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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on Shipments of Waste

(presented by the Commission)

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EXPLANATORY MEMORANDUM

1. INTRODUCTION

The Community introduced measures on the supervision and control of shipments of waste in 1984 under Council Directive 84/631/EEC of 6 December 1984¹. The Directive took effect from 1 October 1985 and covered shipments of hazardous waste; it required prior notification to the countries involved, thereby allowing them to object to a specific shipment.

Directive 84/631/EEC was amended by Council Directive 86/279/EEC of 12 June 1986², which introduced additional provisions in order to improve the monitoring of exports of waste out of the Community. Subsequently, in accordance with the appropriate committee procedure, the Commission adopted several technical amendments to these Directives³.

In 1990, following international developments in the context of the Basel Convention and the OECD, the Commission put forward the proposal⁴ for the current Waste Shipment Regulation (EEC) No 259/93 of 1 February 1993. A Regulation rather than a Directive was deemed necessary in order to ensure simultaneous and harmonised application in all the Member States. Transposition and implementation of the 1984 and 1986 Directives were thus considerably delayed or not carried out at all in some Member States.

The 1993 Regulation entered into force on 9 February 1993 and was applicable as of 6 May 1994. Since then, it has undergone technical modifications through the appropriate committee procedure.⁵

¹ OJ L 326, 13.12.1984, p. 31.

² OJ L 181, 04.7.1986, p. 13.

³ To Council Directive 84/631/EC of 6.12.1984: Commission Directive 85/469/EC of 22.07.1985, OJ L 272, 12.10.1985, p.1 and Council Directive 86/121/EC of 08.04.1986, OJ L 100, 16.04.1986, p. 20. To Council Directive 86/279 of 12.6.1986: Commission Directive 87/112/EC of 23.12.1986, OJ L 48, 17.2.1987, p. 31.

⁴ COM(1990) 415 final, 26 October 1990.

⁵ Namely the following:

1) Commission Decision 94/721/EC of 21.10.1994, OJ L 288, 09.11.1994, p. 36.

2) Commission Decision 96/660/EC of 14.11.1996, OJ L 304, 27.11.1996, p. 15.

3) Council Regulation (EC) No 120/97/ of 20.01.1997, OJ L 22, 24.01.1997, p. 14.

4) Commission Decision 98/368/EC of 18.05.1998, OJ L 165, 10.06.1998, p. 20.

5) Commission Regulation (EC) No 2408/98 of 06.11.1998, OJ L 298, 07.11.1998, p. 19.

6) Commission Decision 1999/816/EC of 24.11.1999, OJ L 316, 10.12.1999, p. 45.

7) Commission Regulation (EC) No 2557/2001 of 28.12.2001, OJ L 349, 31.12.2001, p. 1.

Also a consignment note was established through Commission Decision of 24.11.1994, OJ L 310, 3.12.1994, p. 70 and an additional reporting questionnaire through Commission Decision 1999/412/EC of 3.6.1999, OJ L 156, 23.6.1999, p. 37.

2. BACKGROUND FOR THE REVISION

Legal obligation

The Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal, as amended,⁶ and the OECD Decision C(92)39/final on the control of transfrontier movements of wastes destined for recovery operations, as amended, are the main pillars of the 1993 regulation.

Recent developments under the Basel Convention, in particular the adoption of two detailed lists of wastes as new Annexes VIII and IX to the Convention in November 1998, provided the impetus to the OECD to revise its 1992 Decision in order to harmonise lists and certain other requirements with the Basel Convention. This revision resulted in the adoption of OECD Council Decision C(2001)107 on 14 June 2001⁷. In order to implement that amended Decision within the Community, a revision of the Regulation has thus become legally necessary.

In the Council Conclusions⁸ authorising the Member States to vote on behalf of the Community in favour of the amended OECD Decision as contained in OECD Document C(2001)107, it is stated that the said Decision will be binding on Member States and the Community only on completion of the necessary Community procedures. The Community is thus legally required to revise the current Regulation in order to implement the amended OECD Decision⁹.

Occasion for improvements

Since the entry into force of Council Regulation (EEC) No 259/93, several difficulties have been encountered regarding its application, administration and enforcement.

These problems have been discussed with Member States and stakeholders since 1999. In light of these discussions, a revision of the Regulation has been deemed necessary. The legally required revision thus provides an opportunity also to address issues in addition to those arising directly from the implementation of the OECD amendment and to seek to establish legal clarity on these issues.

It has also been the intention of the Commission to move towards maximum global harmonisation in the area of shipments of waste without jeopardising the overall purpose of protection of the environment. Implementing the provisions and principles of the Basel Convention is therefore also a priority in the proposal.

⁶ On 1 February 1993 the Council approved the Basel Convention on behalf of the Community, see Council Decision 93/98/EEC, OJ L 39, 16.2.1993, p. 1.

⁷ Decision of the OECD Council, C(2001)107/final concerning the revision of Decision C(92)39/final on the control of transfrontier movements of wastes destined for recovery operations. An addendum to this Decision, C(2001)107/ADD1, which includes the notification and movement documents and the instructions to complete them, was adopted by the Council on 28 February 2002. Finally, the addendum was incorporated into the Decision as Section C of Appendix 8 and the complete version of the Decision was issued in May 2002 as C(2001)107/FINAL.

⁸ See Council Conclusions in document 9458/01, adopted 1 June 2001.

⁹ The Council Conclusion of 1 June 2001 further establishes, that after completion of the necessary Community procedures, the Commission will make a declaration towards the OECD, specifying that the Community procedures for application of the 2001 OECD Decision have been completed.

Lastly, the Regulation has been restructured and streamlined to convey more efficiently the logic of its obligations and thus to achieve greater clarity.

3. LEGAL BASIS

The primary objective of the 1993 Regulation is protection of the environment. That main objective has been maintained in the new proposal, whose legal basis is therefore environment, Article 175 of the EC Treaty. This is consistent with the Council's decision to base Council Regulation (EEC) no 259/93 on Article 130S (now Article 175) and with the ruling of the Court of Justice in Case C-187/93, which confirmed that the Regulation was correctly based on Article 130S rather than Article 100 (now Article 94, internal market).

However, as regards the provisions of Titles IV, V and VI on exports out of, imports into and transit through the Community to and from third countries, it can be argued that these are rules which pursue an overall and general environmental objective, as well as rules on international trade; environmental rules therefore also apply to the trade regime and are thus linked to it. Therefore, the legal basis as regards the specific provisions in these three Titles is Article 133 of the EC Treaty.

4. OBJECTIVES AND MAIN ELEMENTS OF THE PROPOSAL

4.1. Objectives

As already described under point 2, the proposal has four main objectives:

- Implementing the OECD Council Decision C(2001)107 of 14 June 2001 in Community legislation.
- Addressing the problems encountered in the application, administration and enforcement of the 1993 Regulation and establishing greater legal clarity.
- Pursuing global harmonisation in the area of transboundary shipments of waste.
- Enhancing the structure of the Articles of the Regulation

In order to achieve these objectives, the revision amends various sections and aspects of Council Regulation (EEC) No 259/93. These include:

- Changes to its structure
- Changes and clarifications as regards definitions, and clarification of its scope (Title I)
- Changes and clarifications as regards the procedures applicable to shipments of waste (Title II-VI):
 - between Member States (Title II)
 - within Member States (Title III)

- for exports out of and imports into the Community (Titles IV, V and VI)
- Changes in other provisions of the Regulation (Title VII).

4.2. Main elements

4.2.1. The overall procedural framework of the proposal

The proposed main elements of the procedural framework are as follows:

Shipments of waste must follow various procedures and control regimes, which are determined by the type of waste shipped and the type of treatment that will be applied to the waste at its destination. Thus, different levels of control regime apply, depending on the risk posed by the waste and its treatment in terms of recovery or disposal.

The procedure for prior written notification and consent:

Shipments of *all waste* destined for disposal, and shipments of *hazardous and semi-hazardous waste* destined for recovery, are subject to the requirement of prior written notification and consent.

Thus, when a waste producer or waste collector – the notifier - intends to carry out a shipment of hazardous or semi-hazardous waste as listed in Annex IV for recovery or disposal, or a shipment of non-hazardous waste as listed in Annex III for disposal, he or she must submit prior written notification to the competent authority of dispatch.

The notifier effects a notification by filling in the so-called notification and movement documents, thus providing the information and documentation necessary to assess the notification.

At the time of notification, the notifier is also to establish a contract with the consignee concerning the recovery or disposal of the notified waste, and a financial guarantee or equivalent insurance which covers the shipment until recovery or disposal has been completed.

Upon receipt of a *properly filled-in* notification, the competent authority of dispatch transmits copies of the notification to the other competent authorities concerned and to the consignee and informs the notifier of this transmission. The competent authority of dispatch is to transmit the notification within 3 working days of receipt.

When the competent authority of destination receives a copy of the notification from the competent authority of dispatch and considers that the notification has been *properly completed*, it issues an acknowledgement to the notifier.

This acknowledgement marks the start of a 30-day time limit, within which the competent authorities of destination, dispatch and transit must either consent to the notified shipment or object to it.

The notions of “properly filled-in” and “properly completed” are further defined in Article 5(2) and (3) of the Regulation.

The competent authorities of destination and of dispatch must give their consent to the shipment in writing to the notifier. The competent authority of transit, however, may give tacit consent. This means that if no objection has been lodged within the 30-day time limit, consent by the competent authority of transit can be assumed.

A shipment may only start once the notifier has received:

- 1) written consent from the competent authority of dispatch,
- 2) written consent from the competent authority of destination, and
- 3) written consent from the competent authority of transit, or once the 30-day time limit has expired and tacit consent can therefore be assumed.

A shipment of waste must be accompanied by a copy of the notification and movement documents, including copies of the consents given by the competent authorities.

As mentioned below, it is also suggested that this procedural framework provide the basis for imports into and exports out of the Community, with the modifications required to fulfil the obligations of the Basel Convention.

General information requirement:

Shipments of *non-hazardous* waste as listed in Annex III and destined for recovery are not subject to the procedure of prior written notification. Such shipments are only subject to the general information requirement that they be accompanied by certain information and documentation.

However, a contract must also be established between the person who arranges the shipment and the consignee as regards the recovery of the shipped waste, and evidence of that contract must accompany the shipment.

It should be noted that shipments of *non-hazardous* waste as listed in Annex III and destined for recovery in countries to which the OECD Decision does not apply are and will continue to be subject to a separate regime, as provided for in Article 38 (see point 4.2.6.).

4.2.2. *Main changes to the structure of the Regulation*

The structure of the proposed revision is basically the same as that of the 1993 Regulation, namely, a division into Titles determined by the destination of the waste:

Title II: Shipments between Member States within the Community or with transit through third countries

Title III: Shipments within Member States

Title IV: Exports out of the Community to third countries

Title V: Imports into the Community from third countries

Title VI: Transit through the Community to and from third countries

Title VII: Other Provisions

The primary change is that all the articles currently contained in Title VII, on common provisions, and some of the articles contained in the current Title VIII, on

other provisions, have been moved to Title II, on intra-Community shipments. This has become possible because the logic of the provisions as regards exports out of and imports into the Community has been changed to allow the provisions of Title II to apply *mutatis mutandis* (see point 4.2.6. below), with certain modifications and additions to comply with the requirements of the Basel Convention. Thus, a specific Title on common (procedural) provisions has become superfluous.

The general logic of the revision is that the provisions regarding intra-Community shipments as contained in Title II form the basis for the Regulation. Title II therefore also contains the common provisions.

Title II contains six chapters:

Chapter 1 regarding the procedure of prior written notification and consent,
Chapter 2 regarding the procedure for a general information requirement,
Chapter 3 regarding general requirements,
Chapter 4 regarding take-back obligations,
Chapter 5 regarding general administrative provisions, and
Chapter 6 regarding shipments within the Community and with transit via third countries.

Titles IV and V each contain three chapters:

Chapter 1 regarding waste destined for disposal,
Chapter 2 regarding waste destined for recovery, and
Chapter 3 regarding general provisions.

Title VII consists of provisions that are not relevant for the procedural component of the Regulation. Chapter 1 thus contains other provisions related to Member States as regards enforcement, reporting, international co-operation and the designation of competent authorities, correspondents and customs offices under the Regulation. Chapter 2 contains other provisions as regards meeting of the correspondents, the amendment of Annexes, additional measures, repeals, transition rules and entry into force and applicability.

4.2.3. *Main changes and clarifications as regards scope and definitions – Title I*

1. Scope: Article 1 has been shortened and provisions not strictly related to scope have been moved to the relevant articles.

In paragraph 4 it is proposed to clarify that shipments from the Antarctica transiting the Community are subject to the Basel Convention export bans as implemented in the Regulation (see point 4.2.6, sub-point 2 below).

The current Article 1(3) (c) and (d) concerning “exceptional cases” in relation to the control of non-hazardous waste as listed in Annex II (proposed Annex III) has been moved to Article 3 – an (new) introductory article on the overall procedural framework.

Finally, the scope of the Regulation as regard waste listed in Annex III has been clarified.

2. Definitions: The terminology as regards “notifier”, “consignee”, “dispatch” and “destination” as opposed to “exporter”, “importer”, “export” and “import”, respectively, has not been harmonised with the terminology of the Basel Convention and the 2001 OECD Decision. This would require using different terminology for the provision on intra-Community shipments compared to those on imports into and exports out of the Community. For that reason, the term “shipment” has also been retained.

