recommendation

- Maintain the intra-EU green-listed regime for all e-waste shipments beyond 01/01/2027 to strengthen the EU Critical Raw Materials and Circularity goals.

Contamination thresholds for the green-listed waste

The possibility of determining contamination levels in the context of classifying waste as hazardous or non-hazardous (Annex IV Amber List and Annex III Green List) brings serious reservations for metal-containing waste, including those that contain the CRM. Establishing concentration thresholds for green-listed waste would be counterproductive and would undermine the meaning of the Green List. Consequently, waste that previously did not require notification would

¹ Joint paper Eurometaux and EuRIC_WSR vs Basel e-waste codes (July 2024): https://eurometaux.eu/media/m1qfoudw/joint-paper_euric-eurometaux_wsr-vs-basel-e-waste-codes-amendments_final_2024-07-03.pdf

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now reach recycling plants only after undergoing a complex notification process. There are reservations in relation to the development of contamination thresholds due to different reasons, such as the complexity of certain waste streams and the interaction with other existing legislations.

- **Example 1 – E-waste:** Various shipments of printed circuit boards coming in batches, may have different compositions (e.g. presence of plastic parts or arsenic, cadmium, lead) that can influence their classification as hazardous/non-hazardous waste if specific contamination thresholds are prescribed. As it is not possible to assess their status in advance, there is a risk that any shipment may be classified as hazardous just because of the precautionary principle. As a consequence, printed circuit boards, rich in CRM like copper, platinum-group metals, antimony, bismuth and others could reach the recycling facilities with a big delay.
- **Example 2 – Aluminium scrap generated from windows, doors, and curtain walls:** These waste streams are not yet included in the Green List of waste but important for the recycling of this strategic material. Although profiles contain minor polyamide components, this scrap is non-hazardous and efficiently processed by the recycling industry coming from a clearly identifiable and well-managed waste stream. Introducing an additional contamination threshold for its inclusion in the Green List would therefore be counterproductive. The End-of-Waste Regulation (Council Regulation (EU) No 333/2011) already sets clear contamination criteria for aluminium scrap, ensuring that it meets the requirements for environmentally sound recovery.

Our recommendation

- Abstain from establishing thresholds for the green-listed waste to prevent their treatment from becoming subject to complex notification procedure.

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About Eurometaux: Eurometaux is the voice of non-ferrous metals producers and recyclers in Europe. We are an umbrella association representing the interests of the combined non-ferrous metals industry towards EU policy makers.