Several new definitions have been added: “hazardous waste”, “mixture of waste”, “environmentally sound management”, “producer”, “holder”, “collector”, “notification and movement document”, “competent authority”, “Overseas Countries and Territories”, “customs office of export from the Community”, “customs office of exit from the Community” and “customs office of entry into the Community” as well as “Community”, “import” and “transboundary shipment”.

It is proposed that the general definition of “competent authority” be amended – and aligned with the Basel convention - inter alia in order to accommodate the concerns related to imports back into the Community of military waste generated by the armed forces of Member States. Therefore, in the case where no competent authority has been designated, the competent authority is to be the regulatory authority for the State or region that has jurisdiction over a transboundary shipment of waste, which may include military authorities.

A definition of “environmentally sound management” of waste has been added. It mirrors the definition of the Basel Convention and is used with respect to exports out of and imports into the Community. As regards intra-Community shipments, the objective of ensuring that waste is recovered or disposed of without endangering human health or harming the environment, as required in Article 4 of Directive 75/442/EEC, as amended,¹⁰ applies.

Finally, it should be noted that the definition of “notifier” has been moved from the definitions to Article 4 and clarified. It is thus proposed to give equal footing to the first three categories of notifiers in the hierarchy of notifiers – namely the original producer, the new producer and the collector (of small quantities from different sources), see Article 4(2).

The notifier is thus:

- (a) the person whose activities produced the waste; or
- (b) the person licensed to and carrying out pre-processing, mixing or other operations changing the nature or composition of the waste prior to shipment; or
- (c) a licensed collector who, from various small quantities of the same type of waste stream collected from a variety of sources, has compiled the shipment.

Only if these persons are unknown, insolvent or otherwise unavailable, a licensed collector or a registered dealer or broker may notify. Lastly, in the third rank, the holder can notify.

¹⁰ OJ L 194, 25.7.1975, p. 39.

4.2.4. *Main changes and clarifications as regards shipments within the Community – Title II*

Title II contains the main provisions of the Regulation. As mentioned, that change has been made because, firstly, these provisions apply *mutatis mutandis* to exports out of and imports into the Community, although with certain modification and additions and, secondly, approximately 79% of all shipments involving Member States take place between Member States within the Community¹¹.

The main changes to the proposal as compared to the 1993 Regulation are as follows:

1. Lists: Reduction of the number of lists from three to two.

The current lists reflect the listing in the 1992 OECD Decision and groups categories of waste types into:

- Non-hazardous waste as listed in Annex II /green listed waste
- Semi-hazardous waste as listed in Annex III/amber listed waste
- Hazardous waste as listed in Annex IV /red listed waste.

In line with the 2001 OECD Decision, it is proposed to merge the current Annexes III and IV into one Annex – Annex IV - and to keep the current Annex II as Annex III.

Also in line with the 2001 OECD Decision, it is proposed to include Annexes II and VIII of the Basel Convention in Annex IV of the Regulation and to include Annex IX of the Basel Convention in Annex III of the Regulation. Annexes II, VIII and IX of the Basel Convention list “categories of waste requiring special consideration” (II), hazardous waste (VIII) and non-hazardous waste (IX), respectively.

2. Procedures: Reduction of the corresponding procedures from three to two.

The 1993 Regulation establishes three procedures depending on the listing and the destination of the waste notified:

- Non-hazardous waste as listed in Annex II and destined for recovery is only subject to the requirement of being accompanied by certain information.
- Semi-hazardous waste as listed in Annex III and destined for recovery is subject to a procedure based on prior notification and tacit consent.
- Hazardous waste as listed in Annex IV, waste not listed and destined for recovery and all waste destined for disposal are subject to a procedure based on prior notification and written consent.

To simplify the Regulation, it is proposed to reduce the number of procedures to two. One procedure involves information requirements as regards waste listed in Annex

¹¹ Calculation based on Member States reporting as regard shipments of hazardous waste for the years 1997-1999. Approximately 15% are between and from EFTA countries and Member States and approximately 7% are between OECD and Member States and other countries.

III and destined for recovery¹². The other concerns prior notification with written consent as regards all other shipments – namely, as regards all waste destined for disposal and waste listed in Annex IV and destined for recovery. Tacit consent is, however, allowed as regards the competent authority of transit.

On this point the proposal does not follow the 2001 OECD Decision, which requires tacit consent and the possibility of written consent for hazardous and semi-hazardous waste as listed in Annex IV and destined for recovery (amber waste – amber procedure). Since the lists of hazardous waste (red) and the list of semi-hazardous waste (amber) have been merged, the current procedure for hazardous waste, of prior notification with written consent (red list – red procedure), is abolished in the 2001 OECD Decision. It must be noted that the OECD Decision only deals with waste destined for recovery.

The reasons for not following the 2001 OECD Decision on this point and instead requiring written consent are several. Firstly, it is not considered appropriate from an environmental point of view to allow tacit consent from the competent authorities of destination and dispatch as regards shipments of all the hazardous waste now listed in Annex IV. Secondly, the Basel Convention requires written consent for shipments of hazardous waste from all the competent authorities involved. And thirdly, the benefit of procedural simplification would thereby be lost – because if tacit consent were to be allowed for shipments destined for recovery, written consent would still be maintained as regards all waste destined for disposal. Fourthly, written consent establishes greater legal clarity for all stakeholders involved; for this reason it is clearly preferable from a control and enforcement perspective.

To summarise, the proposed simplified procedural framework is as follows:

- Shipments of non-hazardous waste as listed in Annex III and destined for recovery are to be accompanied by certain information.
 - Shipments of all waste destined for disposal, hazardous and semi-hazardous waste as listed in Annex IV and non-listed waste destined for recovery are subject to prior notification and written consent (tacit from transit country).
3. Consent by the competent authorities individually: It is proposed that the competent authorities give their consent individually and within a time limit of 30 days.

As pointed out above under sub-paragraph 2, the proposal does not follow the 2001 OECD decision as regards the element of tacit consent: written consent is proposed as the main rule (however, not for the competent authority of transit).

As regards consent, the 2001 OECD Decision also establishes that the competent authorities are to grant consent individually. That is the case under the current 1993 Regulation with respect to waste destined for recovery. However, with respect to

¹² It can be debated, if the requirement that waste listed in Annex III shall be accompanied by certain information is a procedural requirement or not. However, since the OECD Decision uses the terminology “green control procedure” in relation to shipments of waste listed in Annex III (Appendix 3 of the 2001 OECD Decision) and since it is clearer from a descriptive point of view if it is referred to as a procedure, it is considered appropriate to use a “procedure-terminology” in relation to this information requirement. In certain contexts the term “normal commercial transaction” is used.

waste destined for disposal, the position under the current regime is that the competent authority of destination only grants authorisation to a notified shipment in the absence of objections from the other competent authorities concerned. The competent authorities thus have different time limits to comply with, since the competent authority of destination has to “wait” for the reaction of the other authorities.

The bases for proposing that individual consent by the competent authorities become the main and general rule are as follows: First, this makes it possible to establish a single time limit for all competent authorities (30 days after acknowledgement by the competent authority of destination). Secondly, it makes it possible to maintain a further element needed in order to streamline the proposal: namely, that intra-Community provisions apply *mutatis mutandis* to exports and imports. Without individual consent, it would have been necessary to establish specific provisions covering countries to which the OECD Decision applies.

4. Processing of the notification by the competent authority of dispatch: It is proposed that notification be sent by the notifier to the competent authority of dispatch. The competent authority of dispatch then transmits the notification to the other competent authorities concerned and to the consignee.

At present, Member States can decide whether a notification goes through the competent authority of dispatch to the countries concerned or if it is sent by the notifier to all the competent authorities concerned.

It is proposed to abolish that choice and to require that a notification goes to and through the competent authority of dispatch. Under the Basel Convention, notifications must be processed through the competent authority of dispatch, whereas this is optional in the 2001 OECD Decision.

To ensure a uniform implementation of the Regulation, it is considered most efficient to abolish the procedural choice provided for in the existing Regulation. Further, it is considered that processing notifications through the competent authority of dispatch will be increase the efficiency of the process. Control of the basic information and documentation requirements related to a notification could thus - in the majority of cases - be carried out by the competent authority of dispatch.

5. Procedural safeguards for the notifier: Where the competent authority of dispatch processes the notification, the system could be misused to in effect block shipments. To avoid such misuse, several procedural safeguards are introduced.

First of all, the notion of a “properly filled-in” notification is established to determine exactly when a notification is to be submitted to the other competent authorities and the consignee by the competent authority of dispatch.

Secondly, the notion of a “properly completed” notification is established, to determine exactly when the 30-day time limit for issuing consent and/or objections has been triggered.

For the purpose of these two notions, a distinction is made between a) information and documentation that must be provided on or annexed to the notification and movement documents, and b) additional information and documentation that may be

requested by the competent authorities concerned at the time when the shipment is notified to them.

Thirdly, an annex is established, listing which information and documentation may be requested, and at what stage of the notification.

Fourthly, the notifier is given the possibility to request – within a certain time limit - a reasoned explanation by the competent authority of destination as to why it refuses to accept the notification as complete. An explicit and reasoned explanation will allow the notifier to question such a decision through administrative appeal or through the courts.

6. Objections to shipments: It is proposed to clarify the possibility to object to shipments for recovery and disposal for the purpose of allowing objections in the following situations as well:

- To ensure that the waste concerned will be treated in a facility that is covered by Directive 96/61/EEC on Integrated Pollution Prevention and Control but does not apply Best Available Techniques as defined in Article 9(4) of that Directive (when destined for disposal and when destined for recovery).
- To ensure that the waste concerned is treated in accordance with legally binding environmental protections standards in relation to disposal or recovery operations established under Community legislation (when destined for disposal and when destined for recovery).
- To ensure that the waste concerned is treated in accordance with waste management plans drawn up pursuant to Article 7 of Directive 75/442/EC with the purpose of ensuring the implementation of legally binding recovery or recycling obligations established under Community legislation (when destined for recovery).

The objective of the Waste Framework Directive¹³ is generally to promote the prevention and recovery of waste. A number of instruments of EU legislation, including the Packaging Directive¹⁴, the Waste Oils Directive¹⁵, the End of Life Vehicles¹⁶ Directive, the Landfill Directive¹⁷, and the Directive on Waste Electrical and Electronic Equipment,¹⁸ establish priorities and targets for recovery and recycling as well as other requirements regarding waste treatment which are binding on Member States. It is thus considered appropriate that the Regulation clarify that, where the waste concerned comes under such Community obligations, a shipment may be objected to in two cases. The first case is where technical requirements which are mandatory at EU level will not be complied with. The second case is where the waste concerned will not be treated in accordance with the waste management plans drawn up by Member States as required by Article 7 of the Waste Framework

¹³ Council Dir. 75/442/EEC of 15.07.1975, OJ L 194, 25.07.1975, p. 39.

¹⁴ Council Dir. 94/62/EC of 20.12.1994, as amended, OJ L365 of 31.12.94, p. 10.

¹⁵ Council Dir. 75/439/EEC of 16.06.1975, OJ L 194, 25.07.1975, p. 23.

¹⁶ Parliament and Council Dir. 2000/53/EC of 18.09.2000 – Commission Statements OJ L 269, 21.10.2000, p. 34.

¹⁷ Council Dir. 1999/31/EC of 26.04.1999, OJ L 182, 16.07.1999, p. 1.

¹⁸ Parliament and Council Dir. 2002/96/EC of 27.01.03, OJ L 37, 130203, p. 24.

Directive, with the purpose of ensuring the implementation of legally binding recovery or recycling obligations established in Community legislation. This is consistent with the 6th Environmental Action Programme, which calls for further measures to encourage recycling and recovery of waste in accordance with the guiding principles of the waste hierarchy.

Policies are being developed at the Community and Member State levels to promote recovery and recycling of waste. However, there are only few Community environmental requirements for waste recovery operations, with the notable exception of incineration. Waste therefore may be flowing to least costly and thus probably also low standard solutions. However, little factual information is available about these the actual waste flows involved. In this specific situation the combination of free trade and absence of Community environmental standards may result in the exclusion of environmentally superior performing installations and treatment methods from the market and efforts in Member States to implement high environmental standards in the waste recovery sector may also be undermined. Therefore, the Commission acknowledges the need to establish a Community level playing field for recycling and to guarantee a high level of environmental protection and economic performance. The Commission will include proposals aiming towards that in the context of the Thematic Strategy on Recycling.

7. Interim recovery and disposal operations: Special provisions regarding interim recovery and disposal operations are proposed, mirroring those of the 2001 OECD Decision.

It is thus proposed to clarify that interim recovery and disposal facilities are bound by the same obligations as final recovery and disposal facilities – meaning that they must also provide written confirmation regarding receipt of a waste and certify completion of the interim recovery or disposal operation – and within the same time limits. Further, it is proposed that when an interim facility delivers waste for subsequent and final recovery or disposal to another facility, it is to obtain as soon as possible, but no later than one calendar year following delivery of the waste, a certificate from that facility stating that subsequent and final recovery or disposal has been completed.

In the context of the requirement to establish a financial guarantee or equivalent insurance, it is further proposed that if a shipment is destined for an interim operation, then that requirement may be fulfilled by the establishment of an additional financial guarantee or equivalent insurance by the consignee, covering the said shipment until completion of final recovery or disposal. This is intended to make clear that a financial guarantee or equivalent insurance must cover the entire shipment until final disposal or recovery.

8. Information requirements as regards shipments of non-hazardous waste as listed in Annex III: It is proposed to extend and clarify the list of information and documentation which must accompany shipments of waste listed in Annex III and destined for recovery.

It is thus proposed that the name and address of the producer, the new producer or collector, the person who arranges the shipment, the consignee and the holder(s) are to be provided. At present, only the name and address of the holder are required. Further, it is proposed that the waste identification code shall be provided, using the

OECD code in Annex III of the Regulation and the European Waste List code in Commission Decision 2000/532/EC, as amended.¹⁹

Further, an annex is introduced containing a form to be used to provide the information that must accompany shipments of non-hazardous waste as listed in Annex III. No such form exists at present. However, a fixed form is proposed to ensure that Industry need not deal with different requirements as regards forms and information from the different Member States.

Additional requirements are proposed in order to facilitate better controls over non-hazardous wastes as well. As a recent case involving the contamination of feed and food chains by waste sugar containing hormones (MPA) has made clear, the control of shipments of supposedly non-hazardous waste is needed. The far-reaching consequences of a misclassification of a waste stream for the purpose of the Waste Shipment Regulation (EEC) No 259/93 are not to be underestimated²⁰.

Finally, it is proposed that evidence of a contract between the person who arranges the shipment and the consignee for recovery of the waste is to be provided and that the contract must include an obligation for the person who arranges the shipment to take back the waste if the shipment has not been completed as planned or if it has been effected in violation of the provisions of the Regulation.

The last requirement is to be seen in connection with the clarification as regards take-back obligations in Articles 24 and 26 (see sub-point 13 below). It is thus proposed that the take-back obligation, in cases where a shipment cannot be completed as intended or where it is to be considered illegal, also is to cover shipments of non-hazardous waste as listed in Annex III of the Regulation (see below sub-point 13).

9. Waste destined for laboratory analysis: In line with the 2001 OECD Decision, shipments of waste explicitly destined for laboratory analysis are not subject to the procedure of prior written notification and consent.

Instead it is proposed that the person who arranges for such shipments must inform the competent authorities about the shipment three working days before the shipment starts and that the shipment must be accompanied by certain information.

10. Administrative rule regarding waste containing POP chemicals: It is proposed that waste consisting, containing or contaminated with the chemicals listed in Annexes A, B and C of the Stockholm Convention or in Annex VIII to the Regulation be subject to the same provisions as shipments of waste destined for disposal.

Without prejudging the technical implementation of the Stockholm Convention, this article will, in the shipment context, establish a clear administrative rule. It will be clear, in particular as regards exports out of the Community, that such shipments are prohibited unless they are destined for EFTA countries. In application of the precautionary principle, it is important to strictly control any shipment of waste

¹⁹ OJ L 226, 6.9.2000, p. 3.

²⁰ In just one of the Member States affected - the Netherlands - the costs are estimated to have been 107 to 132 million € in total (primary sector: €43 million, feed sector: €33 million, slaughterhouses: €25 to 50 million and government: €6 million).

containing, consisting of or contaminated by POPs, in order to prevent inadequate management of these substances.

11. Administrative rule clarifying disagreements on classification issues: It is proposed to establish a procedural rule regarding disagreement between competent authorities on classification of a waste as waste, classification and listing of a waste and classification of certain operations as recovery or disposal.

It is thus proposed that a clear and precise procedural rule be established to the effect that the most stringent procedure applies in such cases of disagreement. It should be emphasised that the rule only applies for the purpose of this Regulation and is without prejudice to any legal actions taken to address such disagreements between competent authorities.

12. Financial guarantee or equivalent insurance: It is proposed to clarify that the financial guarantee or equivalent insurance established by the notifier must be established and legally binding at the time of notification and must apply to the notified shipment when the shipment starts, at the latest.

It is also proposed to clarify that the amount of the coverage of the guarantee or equivalent insurance is to be approved by the competent authority of dispatch, that all competent authorities are to have access to it and that it must also cover possible storage costs.

Further, it is clarified that the guarantee must be valid and must cover a notified shipment throughout that shipment, including through the completion of final recovery or disposal. Finally, it is established that if a shipment is destined for recovery or disposal operations which are considered interim, this requirement may be fulfilled by the establishment of an additional guarantee or equivalent insurance by the consignee covering the said shipment until the completion of final recovery or disposal.

13. Take-back obligations: It is proposed to clarify that the obligation to take waste back – both in cases where the shipment cannot be completed as intended and in cases where the shipment is to be considered illegal - also applies to non-hazardous waste as listed in Annex III and destined for recovery. Clarifications are also suggested as regards the obligation to make new notifications in cases of take-back. It is thus considered appropriate to require take-back of all waste, and not just as regards waste subject to prior written notification and consent.
14. The Commission's role as transmitting information from Member States: It is proposed that in cases where the Member States must communicate information about legislation, pre-consented facilities etc. to other Member States, the Member State concerned is itself responsible for that communication.

At present, when the Commission receives such information from a Member State, it passes it on to the other Member States. However, in the light of modern communication methods, it is considered that such a function should rather be carried out by the relevant Member State itself. It is thus proposed that Member States communicate such information both to the Commission and to the other Member States.

15. Communication by means of electronic data interchange: To prepare for (future) developments in the area of communication by means of electronic data interchange with electronic signature, it is proposed to establish the possibility of communicating by such means. Such communication shall only be allowed, however, according to the decision made by the competent authorities concerned.

If such communications are allowed, the competent authority of dispatch may decide to take over and carry out the submission of the communication mentioned. Otherwise, the notifier and the consignee would be obliged to submit the above-mentioned communication. For some notifiers and consignees, this could constitute a serious technical and financial burden, while for others that will not be the case. Therefore, the decision by the competent authority of dispatch to take over the communication function is to be taken in agreement with the other competent authorities concerned and the notifier.

16. Footnote in Annex III, entry GC 030: In relation to entry GC 030 in Annex III and vessels destined for breaking up, a footnote has been inserted to clarify that a balance has to be struck between the need ensure that such vessel do not contain hazardous material on-board and the fact that some materials which are classified as hazardous are essential for the safe operation of ships. The footnote clarifies that this balance should be set by reference to recognised rules and guidelines on ship recycling, notably those prepared under the auspices of the IMO and the Basel Convention.

4.2.5. *Main changes and clarifications as regards shipments within Member States – Title III*

No changes are proposed in relation to shipments of waste within Member States. The provisions of Titles II and VII still does not apply to shipments of waste routed entirely within a Member State. However, Member States are still obliged to establish an appropriate control system in relation to such shipments and may still apply the system provided for in this Regulation.

4.2.6. *Main changes and clarifications as regards exports out of and imports into the Community – Titles IV, V and VI*

1. General logic: Generally, this Title has been streamlined according to the logic that the provisions of Title II regarding intra-Community shipments form the basis which apply *mutatis mutandis*. Thus, only modifications and additions to Title II are mentioned. These modifications and additions are primarily related to implementing the procedural requirements of the Basel Convention, which differ from those of intra-Community shipments.

At present there are several different procedures as regards imports and exports:

- 1) Exports for disposal to EFTA countries (Article 15)
- 2) Exports for recovery to OECD-Decision countries of waste listed in Annexes III and IV (Article 17 – as for intra-Community shipments)
- 3) Imports for disposal from EFTA and Basel Convention countries (Article 20)

- 4) Imports for recovery from OECD-Decision countries (Article 22 – as for intra-Community shipments)
- 5) Imports for recovery from non-OECD-Decision countries (Article 20).

By applying the provisions of Title II *mutatis mutandis* to exports out of and imports into the Community, the number of procedures are reduced to the two provided for under Title II, namely, the requirement for prior written notification and written consent and the requirement that the shipment be accompanied by certain information.

The special procedural elements required under the Basel Convention are as follows:

- All countries involved must provide written consent to a notified shipment and have 60 days to do so.
- The country of dispatch is to take the decision to consent to a shipment only after having received written confirmation from the other countries involved.
- The transit country must acknowledge receipt of the notification, thereby triggering the 60-days time limit for consent.

It is also made explicit that a shipment can only start if certain conditions are fulfilled (consent, contract, financial guarantee, environmentally sound management/protection of the environment). That specification may not be legally necessary but is considered important in order to strengthen enforcement.

Finally, the rules regarding customs offices have been updated and a paragraph has been added specifying that, if a custom office observes a shipment that does not comply with the provisions of the Regulation, it is to inform the relevant competent authority in the Community and ensure detention of the waste until otherwise decided. It follows that also shipment violating the prohibitions as laid in the Regulation will be subject to the requirement of detention. Also the future Regulation(s) established pursuant to Article 38 should contain provisions regarding detention of waste by the customs offices.

2. Basel Convention export ban as regards recovery – Annex V: On 22 September 1995 the Conference of the Parties to the Basel Convention adopted Decision III/1, which introduced a new preambular paragraph 7 bis, a new Article 4A and a new Annex VII into the Basel Convention. The Decision aims to immediately prohibit exports of hazardous waste destined for final disposal from Parties to the Convention listed in Annex VII to Parties not listed in Annex VII and to prohibit as of 1 January 1998 exports of hazardous waste destined for recovery from Parties listed to Parties not listed in Annex VII. This ban is laid down in Community legislation in Articles 35 and 37 of the proposal (Articles 14 and 16 of the current Regulation). Article 35 contains the disposal part of the ban and Article 37 contains the recovery part of the ban.

In relation to the recovery part of the ban, it is first of all proposed to clarify that hazardous waste and mixtures of unlisted hazardous waste and waste which the country of destination has notified to be hazardous or has banned the import of are covered by the prohibition. Secondly –in accordance with the 2001 OECD Decision – it is proposed to include waste listed in Annex II of the Basel Convention in Annex

V, Part 3, as List A. These wastes are: Y46 - waste collected from households and Y47 - residues arising from the incineration of household wastes. Clearly, the Community should not export household waste and incineration residues to non-OECD countries. This is in accordance with the principle of self-sufficiency laid down in Article 5 of Directive 75/442/EC, as amended.

The disposal part of the ban as contained in Article 35 remains unchanged. Exports of hazardous waste destined for disposal are thus still banned unless they are destined for EFTA countries Parties to the Basel Convention.

3. Requirement of environmentally sound management and protection of the environment: As already mentioned above under point 4.2.2., both Titles IV and V include a chapter gathering together general provisions for the said title. Those chapters contain an article regarding the requirement for environmentally sound management in cases of export out of the Community and of protection of the environment in the Community in cases of imports into the Community. The concept of environmentally sound management originates from and is defined as in the Basel Convention. Environmentally sound management is defined as taking all practicable steps to ensure that waste is managed in a manner that will protect human health and the environment against adverse effects which may result from such waste.

In relation to the requirement for environmentally sound management, it is further proposed that it may be assumed to be fulfilled *inter alia* if the treatment guideline listed in Annex IX in respect of the waste stream concerned is proved to apply at the facility in the third country of destination. However, it must be emphasised that this assumption is without prejudice to the overall assessment of environmentally sound management throughout the period of shipment and including final disposal or recovery in the third country of destination.

Annex IX refers to three guidelines; all adopted by the Conference of the Parties to the Basel Convention:

- Technical Guidelines on the Environmentally Sound Management of Biomedical and Health Care Wastes (Y1; Y3),
- Technical Guidelines on the Environmentally Sound Management of Waste Lead Acid Batteries and
- Technical Guidelines on the Environmentally Sound Management of the Full and Partial Dismantling of Ships.

Annex IX is to be further developed through the Committee for the adaptation to scientific and technical progress of EC Legislation on waste and in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended. In addition, guidelines adopted by the OECD or adopted in the context of other bodies may be referenced in Annex IX, see Article 61. In doing so, care must be taken to ensure that the guidelines are concrete and not general. They should give specific guidance on various and preferred methods of disposal and be up to date both in terms of technical level and in terms of addressing environmental concerns. Though obvious, it must lastly be stressed that the requirement of environmentally sound management is without prejudice to the provisions of Articles 35 and 38

implementing the Basel Convention export ban on hazardous waste from OECD to non-OECD countries.

4. Overseas Countries and Territories: Two articles are proposed to make the rules concerning exports and imports of waste to and from Overseas Countries and Territories explicit in the Regulation. The rules established thus implement Article 39 of the Council Decision 2001/822/EC of 27 November 2001 on the association of the Overseas Countries and Territories with the European Community²¹.
5. Separate regime as regards exports of non-hazardous waste to non-OECD countries: Under the responsibility of DG TRADE, a specific regime applies to exports of non-hazardous waste destined for recovery in non-OECD-Decision countries, meaning waste listed in the Annex III.

This regime will be continued, albeit in a modified and simplified version in accordance with the provisions of Article 38.

All non-OECD-Decision countries have been asked which procedures they want applied to imports for recovery from the Community of the said waste. At present, the following five options are available as a reply to that question: a) a ban, b) notification with written consent, c) notification with tacit consent, d) a special procedure based on written consent, and/or e) no control in the country of destination. In this proposal, a procedural simplification is suggested, namely, that the procedural choices of the non-OECD-Decision countries asked be reduced to three: a) a ban, b) notification with written consent, or c) no control in the country of destination.

For the implementation of this provision, the Commission will send a so-called “note verbal” to the countries concerned to ask them about the procedures which are to be applied to exports for recovery in their country of wastes which are not covered by the export ban. In order to ensure the highest level of harmonisation at the global level concerning waste lists, the Commission will use Annex III for this enquiry, corrected as appropriate to ensure maximum use of the terminology of the Basel Convention and consistency with its export ban.

This future Commission Regulation, which should enter into force on the day of the application of this Regulation, will repeal both Council Regulation (EEC) No 1420/1999²² and Commission Regulation (EEC) No. 1547/1999²³ which currently regulate the said exports.

4.2.7. *Main changes and clarifications as regards other provisions – Title VII*

As already mentioned, it is proposed to restructure and shorten Title VII. Title VII thus contains the majority of the articles that are contained in Title VIII on other provision in the current Regulation. See the explanation above under point 4.2.2.

Apart from these structural changes only the following changes are proposed:

²¹ OJ L 314, 30.11.2001, p. 1.

²² Council Regulation (EC) No 1420/1999 of 29.04.1999, OJ L 166, 1.7.1999, p. 6.

²³ Commission Regulation (EC) No 1547/1999 of 12.07.1999, OJ L 185, 17.7.1999, p.1.

1. Use of the web-site as an alternative to publication in the Official Journal: It is proposed to make use of the Commission web-site as an alternative to publication in the Official Journal.

According to the current Regulation, the Commission is to publish the lists of customs offices in the Official Journal of the European Community. The Commission has also published the list of the Competent Authorities in the Official Journal of the European Communities. However, in light of developments in communication methods, it is considered more efficient and more easily accessible if only the websites are used.

2. Adoption of additional measures: It is proposed to mandate the Commission to adopt additional measures related to the implementation, application, administration and enforcement of the Regulation. It is further established that such measures must be decided in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended, and the so-called regulatory procedure as established in Article 5 of Decision 1999/468/EC²⁴. The current Regulation does not give such powers to the Commission.

5. ENVIRONMENTAL ASPECTS

The recognition that it is “important to organise the supervision and control of shipments of waste in a way which takes account of the need to preserve, protect and improve the quality of the environment”, as stated in the sixth recital in the preamble to the 1993 Regulation, is no less valid today, almost 10 years after its adoption. It is thus necessary to maintain and improve the system of prior written notification and consent which allows and obliges competent authorities to take all necessary measures to ensure protection of human health and the environment within as well as outside the Community.

Within the Community, the producer and the notifier in the Community must take all necessary steps to ensure that the waste they ship is managed without endangering human health and without using processes or methods which could harm the environment, as required in Article (4) of Directive 75/442/EEC, as amended and in accordance with Community legislation on waste, throughout the period of shipment and including final disposal or final recovery in the state of destination. Outside the Community, the producer and the notifier and other undertakings involved in a shipment must ensure that any waste they ship is managed in an environmentally sound manner throughout the period of shipment and including final disposal or final recovery in the third country of destination²⁵.

6. ECONOMIC ASPECTS

From an overall assessment it is considered that the proposal will not place additional economic burdens on Industry. The system of notifications and information

²⁴ OJ L 184, 17.7.1999, p. 23.

²⁵ Environmentally sound management is defined as in the Basel Convention, namely as “taking all practicable steps to ensure that waste is managed in a manner that will protect human health and the environment against adverse effects which may result from such waste”.

requirements in relation to shipments of waste is well established throughout the Community, and it is to be expected that the requirement that notifications must be processed by and through the competent authority of dispatch will entail some economic relief for notifiers, compared to having to submit the notification to all relevant parties. The clarification that a financial guarantee or equivalent insurance must be established and be legally binding upon notification might entail extra costs for industries making notifications in Member States, where that is not currently a requirement.

It must be anticipated that the proposal will entail extra costs for certain Member States, however. The proposal establishes that notifications are to be processed through the competent authority of dispatch. For Member States which have an advanced and elaborated system for the processing, control and monitoring of notifications and shipments, such a system will not entail further costs. For Member States not yet in that position, the proposal will probably entail some extra costs. However, it should also be borne in mind that the system of processing notifications through the competent authority of dispatch will give rise to efficiencies in terms of “saved” paper work and control for the competent authority of destination and transit. Thus, the system is likely to be economically neutral as a whole.

7. INTERNAL MARKET ASPECTS

Some members of Industry have made presentations that, despite the fact that the Regulation is directly applicable in the Member States, it is on certain aspects applied very differently throughout the Community and thus causes distortion of the internal market. This relates, for instance, to different information and documentation requirements as regards notifications and shipments, different systems for processing notifications, different requirements for a financial guarantee – its establishment, calculation, release and access - and different information and format requirements as regards waste subject to the requirement of being accompanied by certain information. The proposal addresses such points as well as other cases where legal clarity is lacking. It is thus considered that the proposal will promote a more uniform application of the Regulation, to the benefit of the internal market, in the field of the recovery of waste.

8. INTERNATIONAL ASPECTS

As already mentioned under point 2, the Regulation is largely based on the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal, as amended,²⁶ and the OECD Decision C(92)39/final on the control of transfrontier movements of wastes destined for recovery operations, as amended.

On 14 June 2001 the OECD Council amended the above mentioned 1992 OECD Decision. In order to implement that amendment, a revision of the Regulation has become legally necessary.

²⁶ On 1 February 1993 the Council approved the Basel Convention on behalf of the Community, see Council Decision 93/98/EEC, OJ L 39, 16.02.1993, p. 1.

When implementing the 2001 OECD Decision its global dimension and international applicability should be borne in mind. This involves interpretation and the choice of the Community to apply different rules, which is allowed under the 2001 OECD Decision. As pointed out under points 3 and 4.2., global harmonisation is thus considered one of the objectives of the proposal.

Further, in an enlarged Community global harmonisation and a Regulation that provides a high degree of legal clarity becomes even more important.

9. TRADE ASPECTS

The proposal does not alter the current system for exports out of and imports into the Community – it merely changes the procedural framework. As regards exports of waste listed in Annex III (non-hazardous waste) and destined for recovery in non-OECD-Decision countries, Article 38 establishes the basic procedural framework for future regulations in this specific area.

10. SUBSIDIARITY AND PROPORTIONALITY

The present proposal for amendment of the 1993 Regulation takes into account the principles of subsidiarity and proportionality. Only those elements that are necessary for the proper and uniform functioning of the Regulation, while at the same time ensuring protection of the environment and a proper functioning of the internal market are covered by the proposal. The proposal also reinforces legal clarity where needed.

It is difficult to reconcile simplicity with the different interests of various stakeholders, and not least the wish to ensure a more uniform application of the Regulation. Nevertheless, this proposal endeavours to remain as simple as possible.

11. CONSULTATION OF STAKEHOLDERS

Annex C contains a list of the contributors to the 2001-2002 consultations (Member States, Acceding Countries, Industry, NGO's and Local Authorities).

12. ANNEXES

- A) Content article by article
- B) A parallel listing of the proposed articles and the corresponding articles of the 1993 Regulation.
- C) List of Member States, Acceding Countries, Industry, Local Authorities and NGO's that have been consulted and have contributed to the 2001-2002 consultation.

ANNEX A
Description article by article

TITLE I – Scope and Definitions

Article 1 - Scope

Article 1 establishes the scope of the Regulation and lists exclusions.

Article 2 – Definitions

Article 2 contains a series of definitions relevant to the Regulation. Where a definition is already established in Directive 75/442/EEC, as amended, that definition also applies for the purpose of this Regulation.

TITLE II – Shipments between Member States within the Community or with transit through third countries

Article 3 - Overall procedural framework

Article 3 provides an overview of the general procedural framework and defines which wastes are subject to which procedure. It also establishes special provisions regarding waste explicitly destined for laboratory analysis and waste containing certain chemicals.

CHAPTER 1 – PRIOR WRITTEN NOTIFICATION AND CONSENT

Article 4 - Procedure of prior written notification and consent

Article 4 defines the notifier and establishes the obligation for the notifier to make a prior written notification to and through the competent authority of dispatch if he/she intends to ship waste from one Member State to another Member State or and/or pass it in transit through one or several other Member States.

The Article further establishes that a shipment may only start after the notifier has received:

- written consent from the competent authority of dispatch and destination and after tacit, or
- written consent from the competent authority of transit.

Article 5 - Notification requirements

Article 5 sets out the requirements that must be fulfilled when making a notification.

Notifications are to be made by the notifier by using the notification and movement documents contained in Annexes 1 A and 1 B, supplying information and documentation as listed in Annex II, Part 1, 2 and 3, establishing a contract with the consignee for the recovery or disposal of the notified waste, and establishing a financial guarantee or equivalent insurance.

The concept of a “properly filled-in” notification and a “properly completed” notification is established in this article as well.

Upon receipt of a “properly filled-in” notification, the competent authority of dispatch is obliged to transmit the notification to the other competent authorities and to the consignee: see Article 8. Upon receipt of a “properly completed” notification, the competent authority of destination or dispatch is obliged to issue an acknowledgement; see Article 9. The acknowledgement triggers the 30-day time limit for consent from the competent authorities.

Article 6 - Contract

Article 6 establishes further requirements as regards the contract between the notifier and the consignee for the recovery or disposal of the notified waste. The article establishes that the contract must be established and legally binding at the time of notification and that it must include certain obligations on the part of both the notifier and consignee.

Article 7 – Financial guarantee

Similarly, Article 7 establishes further requirements for a financial guarantee(s) or equivalent insurance(s) covering costs for transport, final disposal or final recovery and storage, including cases where a shipment cannot be completed as intended and cases where a shipment is illegal.

The financial guarantee or equivalent insurance must be established and legally binding at the time of notification and must apply to the shipment when the notified shipment starts, at the latest.

The article also establishes that the guarantee or equivalent insurance must be valid and cover the shipment until final treatment and that, as regards shipments of waste destined for interim recovery or disposal operations, this requirement may be fulfilled by the establishment of an additional financial guarantee or equivalent insurance by the consignee.

Finally, the article establishes that all competent authorities concerned are to have access to the financial guarantee or equivalent insurance, and stipulates when it can be released.

Article 8 - Transmission of the notification by the competent authority of dispatch

Article 8 establishes that when the competent authority of dispatch has received a “properly filled-in” notification as described in Article 5(2), it is obliged to transmit copies of the notification to the other competent authorities concerned and to the consignee.

If the competent authority of dispatch considers that the notification is not properly filled-in, it may request information and documentation from the notifier. Such a request is to be made within 3 working days of receipt of the notification.

Article 8 further establishes that the notifier has the right to demand a reasoned explanation from the competent authority of dispatch if it has not transmitted the notification as required to the other competent authorities and to the consignee within the time limit.

Article 9 - Acknowledgement by the competent authority of destination

Article 9 establishes that upon receipt of a “properly completed” notification as described in Article 5(3), the competent authority of destination is to send an acknowledgement to the notifier and copies thereof to the other competent authorities concerned and to the consignee and that this is to be done within 3 working days of receipt of the notification.

Further it is established that the notifier has the right to demand a reasoned explanation from the competent authority of destination if it has not acknowledged receipt of the notification within the time limit.

Article 10 - Consent by the competent authority of destination, export and transit

Article 10 establishes that the competent authorities of destination, dispatch and transit have 30 days following dispatch of the acknowledgement by the competent authority of destination to take the decision to consent or object to the notified shipment.

The Article also establishes rules regarding the validity of a consent.

Article 11 - Conditions to a shipment

Article 11 establishes the right of the competent authorities of dispatch, destination and transit to lay down conditions in connection to their consent to a notified shipment.

Article 12 - Objections to shipments destined for disposal

Article 12 lists the reasons that can justify an objection to a shipment destined for disposal on the part of the competent authority of dispatch, destination and/or transit.

Article 13 - Objections to shipments destined for recovery

Similarly, Article 13 lists the reasons that can justify an objection to a shipment destined for recovery on the part of the competent authority of dispatch, destination and/or transit.

Article 14 - General Notification

Article 14 establishes the possibility of using a general notification instead of several single notifications where waste having the same physical and chemical characteristics is to be shipped periodically to the same consignee, at the same facility and following the same route(s) and routing.

Article 15 – Pre-consented recovery facilities

Article 15 establishes that competent authorities of destination having jurisdiction over specific recovery facilities may decide to issue pre-consents to such facilities. Further, it is established that competent authorities which decide to issue a pre-consent to a facility in accordance with this Article shall communicate certain information to the Commission, the OECD Secretariat and the competent authorities in the other Member States and that the form contained in Annex VI may be used for this purpose. Finally, an enabling clause is inserted to allow for possible further conditions and requirements in relation to pre-consented recovery facilities.

Article 16 - Provisions regarding interim recovery and disposal operations

Article 16 establishes special provisions regarding shipments of wastes destined for interim recovery or disposal operations (blending or mixing, repackaging, exchange, storage or other recovery or disposal operations considered interim and not final).

Article 17 – Requirements following consent to a shipment

Article 17 lists the requirements related to the period after the notified shipment has received a consent: completion of the movement document by all involved parties and by the notifier, prior information regarding actual start of the shipment, written confirmation of receipt of the waste by the consignee and certificate for final disposal or recovery by the consignee.

Article 18 - Changes in the shipment after consent

Article 18 establishes that should any material changes be made to the details and/or conditions of a consented shipment, a new notification must be made, unless all the competent authorities concerned are satisfied that the proposed changes do not necessitate a new notification.

CHAPTER 2 – GENERAL INFORMATION REQUIREMENTS

Article 19 - Waste to be accompanied by certain information

Article 19 establishes that shipments of waste as defined in Article 3(2) and (4) – meaning waste listed in Annex III and waste explicitly destined for laboratory analysis - are subject to the procedural requirement that they be accompanied by certain information. This information includes, inter alia, evidence of a contract between the person who arranges the shipment and the consignee for recovery of the waste which is legally binding when the shipment starts.

The article further establishes that the information is to be provided by the person who arranges the shipment in the form contained in Annex VII and that Member States, for the purposes of inspection, enforcement, planning and statistics, may require information about shipments subject to this Article and in accordance with national legislation.

Article 20 - Waste subject to prior information

Article 20 establishes that as regards waste defined in Article 3(4) – waste explicitly destined for laboratory analysis - the person who arranges the shipment must inform the competent authorities concerned about the shipment 3 working days before it starts.

Further, it is established that the information listed in Article 19(1) is to be provided and the form contained in Annex VII used for that submission of information.

CHAPTER 3 – GENERAL REQUIREMENTS

Article 21 - Prohibited to mix waste during shipment

Article 21 establishes that wastes which are subject to different notifications must not be either mixed together or mixed with any other waste not subject to a notification, during transport.

Article 22 - Protection of the environment within the Community

This article establishes that the producer and the notifier in the Community must take all necessary steps to ensure that any waste they ship within the Community is managed without endangering human health and without using processes or methods which could harm the environment as required in Article 4 of Directive 75/442/EEC, as amended, and in accordance

with Community legislation on waste. This obligation lasts throughout the period of shipment and includes final disposal or final recovery in the country of destination.

Article 23 - Keeping of documents and information

Article 23 establishes that all documents sent to or by the competent authorities in relation to a notified shipment are to be kept in the Community for at least three years by the competent authorities, the notifier and the consignee, and that information given pursuant to Article 19 (1) as regards waste listed in Annex III is to be kept in the Community for at least three years by the person who arranges for the shipment and the consignee.

CHAPTER 4 – TAKE-BACK OBLIGATIONS

Article 24 – Take-back when a shipment cannot be completed as intended

Article 24 establishes the rules regarding the duty of the competent authority of dispatch to ensure that waste is taken back when a shipment of waste to which the competent authorities concerned have consented cannot be completed as intended. It is thus established that the competent authority of dispatch shall ensure that the waste in question is returned to its area of jurisdiction or elsewhere within the Country of dispatch by the notifier or if that is impracticable, by the competent authority itself, and that this shall be done within 90 days.

Further, it is established that the provisions of this article also apply to shipments of waste which are subject to the requirement that they be accompanied by certain information in accordance with Article 19 and that the person who arranges the shipment in such cases is subject to the same obligations under this article as is the notifier.

Article 25 - Costs for take-back when a shipment cannot be completed

Article 25 establishes how costs arising from the return of waste of a shipment that cannot be completed as intended shall be charged – namely, to the notifier or, if that is impracticable, to the competent authority of dispatch; or, if that in turn is impracticable, as otherwise agreed by the parties and the competent authorities concerned.

It is further established that waste listed in Annex III subject to the requirement that it be accompanied by certain information which cannot be completed as intended is also covered by the article. It is thus established that in those situations, the person who arranges the shipment is subject to the same obligations established under this article as is the notifier.

Article 26 - Take-back when a shipment is illegal

Article 26 defines when a shipment is illegal and establishes the rules regarding the duty of the competent authority of dispatch to ensure that waste in a shipment that is considered illegal is taken back and that this is done within 30 days.

It is further established that if a case of illegal shipment is not the responsibility of the notifier but rather of the consignee, then the competent authority of destination is to ensure that the waste in question is disposed of or recovered by the consignee or, if that is impracticable, by the competent authority itself, and that this also is done within 30 days.

Finally, it is established that if the responsibility for the illegal shipment cannot be imputed to either the notifier or the consignee, the competent authorities are to co-operate to ensure that the waste in question is disposed of or recovered.

As in Article 24, it is established that the provisions of this article also apply to shipments of waste listed in Annex III and which are subject to the requirement that they be accompanied by certain information in accordance with Article 19 and that in such cases the person who arranges the shipment is subject to the same obligations established under this article as is the notifier.

Article 27 - Costs for take-back when a shipment is illegal

Article 25 establishes how costs arising from the return, etc. of waste in a shipment that is illegal are to be charged.

It is further established that a shipment of waste listed in Annex III which is subject to the requirement that it be accompanied by certain information and which is illegal, is also covered by the article. It is thus established that in those situations, the person who arranges the shipment is subject to the same obligations established in this article as is the notifier.

CHAPTER 5 –GENERAL ADMINISTRATIVE PROVISIONS

Article 28 - Submission of communication

Article 28 establishes that the communication listed may be submitted in one of the following ways: by post, by telefax, by e-mail with digital signature, or by e-mail without digital signature, followed by post.

It further establishes that, according to the decision by the competent authority concerned, the communication mentioned may be submitted by means of electronic data interchange with electronic signature or electronic authentication according to Directive 1999/93/EC on a Community framework for electronic signatures²⁷ or with a comparable electronic authentication system providing the same level of security and subject to the acceptance of the competent authorities concerned.

Article 29 - Language

Article 29 establishes that any notification, information, documentation or other communication submitted pursuant to the provisions of Title II is to be supplied in a language acceptable to the competent authorities concerned and that the competent authorities concerned may request the notifier to provide authorised translation(s) into a language which is acceptable to them.

Article 30 - Disagreement on classification issues

Article 30 establishes an administrative rule for cases where the competent authorities of dispatch and destination disagree on the classification as regards the distinction between waste or non-waste, on the classification of the notified waste as being listed in Annex III or IV or on the classification of the waste treatment operation notified as being disposal or recovery. It is thus established that the material is to be considered a waste, that the waste is to be considered listed in Annex IV and that the provisions regarding waste destined for disposal apply, respectively. It is stressed that this administrative rule only applies for the purposes of this Regulation, and is without prejudice to the rights of interested parties to resolve any dispute related to these questions before a court of law or tribunal.

²⁷ OJ L 13, 19.1.2000, p. 12.

Article 31 - Administrative costs

Article 31 establishes that appropriate and proportionate administrative costs of implementing the notification and supervision procedure and usual costs of appropriate analyses and inspections may be charged to the notifier.

CHAPTER 6 - SHIPMENTS WITHIN THE COMMUNITY AND WITH TRANSIT VIA THIRD COUNTRIES

Article 32 - Shipments destined for disposal

Article 32 establishes the rules regarding shipments within the Community and destined for disposal that transit through third countries. It is thus established that the competent authority of dispatch are to ask the competent authority in the third country whether it wishes to send its written consent to the planned shipment.

Article 33 - Shipments destined for recovery

Article 33 establishes that when a shipment of waste takes place within the Community with transit via one or more third countries to which the OECD Decision does not apply and is destined for recovery, Article 32 applies.

Regarding a shipment of waste that takes place within the Community with transit via one or more third countries to which the OECD Decision does apply and is destined for recovery, it is further established that the consent to a shipment may be provided tacitly.

TITLE III - Shipments within Member States

Article 34 - Application of this Regulation to shipments within Member States

Article 34 establishes the application of the Regulation to shipments within Member States.

TITLE IV – Exports out of the Community to third countries

CHAPTER 1 - WASTE FOR DISPOSAL

Article 35 - Export prohibited except to EFTA countries

Article 35 establishes that all exports of waste out of the Community destined for disposal are prohibited, with the exception of exports destined for disposal in EFTA countries.

However, it is further established that such exports are still prohibited if the EFTA country prohibits imports of such wastes or if the competent authority of dispatch has reason to believe that the waste will not be managed in an environmentally sound manner in the country of destination concerned.

Article 36 - Procedures when exporting to EFTA countries

Article 36 establishes the procedure to be applied where waste is exported out of the Community and destined for disposal in EFTA countries. It is thus established that the

provisions of Title II apply *mutatis mutandis*, albeit with certain modifications and additions, which are listed.²⁸

CHAPTER 2 - WASTE FOR RECOVERY

Exports to non-OECD-Decision countries

Article 37 - Export prohibited if waste is listed in Annex V

Article 37 implements the Basel Convention export ban as regards waste destined for recovery and establishes that exports out of the Community of hazardous waste destined for recovery in countries to which the OECD Decision does not apply is prohibited. It is thus established that the following hazardous waste is covered by the prohibition: hazardous waste as listed in Annex V, hazardous waste not classified under one single entry in Annex V, mixtures of hazardous waste and mixtures of hazardous waste with non-hazardous waste not classified under one single entry in Annex V, waste that the country of destination has notified to be hazardous under Article 3 of the Basel Convention, waste that the country of destination has prohibited the import of, or if the competent authority of dispatch has reason to believe that the waste will not be managed in an environmentally sound manner in the country of destination concerned.

Article 38 - Procedures when exporting waste listed in Annex III

Article 38 establishes the framework for future legislation regarding export of wastes listed in Annex III and destined for recovery in countries to which the OECD Decision does not apply and which are not covered by the prohibition in Article 37. It is thus established that the Commission shall notify every country to which the OECD Decision does not apply and request written confirmation if the waste can be exported for recovery operations and information as to which, if any, of the listed control procedures is to be followed: a prohibition, a prior written notification and consent procedure as described in Article 36, or no control in the country of destination. This future Commission Regulation, which should enter into force on the day of the applicability of this Regulation, will repeal both Council Regulation (EEC) No 1420/1999 and Commission Regulation (EEC) No 1547/1999, which currently regulate the said exports.

Exports to OECD-Decision countries

Article 39 - Exports of waste listed in Annexes III, IV and IV A

Article 39 establishes which procedures are to apply to exports out of the Community of waste listed in Annexes III, IV and IV A and destined for recovery in countries and through countries to which the OECD-Decision applies. It is thus established that the provisions of Title II apply *mutatis mutandis*, albeit with certain modifications and additions, which are listed.

²⁸ In effect Article 36 only covers Switzerland. The other EFTA countries - Norway, Liechtenstein and Iceland - are thus also EEA countries.

CHAPTER 3 - GENERAL PROVISIONS

Article 40 - Exports to Antarctic

Article 40 makes it explicit that export of all waste out of the Community to Antarctica is prohibited.

Article 41 - Exports to Overseas Countries or Territories

Article 41 establishes that exports out of the Community of all waste destined for disposal in Overseas Countries or Territories are prohibited and that as regards exports of waste destined for recovery the prohibition in Article 37 applies *mutatis mutandis*. Further, it is clarified that as regards exports of waste destined for recovery in Overseas Countries or Territories not covered by this prohibition, the provisions of Title II apply *mutatis mutandis*.

The Article reflects the rules established in Article 39 of Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community.

Article 42 - Ensuring environmentally sound management in third countries

Article 42 establishes that the producer and the notifier and other undertakings involved in a shipment are to take all necessary steps to ensure that any waste they ship is managed in an environmentally sound manner throughout the period of shipment and including final disposal or recovery in the third country of destination.

It further establishes that the competent authority of dispatch in the Community is to require and secure that any waste exported is managed in an environmentally sound manner throughout the period of shipment and including final disposal or recovery in the third country of destination and that specific exports violating that rules are to be prohibited.

Article 42 also establishes that environmentally sound management may be assumed as regards the waste stream and recovery operation concerned if, inter alia, the treatment guideline listed in Annex IX in respect of the waste stream concerned can be proved to apply at the facility in the third country of destination. Annex IX is to be further developed through the Committee for the adaptation to scientific and technical progress of EC Legislation on waste, in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended, and by means of Commission Regulation, see Article 61.

TITLE V - Imports into the Community

CHAPTER 1 - IMPORTS OF WASTE FOR DISPOSAL

Article 43 - Import prohibited except from EFTA- or Basel Party country or with an agreement in place

Article 43 establishes that all imports into the Community of waste destined for disposal are prohibited except those from EFTA countries or other countries which are Parties to the Basel Convention or other countries with which the Community, or the Community and its Member States have concluded bilateral or multilateral agreements or arrangements.

Article 43 also establishes the requirements to be fulfilled when concluding bilateral or multilateral agreements or arrangements. These include inter alia the requirement that bilateral or multilateral agreements or arrangements entered into in accordance with the article shall be based upon the control procedure of Article 44.

Article 44 - Procedural requirements if import from EFTA- or Basel Party country

Article 44 establishes which procedure to apply when importing waste into the Community destined for disposal from EFTA countries or other countries Parties to the Basel Convention. It is thus established that provisions of Title II apply *mutatis mutandis*, however, with certain modifications and additions listed.

CHAPTER 2 - IMPORTS OF WASTE FOR RECOVERY

Article 45 - Import prohibited except from OECD Decision, EFTA or Basel Party country or with an agreement in place

Article 45 establishes that all imports into the Community of waste destined for recovery are prohibited except from countries to which the OECD decision applies or from EFTA countries or from other countries which are Parties to the Basel Convention or other countries with which the Community, or the Community and its Member States, have concluded bilateral or multilateral agreements or arrangements.

Article 45 also establishes the requirements to be fulfilled when concluding bilateral or multilateral agreements or arrangements. These are similar to those of Article 43, and include inter alia the requirement that bilateral or multilateral agreements or arrangements entered into in accordance with the article shall be based upon the control procedure of Article 44 or 46 as relevant.

Article 46 - Procedural requirements if import from OECD Decision countries

Article 46 establishes which procedures to apply when waste is imported into the Community and destined for recovery from a country to which the OECD Decision applies and/or through countries to which the OECD Decision applies. It is thus established that the provisions of Title II apply *mutatis mutandis*, however with modifications and additions listed.

Article 47 - Procedural requirements if import from non-OECD Decision country Party to the Basel Convention

Article 46 establishes which procedure to apply where waste is imported into the Community and destined for recovery from a country to which the OECD Decision does not apply and/or through any country to which the OECD Decision does not apply and which are also Parties to the Basel Convention. It is thus established that the provisions of Article 29 apply *mutatis mutandis*.

CHAPTER 3 - GENERAL PROVISIONS

Article 48 - Imports from Overseas Countries or Territories

Article 48 establishes that in relation to imports of waste into the Community from Overseas Countries or Territories. The provisions of Title II apply *mutatis mutandis*.

Further it clarifies that one or more Overseas Country and Territory and the Member State to which they are linked may apply national procedures to shipments from the Overseas Country and Territory to that Member State and that Member States that apply this possibility, shall notify the Commission of the national procedures applied.

As it is the case with Article 41 as regards exports, the Article reflects the rules established in Article 39 of the Council Decision 2001/822/EC of 27 November 2001 on the association of the Overseas Countries and Territories with the European Community.

Article 49 – Protection of the environment within the Community

Article 49 establishes that the producer, the notifier and other undertakings involved in a shipment must take all necessary steps to ensure that any waste they ship is managed without endangering human health and without using processes or methods which could harm the environment as required in Article 4 of Directive 75/442/EEC, as amended, and in accordance with Community legislation on waste throughout the period of shipment and including final disposal or final recovery in the country of destination.

It further establishes that the competent authority of destination in the Community shall require and secure that any waste shipped into its area of jurisdiction is managed without endangering human health and without harming the environment as required in Article 4 of Directive 75/442/EEC, as amended, and in accordance with Community legislation on waste throughout the period of shipment and including final disposal or recovery in the country of destination. It is further required that specific imports violating those rules are to be prohibited and not consented to.

The Article applies the same logic as Article 42 regarding exports and the requirement to ensure environmentally sound management in the third country of destination.

TITLE VI - Transit through the Community from and to third countries

CHAPTER 1 - WASTE FOR DISPOSAL

Article 50 - Transit through the Community of waste destined for disposal

Article 50 establishes that where waste destined for disposal is shipped through a Member State from and to third countries the provisions of Article 44 apply *mutatis mutandis*, albeit with certain modifications listed.

CHAPTER 2 - WASTE FOR RECOVERY

Article 51 - Transit through the Community of waste from and/or to a non-OECD-Decision country

Article 51 establishes that where waste destined for recovery is shipped through a Member State from and/or to a country to which the OECD Decision does not apply, Article 50 applies *mutatis mutandis*.

Article 52 - Transit through the Community of waste from and/or to an OECD-Decision country

Article 52 establishes that where waste destined for recovery is shipped through a Member State from and/or to countries to which the OECD Decision applies the provisions of Article 46 apply *mutatis mutandis*, albeit with certain modifications listed.

TITLE VII Other Provisions

CHAPTER 1 - ADDITIONAL OBLIGATIONS RELATED TO MEMBER STATES

Article 53 - Enforcement in Member States

Article 53 establishes the obligation of Member States to take legal action to prevent and detect illegal shipments, including the imposition of penalties, and allows Member States to make provisions for enforcement measures such as inter alia inspections and spot checks of shipments.

Article 54 - Member States reporting

Article 54 establishes the reporting obligations of the Member States. Before the end of each calendar year, Member States are to 1) draw up a report for the previous calendar year in accordance with Article 13 (3) of the Basel Convention and send it to the Secretariat of the Basel Convention and to the Commission, and 2) draw up a report for the previous calendar year based on the additional reporting questionnaire as contained in Annex X and send it to the Commission. Member States must thus submit two reports.

It is further established that these reports shall be submitted to the Commission in an electronic as well as a paper version.

Based on the reports received, the Commission is to establish reports on the implementation of this Regulation by the Community and its Member States.

Article 55 - International co-operation

Article 55 establishes the obligation of Member States and the Commission to co-operate with other parties to the Basel Convention and inter-State organisations, inter alia, via the exchange and/or sharing of information, the promotion of environmentally sound technologies and the development of appropriate codes of good practice.

Article 56 - Designation of customs offices of entry into and exit from the Community

Article 56 establishes the possibility for Member States to designate customs offices of entry into and exit from the Community for shipments of waste entering and leaving the Community. If Member States decide to designate such custom offices no shipment of waste may be allowed to use any other frontier crossing points within a Member State for entering or leaving the Community.

Article 57 - Designation of competent authority

Article 57 establishes the obligation for Member States to designate the competent authority or authorities responsible for the application and operation of the Regulation.

Article 58 - Designation of correspondents

Article 58 establishes the obligation for Member States and the Commission to each designate one correspondent responsible for informing or advising persons or undertakings who or which make enquiries.

Article 59 - Notification of and information regarding designations

Article 59 establishes the obligation for Member States to notify the Commission of the designations of custom offices of entry into and departure from the Community, competent authorities and correspondents made pursuant to Articles 56, 57 and 58 respectively. The Commission is then to publish lists of the designated customs offices of entry into and departure from the Community, competent authorities and correspondents on its web-site.

CHAPTER 2 - OTHER PROVISIONS

Article 60 - Meeting of the Correspondents

Article 60 establishes the obligation of the Commission - if so requested by Member States or if otherwise appropriate – to periodically hold a Meeting of the Correspondents to examine with them the questions raised by the implementation of the Regulation.

The Meeting of the Correspondents may issue information sheets to provide guidance on issues related to the implementation, administration and enforcement of the Regulation.

Article 61 - Amendment of Annexes

Article 62 establishes that the Annexes of this Regulation are to be amended by the Commission by means of Commission Regulations and in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended, and through the Committee for the Adaptation to Scientific and Technical Progress on EC-Legislation on Waste.

Article 62 – Additional measure

Article 62 establishes that the Commission may adopt additional measures related to the implementation, application, administration and enforcement of this Regulation and that any such measures shall be decided in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended, and Article 5 of Decision 1999/468/EC.

Article 63 - Repeals

Article 63 establishes rules regarding repeals.

Article 64 - Transition rules

Article 64 establishes rules regarding transition.

Article 65 - Entry into force and application

Article 65 establishes a time span between date of entry into force and a date of application. This is necessary to allow for the establishment of the regime regarding exports of waste listed in Annex III and destined for recovery in non OECD countries as described in Article 38.

ANNEX B
Parallel listing of the proposed articles and the equivalent articles of
Council Regulation (EEC) No 259/93

Articles in proposal	Articles in Regulation (EEC) No 259/93/EEC
1 – Scope	1
2 – Definitions	2
3 – Overall procedure framework	Partly new article, 1(3)(a), 1(3)(c)
4 – Procedure of prior written notification and consent	2(g), 3(1), 6(1), 3(8), 7(8), 5(1), 8(1),5(3), 8(3),
5 – Notification requirements	3(2 – (6), 6(2) – (6)
6 – Contract	3(6), 6(6)
7 – Financial guarantee	27
8 – Transmission of the notification by the competent authority of dispatch	New article
9 – Acknowledgement by the competent authority of destination	4(1), 7(1)
10 – Consent by the competent authority of destination, export and transit	4(2), 7(2)
11 – Conditions to a shipment	4(2)(b) and (d), 7(3)
12 – Objections to shipments destined for disposal	4(3)(a) – (c)
13 – Objections to shipments destined for recovery	7(4)(a) and (b)
14 – General notification	28
15 – Pre-consented recovery facilities	9
16 – Provisions regarding interim recovery and disposal operations	New article
17 – Requirements following	Partly new article, 5(2) – (6), 8(2) – (6)
18 – Changes in the shipment after consent	4(4), 7(5)
19 – Waste to be accompanied by certain information	4(4), 7(5)

20 – Waste subject to prior information	New article
21 – Prohibited to mix waste during shipment	29
22 – Protection of the environment within the Community	Partly new article, 34
23 – Keeping of documents and information	35
24 – Take-back when a shipment cannot be completed as intended	25
25 – Costs for take-back when a shipment cannot be completed	33
26 – Take-back when a shipment is illegal	26(2) – (4)
27 – Costs for take-back when a shipment is illegal	33
28 – Submission of communication	Partly new article, 7(2)
29 – Language	31
30 – Disagreement on classification issues	New article
31 – Administrative costs	33(1)
32 – Shipments destined for disposal (within the Community and with transit through third country)	12
33 – Shipments destined for recovery (within the Community and with transit through third country)	12
34 – Application of this Regulation to shipments within Member States	13
35 – Export prohibited except to EFTA countries (for disposal)	14, 18
36 – Procedures when exporting to EFTA countries (for disposal)	15
37 – Export prohibited if waste is listed in Annex V (for recovery)	16
38 – Procedures when exporting waste listed in Annex III (for recovery)	17(1) – (3)
39 – Exports of waste listed in Annexes III,	17(2), (4), (6) and (7)

IV and IV A (for recovery)	
40 – Exports to Antarctic	New article
41 – Exports to Overseas Countries or Territories	New article
42 – Ensuring environmentally sound management in third countries	Partly new article, 16(4)
43 – Import prohibited except from EFTA – or Basel Party country or with an agreement in place (for disposal)	19
44 – procedural requirements if import from EFTA – or Basel Party country (for disposal)	20
45 – Import prohibited except from OECD Decision-, EFTA- or Basel Party country or with an agreement in place (for recovery)	21
46 – Procedural requirements if import from OECD Decisions countries (for recovery)	22(1)
47 – Procedural requirements if import from non-OECD Decision country Party to the Basel Convention (for recovery)	22(2)
48 – Imports from Overseas Countries or Territories	New article
49 – Protection of the environment within the Community	Partly new article, 34 and 19(4)
50 – Transit through the Community of waste destined for disposal	23
51 – Transit through the Community of waste from and/or to a non-OECD Decision country	23
52 – Transit through the Community of waste from and/or to an OECD Decision country	24
53 – Enforcement in Member States	30, 26(5)
54 – Member States reporting	41
55 – International co-operation	40
56 – Designation of customs offices of entry into and exit from the Community	39

57 – Designation of competent authority	36
58 – Designation of correspondents	37 (1)
59 – Notification of and information regarding designations	38
60 – Meeting of the Correspondents	37(2)
61 – Amendment of Annexes	42(3) and (4)
62 – Additional measures	New article
63 – Repeals	43
64 – Transition rules	43
65 – Entry into force	44

ANNEX C
LIST OF CONTRIBUTORS

The Commission has received written contributions from the following :

- Member States:

Austria
Belgium
Denmark
Finland
France
Germany
Ireland
Italy
Portugal
Sweden,
The Netherlands
United Kingdom.

- Non Governmental Organisations:

BAN, Basel Action Network
EEB, European Environmental Bureau

- Industry:

APME, Association of Plastics Manufacturers in Europe,
BIR, International Recycling Bureau
EFR, European Ferrous Recovery & Recycling Federation
EUROMETREC, European Metal Trade & Recycling Federation
ERPA, European Recovered Paper Association
CEMBUREAU
CEPI, Confederation of European paper industries
CGI,
CRA, Chemical Recycling Association
EURELECTRIC
EURITS, European Association for Responsible Incineration and the Treatment of Special Waste
EUROFER, European Confederation of iron and Steel Industries
EUROMETAUX, Association Européenne des Métaux
FEAD, European Waste Management Association
ITAD, Interessengemeinschaft der thermischen Abfallbehandlungsanlagen in Deutschland
SRI, Swedish Recycling Industries Association
Stena Metall AB Group

- Acceding Countries:

Czech Republic

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on Shipments of Waste

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 175(1) and 133 thereof,

Having regard to the proposal from the Commission²⁹,

Having regard to the opinion of the European Economic and Social Committee³⁰,

Having regard to the opinion of the Committee of the Regions³¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty.

Whereas:

- (1) The primary objective of the Regulation is protection of the environment and the legal basis is therefore Article 175(1) of the EC Treaty. However, since the provisions of Titles IV, V and VI on exports out of, imports into and transit through the Community to and from third countries, are also rules on international trade, the legal basis as regards these specific provisions is Article 133 of the EC Treaty.
- (2) Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of waste within, into and out of the European Community³², has already been substantially amended several times and requires further amendment. It is necessary, in particular, to incorporate in that Regulation the content of Commission Decision 94/774/EC of 24 November 1994 concerning the standard consignment note referred to in Council Regulation (EEC) No 259/93³³ and of Commission Decision 1999/412/EC of 3 June 1999 concerning a questionnaire for the reporting obligation of Member States pursuant to Article 41(2) of Council Regulation (EEC) No 259/93³⁴. Regulation (EEC) No 259/93 should therefore be replaced in the interests of clarity.

²⁹ OJ C , , p. .

³⁰ OJ C , , p. .

³¹ OJ C , , p. .

³² OJ L 30, 6.2.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2557/2001 (OJ L 349, 31.12.2001, p. 1).

³³ OJ L 310, 3.12.1994, p. 70.

³⁴ OJ L 156, 23.6.1999, p. 37.

- (3) Council Decision 93/98/EEC³⁵ concerned the conclusion, on behalf of the Community, of the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal, to which the Community has been a party since 1994. By adapting Council Regulation (EEC) No 259/93, the Council has established rules to curtail and to control such movements designed, inter alia, to make the existing Community system for the supervision and control of waste movements comply with the requirements of the Basel Convention.
- (4) Council Decision 97/640/EC of 22 September 1997 concerned the approval, on behalf of the Community, of the amendment to the Basel Convention, laid down in Decision III/I of the Conference of the Parties. By that amendment, all exports of hazardous wastes destined for disposal from countries listed in Annex VII to the Convention to countries not listed therein were prohibited, as were, with effect from 1 January 1998, all such exports of the hazardous wastes referred to in Article 1(1)(a) of the Convention and destined for recovery. Council Regulation (EEC) No 259/93 was amended accordingly by Council Regulation (EC) No 120/97,³⁶ as amended.³⁷
- (5) The Community has not yet signed the Basle Convention Protocol on Liability and Compensation as contained in Decision V/29 of the Conference of the Parties.
- (6) In view of the fact that the Community has approved OECD Council Decision C(2001)107 of 14 June 2001 amending OECD Decision C(92)39/final on the control of transfrontier movements of wastes destined for recovery operations in order to harmonise lists and certain other requirements with the Basel Convention, it is necessary to incorporate the content of that Decision in Community legislation.
- (7) The Community has signed the Stockholm Convention of 22 May 2001 on persistent organic pollutants.
- (8) It is important to organise and regulate the supervision and control of shipments of wastes in a way which takes account of the need to preserve, protect and improve the quality of the environment and human health and which promotes a more uniform application of the Regulation throughout the Community.
- (9) It is important to bear in mind the requirement laid down in Article 4(2)(d) of the Basle Convention that shipments of hazardous waste are to be reduced to the minimum consistent with environmentally sound and efficient management of such waste.
- (10) It is necessary to avoid procedural duplication by recognising other EU legislation that already regulates waste of animal origin, in particular Regulation (EC) No 1774/2002³⁸ laying down health rules concerning animal by-products not intended for human consumption and Regulation (EC) No 999/2001³⁹ laying down rules for the prevention, control and eradication of certain transmissible spongiform

³⁵ OJ L 39, 16.2.1993, p. 1.

³⁶ OJ L 22, 24.1.1997, p. 14.

³⁷ Commission Regulation (EC) No 2408/98, OJ L 298, 7.11.1998, p. 19, Commission Decision 1999/816/EC, OJ L 316, 10.12.1999, p. 45 and Commission Regulation (EC) No 2557/2001, OJ 349, 31.12.2001, p. 1.

³⁸ OJ L 273, 10.10.2002, p. 1.

³⁹ OJ L 147, 31.5.2001, p. 1.

encephalopathies, which already contain equivalent provisions covering the overall consignment, channelling and movement (collection, transport, handling, processing and use or disposal, record keeping, accompanying documents and traceability) of animal by-products within, into and out of the Community to prevent them from posing a risk to animal or public health and the environment.

- (11) Account should also be taken of the requirement laid down in Directive 75/442/EEC, as amended,⁴⁰ under which Member States are to establish an integrated and adequate network of waste disposal installations, in order to enable the Community as a whole to become self-sufficient in waste disposal and the Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.
- (12) Regard should also be had to the requirement under Directive 75/442/EEC, as amended, that Member States draw up waste management plans, as well as the possibility allowed for by that Directive for Member States to take the measures necessary to prevent shipments of waste which are not in accordance with those plans provided that they inform the Commission and the other Member States accordingly.
- (13) It is necessary to ensure that, in accordance with Directive 75/442/EEC, as amended, and other Community legislation on waste, shipments within the Community and imports to Member States are managed, throughout the period of shipment and including final disposal or final recovery in the country of destination, without endangering human health and without using processes or methods which could harm the environment. As regards exports from the Community, it is necessary to ensure that the waste is managed in an environmentally sound manner throughout the period of shipment and including final disposal or recovery in the third country of destination.
- (14) Although the supervision and control of shipments of waste within a Member State is a matter for that country, national systems concerning shipments of waste should comply with minimum requirements in order to ensure a high level of protection of the environment and human health.
- (15) In the case of shipments of hazardous waste, it is appropriate to ensure optimum supervision and control by requiring prior written consent to such shipments. Such a procedure should in turn entail prior notification, which enables the competent authorities to be duly informed so that they can take all necessary measures for the protection of human health and the environment. It should also enable those authorities to raise reasoned objections to such a shipment.
- (16) In the case of shipments of non-hazardous waste, it is appropriate to ensure a minimum level of supervision and control by requiring that such shipments be accompanied by certain information.
- (17) In view of the need for a uniform application of the Regulation and for the proper functioning of the internal market, it is necessary in the interests of efficiency to require that notifications be processed through the competent authority of dispatch.

⁴⁰ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 243, 24.9.1996, p. 31).

- (18) It is also important to clarify the system of financial guarantees or equivalent insurance.
- (19) It is necessary to provide procedural safeguards for the notifier, both in the interests of legal certainty and to ensure the uniform application of the Regulation and the proper functioning of the internal market.
- (20) In the case of shipments of waste for disposal, it should be possible for Member States to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels, in accordance with Directive 75/442/EEC, as amended, by taking measures in accordance with the Treaty to prohibit generally or partially or to object systematically to such shipments. Member States should also be able to ensure that the waste management facility covered by Directive 96/61/EC, as amended,⁴¹ concerning integrated pollution prevention and control, apply Best Available Techniques as defined in that Directive and that the waste is treated in accordance with legally binding environmental protections standards in relation to disposal operations established in Community legislation.
- (21) In the case of shipments of waste destined for recovery, Member States should be able to ensure that the waste management facilities covered by Directive 96/61/EC, as amended,⁴² concerning integrated pollution prevention and control, apply Best Available Techniques as defined in that Directive. Member States should also be able to ensure that waste is treated in accordance with legally binding environmental protections standards in relation to recovery operations established in Community legislation and that waste is treated in accordance with waste management plans established pursuant to Directive 75/442/EC, as amended, with the purpose of ensuring the implementation of legally binding recovery or recycling obligations established in Community legislation.
- (22) The absence of mandatory waste treatments and facility requirements at the EU level undermines the creation of a high level of environmental protection across the Community and distort the consolidation of an economically viable internal market for recycling. It is a matter of urgency to fill this gap and to proceed towards the establishment of a Community level playing field for recycling.
- (23) An obligation should be laid down to the effect that waste, hazardous as well as non-hazardous waste, from a shipment that cannot be completed as intended is to be taken back to the country of dispatch or disposed of or recovered in an alternative way.
- (24) It should also be made compulsory that, in the event of an illegal shipment, meaning a shipment in infringement of this Regulation or of international or Community law, the person whose action is the cause of such a shipment should take back the waste involved or make alternative arrangements for its disposal or recovery; failing which, the competent authorities of dispatch or destination, as appropriate, should intervene themselves.
- (25) It is necessary to clarify the scope of the prohibition, laid down in accordance with the Basle Convention in order to protect the environment of the countries concerned, of

⁴¹ OJ L 257, 10.10.1996, p. 26.

⁴² OJ L 257, 10.10.1996, p. 26.

exports from the Community of any waste destined for disposal in a third country other than an EFTA country.

- (26) It is also necessary to clarify the scope of the prohibition, also laid down in accordance with the Basle Convention in order to protect the environment of the countries concerned, of exports of hazardous waste destined for recovery in a country to which the OECD Decision does not apply. In particular, it is necessary to clarify the list of hazardous wastes to which that prohibition applies and to ensure that it also includes the waste listed in Annex II to the Basle Convention, namely waste collected from households and residues from the incineration of household waste.
- (27) Specific arrangements should be maintained for exports of non-hazardous waste destined for recovery in countries to which the OECD Decision does not apply and provision made for them to be further streamlined at a later date.
- (28) It should be ensured that exports from the Community are managed in an environmentally sound manner throughout the period of shipment and including final disposal or recovery in the third country of destination. A list of guidelines should be established.
- (29) Imports into the Community of waste for disposal should be permitted where the exporting country is a Party to the Basle Convention; imports into the Community of waste for recovery should be permitted where the exporting country is one to which the OECD Decision applies or a Party to the Basle Convention; in other cases, however, imports should be allowed only if the exporting country is bound by a bilateral or multilateral agreement or arrangement compatible with Community legislation and in accordance with Article 11 of the Basle Convention.
- (30) Efficient international co-operation regarding control of shipments of waste is instrumental in ensuring that international shipments of hazardous wastes are controlled. Information exchange, shared responsibility and co-operative efforts between the Community and its Member States and third countries should be promoted with a view to ensuring sound management of waste. The Commission and the Member States shall provide timely and appropriate technical assistance to developing countries and countries with economies in transition to assist them, taking into account their particular needs, to develop and strengthen their institutional and non-institutional capacity in waste management, in monitoring and controlling imports of waste and chemicals and in prevention of illegal shipments.
- (31) This Regulation should reflect the rules regarding exports and imports of waste to and from the Overseas Countries and Territories, as laid down in Council Decision 2001/822/EC of 27 November 2001 on the association of the Overseas Countries and Territories with the European Community.⁴³
- (32) It must be ensured that imports into the Community are managed without endangering human health and without using processes or methods which could harm the environment as required in Article 4 of Directive 75/442/EEC, as amended, and in accordance with Community legislation on waste throughout the period of shipment and including final disposal or final recovery in the country of destination.

⁴³ OJ L 314, 30.11.2001, p. 1.

- (33) Member States should provide the Commission with information concerning the implementation of this Regulation, both through the reports submitted to the Secretariat of the Basle Convention and on the basis of a separate questionnaire.
- (34) Annexes to this Regulation shall be adopted by under the procedure of Article 18 of the Directive 75/442/EEC, as amended.
- (35) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁴⁴, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.
- (36) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of the proposed action, which is to ensure protection of the environment when waste is subject to shipment, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects thereof, be better achieved by the Community; this Regulation confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose,

HAVE ADOPTED THIS REGULATION:

TITLE I

SCOPE AND DEFINITIONS

Article 1 *- Scope*

1. This Regulation establishes procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.
2. This Regulation applies to shipments of waste:
 - (a) between Member States, within the Community or with transit through third countries;
 - (b) imported into the Community from third countries;
 - (c) exported out of the Community to third countries;
 - (d) in transit through the Community, in route from one third country to another.
3. The following shall be excluded from the scope of this Regulation:
 - (a) the offloading to shore of waste generated by the normal operation of ships and offshore platforms, including waste water and residues, provided that such

⁴⁴ OJ L 184, 17.7.1999, p. 23.

waste is subject to the requirements of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (Marpol 73/78), or other binding international instruments;

- (b) shipments of waste generated on board civil aeroplanes whilst airborne, for the duration of the flight and until landing;
- (c) shipments of radioactive waste as defined in Article 2 of Directive 92/3/Euratom of 3 February 1992, as amended;⁴⁵
- (d) shipments of waste as referred to in Article 2(1)(b) of Directive 75/442/EEC, as amended, where such shipments are already covered by other relevant Community legislation containing similar provisions;
- (e) shipments of waste from the Antarctic *into* the Community and in accordance with the requirements of the Protocol on Environmental Protection to the Antarctic Treaty.

4. The following applies to shipments of waste from the Antarctic, which transit *through* the Community:

Shipments of waste from the Antarctic to countries outside the Community are subject to the provisions of Articles 20 and 22.

5. The following applies to waste listed in Annex III:

Shipments of waste listed in Annex III and destined for recovery are only subject to the provisions of Articles 3(2) and (3), 19, 22, 24, 25, 26, 27, 34(2), 37, 39, 42 and 49.

6. Shipments of waste covered by Regulation (EC) No 1774/2002, as amended, regarding health rules concerning animal by-products not intended for human consumption, which are subject to similar or stricter procedural provisions in that Regulation and other linked Community legislation on animal and public health are excluded from the procedural requirements of this Regulation.

If necessary, within six months from the entry into force of this Regulation, the Commission shall adopt guidelines on the relationship between existing sectoral legislation on animal and public health and the provision of this regulation, according to the procedure laid down in Article 18 of Directive 75/442/EEC, as amended.

For the purpose of the second sub-paragraph above, the Committee set up by Directive 75/442/EEC, as amended, shall fully associate the Committee set up by Article 33(1) of Regulation (EC) No 1774/2002, as amended, to its deliberations.

⁴⁵ OJ L 35, 12. 2. 1992, p. 24.

Article 2
- Definitions

For the purposes of this Regulation:

1. *waste* is as defined in Article 1(a) of Directive 75/442/EEC, as amended;
2. *hazardous waste* is as defined in Article 1(4) of Directive 91/689/EEC, as amended;⁴⁶
3. *mixture of wastes* means a waste that results from an intentional or unintentional mixing of two or more different wastes and for which no single entry exists. A single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes;
4. *disposal* is as defined in Article 1(e) of Directive 75/442/EEC; as amended;
5. *recovery* is as defined in Article 1(f) of Directive 75/442/EEC; as amended;
6. *environmentally sound management* means taking all practicable steps to ensure that waste is managed in a manner that will protect human health and the environment against adverse effects which may result from such waste;
7. *producer* is anyone whose activities produce waste (original producer) and/or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste (new producer) and as defined in Article 1(b) of Directive 75/442/EEC, as amended;
8. *holder* is the producer of the waste or the natural or legal person who is in possession of it and as defined in Article 1(c) of Directive 75/442/EEC, as amended;
9. *collector* is anyone who gathers, sorts and/or mixes waste for the purpose of transport and as defined in Article 1(g) of Directive 75/442/EEC, as amended;
10. *consignee* means the person or undertaking under the jurisdiction of the country of destination to whom or to which the waste is shipped for recovery or disposal;
11. *competent authority* means:
 - (i) in the case of Member States, the body designated by the Member State concerned in accordance with Article 57; or
 - (ii) in the case of a non Member State that is a Party to the Basel Convention, the body designated by that country as the competent authority for the purposes of that Convention in accordance with Article 5 of the Convention; or

⁴⁶ OJ L 377, 31.12.1991, p. 20.

- (iii) in the case of any country not within (i) or (ii) above, the body that has been designated as the competent authority by the country or region concerned or, in the absence of any such designation, the regulatory authority for the country, or region, as appropriate, which has jurisdiction over transfrontier shipments of waste for recovery or disposal or transit as the case may be;
12. *competent authority of dispatch* means the competent authority for the area from which the shipment is planned to be initiated or is initiated;
13. *competent authority of destination* means the competent authority, for the area to which the shipment is planned or takes place, or in which waste is loaded prior to disposal or recovery in an area not under the national jurisdiction of any country;
14. *competent authority of transit* means the competent authority for the country through which the shipment is planned or takes place;
15. *country of dispatch* means any country from which a shipment of waste is planned to be initiated or is initiated;
16. *country of destination* means any country to which a shipment of waste is planned or takes place for disposal or recovery therein, or for the purpose of loading prior to disposal or recovery in an area not under national jurisdiction of any country;
17. *country of transit* means any country, other than the country of dispatch or destination, through which a shipment of waste is planned or takes place;
18. *Overseas Countries and Territories* means the 20 overseas countries and territories as listed in Annex 1A of Council Decision 2001/822/EC of 27 November 2001 on the association of the Overseas Countries and Territories with the European Community;⁴⁷
19. *customs office of export from the Community* is the customs office as defined in Article 161(5) of Council Regulation (EEC) No 2913/92, as amended;⁴⁸
20. *customs office of exit from the Community* is the customs office as defined in Article 793(2) of Commission Regulation (EEC) No 2454/93, as amended;⁴⁹
21. *customs office of entry into the Community* is the customs office where waste brought into the customs territory of the Community shall be conveyed to in accordance with the provisions laid down in Article 38(1) of Council Regulation (EEC) No 2913/92, as amended;⁵⁰
22. *Community* means the territory of the Community;
23. *import* means any entry of waste into the territory of the Community;

⁴⁷ OJ L 314, 30.11.2001, p. 1.

⁴⁸ OJ L 302, 19.10.1992, p. 1

⁴⁹ OJ L 253, 11.10.1993, p. 1.

⁵⁰ OJ L 3, 7.1.1999, p. 23.

24. a transboundary shipment means:
- any shipment of waste between a country and another country; or
- any shipment of waste between a country and Overseas Countries and Territories or other areas, under the former's protection; or
 - any shipment of waste between a country and any land area which is not part of any country under international law; or
 - any shipment of waste between a country and the Antarctic regions; or
 - any shipment of waste from one country which is planned or takes place through any of the areas described above; or
 - any shipment of waste within a country that is planned or takes place through any other area of the areas described above; or
 - any shipment of waste which is planned or takes place in a geographic area not under the jurisdiction of any country, to a country.

TITLE II
SHIPMENTS BETWEEN MEMBER STATES
WITHIN THE COMMUNITY OR WITH TRANSIT THROUGH THIRD
COUNTRIES

Article 3
- Overall procedural framework

1. Shipments of the following waste are subject to the procedure of *prior written notification and consent* as laid down in the provisions of this Title :
 - (a) If destined for disposal operations:
 - (i) all waste
 - (b) If destined for recovery operations:
 - (i) waste listed in Annex IV;
 - (ii) waste listed in Annex IV A;
 - (iii) waste not classified under one single entry in either Annex III, IV or Annex IV A;
 - (iv) mixtures of waste not classified under one single entry in either Annex III, IV or Annex IV A.
2. Shipments of the following waste and destined for recovery are subject to the *general requirement of being accompanied by certain information* as laid down in Article 19 in Chapter 2 of this Title:

Waste listed in Annex III.

3. In *exceptional cases* the following shall apply:

For wastes listed in Annex III the relevant provisions shall be applied as if they had been listed in Annex IV, if they display any of the hazardous characteristics listed in Annex III of Council Directive 91/689/EEC, as amended.

These wastes shall be determined in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended. Such wastes shall be listed in Annexes IV A and V.

4. Shipments of *waste explicitly destined for laboratory analysis* to assess either its physical or chemical characteristics or to determine its suitability for recovery or disposal operations and not exceeding 25 kg are not subject to the procedure of prior written notification and consent as described in paragraph 1.

Instead the procedural requirements of Articles 19 and 20 apply, however with the modification that only the information listed in Article 19(1)(a)-(d) and (f) shall be provided.

The amount of such waste excepted when explicitly destined for laboratory analysis shall be determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, but not more than 25 kg.

5. Shipments of waste consisting, containing or contaminated with the chemicals listed in Annex A, B and C of the Stockholm Convention of 22 May 2001 on persistent organic pollutants (POPs), as amended, hereinafter the Stockholm Convention, and listed in Annex VIII are subject to the same provisions as shipments of waste destined for disposal.

Limit values for the chemicals listed in Annex VIII shall be established in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended.

Chapter 1 - Prior written notification and consent

Article 4

- Procedure of prior written notification and consent

1. Where the notifier intends to ship waste as defined in Article 3(1)(a) or (b) from one Member State to another Member State and/or pass it in transit through one or several other Member States, he/she shall make a prior written notification to and through the competent authority of dispatch.
2. In the case of a shipment originating from a Member State, the notifier shall be any natural or legal person governed by the law of that country who intends to carry out a shipment of waste or intends to have a shipment of waste carried out and to whom the duty to notify is assigned, that is to say, one of the persons or bodies listed below and in accordance with the hierarchy established in this listing:
 - (a) the person whose activities produced the waste; or

- (b) the person licensed to and carrying out pre-processing, mixing or other operations changing the nature or composition of the waste prior to shipment; or
 - (c) a licensed collector who, from various small quantities of the same type of waste stream collected from a variety of sources, has compiled the shipment;
 - (d) where the persons specified in (a), (b) and (c) are unknown, insolvent or otherwise unavailable, a licensed collector or a registered dealer or broker;
 - (e) where the person specified in (d) is unknown, insolvent or otherwise unavailable, the holder.
3. In the case of import into the Community or transit through the Community of waste that did not originate within a Member State, the notifier shall be any natural or legal person under the jurisdiction of that originating country who intends to carry out a shipment of waste or intends to have, or who has had, a shipment of waste carried out:
- (a) the person designated by the laws of the country of export; or, in the absence of any such designation;
 - (b) the person having possession or legal control of the waste or who had such possession or legal control at the time the export took place (the holder).
4. The shipment may start after the notifier has received:
- (a) written consent from the competent authority of dispatch;
 - (b) written consent from the competent authority of destination; and
 - (c) written consent from the competent authority of transit or after the 30 day time limit for the competent authority of transit referred to in Article 10(1) has expired and tacit consent can be assumed.
5. The shipment may only be started and shall end during the period when the consents of all competent authorities regarding a notification are valid according to Article 10(4) and (5).
6. A copy of the notification and movement documents, including copies of the authorisations of the competent authorities concerned, shall accompany each shipment.

Article 5
- Notification requirements

When a notification is made the following requirements shall be fulfilled:

1. *Notification and movement documents:*

Notification shall be effected by means of the following documents:

- (a) the notification document in Annex I A; and
- (b) the movement document in Annex I B.

In making a notification, the notifier shall fill in the notification document and the movement document.

The notification document and the movement document shall be issued to the notifier by the competent authority of dispatch.

2. *Information and documentation in the notification and movement documents:*

The notifier shall supply on or annexed to the notification document and movement document, information and documentation as listed in Annex II, Part 1 and 2 respectively.

A notification shall be considered *properly filled-in* when the notification document and movement document are filled out and the information and documentation as listed in Annex II, Part 1 and 2 are supplied by the notifier.

3. *Additional information and documentation:*

If requested by the competent authority concerned at the time when it has received the notification document from the competent authority of dispatch, in accordance with Article 8, the notifier shall supply additional information and documentation.

A list of additional information and documentation that may be requested is listed in Annex II, Part 3.

A notification shall be considered *properly completed* when the notification document and the movement document are filled-in and the information and documentation as listed in Annex II, Part 1 and 2, as well as any additional information and documentation as requested in accordance with this paragraph and as listed in Annex II, Part 3, are supplied by the notifier.

4. *Establishment of a contract between the notifier and the consignee:*

The notifier shall establish a contract as described in Article 6 with the consignee for the recovery or disposal of the notified waste.

The contract shall be established and legally binding at the time of notification.

Evidence of this contract shall be supplied to the competent authorities involved at the time of notification.

A copy of the contract shall be provided by the notifier or consignee upon request by the competent authority concerned.

5. *Establishment of financial guarantee or equivalent insurance:*

The notifier shall establish a financial guarantee or equivalent insurance as described in Article 7.

The financial guarantee or equivalent insurance shall be established and legally binding at the time of notification and shall apply to the notified shipment at the latest when the shipment starts.

Evidence of this financial guarantee or equivalent insurance shall be supplied to the competent authorities concerned at the time of notification.

6. *Coverage of the notification:*

Notification shall cover all stages of the shipment – including any intermediate stage of the shipment - from the first place of dispatch to its final destination of recovery and/or disposal.

A notification may only cover one waste entry.

Article 6
- Contract

1. All shipments of waste for which notification is required are subject to the requirement of establishment of a contract between the notifier and the consignee for the recovery or disposal of the notified waste.
2. The contract shall be established and legally binding at the time of notification.
3. The contract shall include the obligation:
 - of the notifier, in accordance with Articles 24 and 26, to take the waste back if the shipment has not been completed as intended or if it has been effected in violation of this Regulation; and
 - of the consignee to provide in accordance with Articles 17(1)(e), a certificate for final recovery or disposal in accordance with the notification and the conditions therein and the requirements of this Regulation.
4. If a shipment is destined for blending or mixing, repackaging, exchange, storage or other recovery or disposal operations considered interim and not final, the contract shall include the obligation:
 - of the consignee to provide in accordance with Articles 16(2)(c) and (d) a certificate for final recovery or disposal in accordance with the notification and the conditions therein and the requirements of this Regulation; and
 - of the consignee to provide a notification to the initial competent authority of dispatch in accordance with Article 16(2)(e)(ii) in cases where waste is re-shipped to a facility located in another Member State or in a third country other than the initial country of dispatch as described in Article 16(2)(e).
5. Should the waste be shipped between two establishments under the control of the same legal entity, this contract may be replaced by a declaration by the entity in question undertaking to recover or dispose of the notified waste.

Article 7
- Financial guarantee

1. All shipments of waste for which notification is required are subject to the requirement of a financial guarantee(s) or equivalent insurance(s) covering:
 - (a) costs for transport;
 - (b) costs for final disposal or final recovery; and
 - (c) costs covering storage.

This also includes costs arising in the context of:

- (a) cases where a shipment cannot be completed as intended as referred to in Article 24; and
 - (b) cases where a shipment is illegal as referred to in Article 26.
2. The financial guarantee or equivalent insurance shall be established and legally binding at the time of notification and shall apply to the shipment at the latest when the notified shipment starts.
3. The financial guarantee(s) or equivalent insurance(s) shall be valid and shall cover a notified shipment throughout the shipment and including completion of final recovery or disposal.

If a shipment is destined for blending or mixing, repackaging, exchange, storage or other recovery or disposal operations considered interim and not final, this requirement may be fulfilled by the establishment of a supplementary financial guarantee or equivalent insurance by the consignee covering the said shipment until completion of final recovery or disposal.

4. The amount of the coverage of the financial guarantee(s) or equivalent insurance(s) shall be approved by the competent authority of dispatch.

However, in cases of import into the Community, the competent authority of destination in the Community shall approve the amount of coverage.

5. All competent authorities concerned shall have access to the financial guarantee(s) or equivalent insurance(s).
6. Financial guarantee(s) or equivalent insurance(s) shall be released when the notifier has provided proof that the waste has reached its destination and has been finally disposed of or finally recovered in an environmentally sound manner.

Such proof shall be provided by means of the certificate for final disposal or recovery as referred to in Article 17(1)(e) or in Article 16(2)(d) as regards interim recovery or disposal operations.

If a shipment is destined for blending or mixing, repackaging, exchange, storage or other recovery or disposal operations considered interim and not final and the consignee has provided a supplementary financial guarantee(s) or equivalent

insurance(s), as provided for in paragraph 3, that guarantee can be released when the notifier has provided proof that the waste has reached that destination and has been blended or mixed, repacked, exchanged or stored. Such proof shall be provided by means of the certificate mentioned in Article 16(2)(c).

7. In case of a general notification pursuant to Article 14, financial guarantee(s) or equivalent insurance(s) covering parts of the general notification may be established, instead of one covering the entire general notification.

In such cases, the financial guarantee(s) or equivalent insurance(s) shall be applied to the shipment at the latest when the notified shipment they cover starts.

The financial guarantee(s) or equivalent insurance(s) shall be released when the notifier provides proof, that the waste covered by each has reached its destination and has been finally disposed of or finally recovered in an environmentally sound manner. Such proof shall be provided by means of the certificate for final disposal or recovery as referred to in Article 17(1)(e).

8. A method for calculation of the financial guarantee(s) or equivalent insurance(s) may be established in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended.
9. Each Member State shall inform the Commission and the other Member States of provisions established in national law pursuant to this Article.

Article 8

- Transmission of the notification by the competent authority of dispatch

1. Upon receipt of a *properly filled-in* notification as described in Article 5(2), the competent authority of dispatch shall transmit copies of the notification to the other competent authorities concerned and to the consignee and shall inform the notifier of the transmission.

This shall be done within 3 working days of receipt of the notification.

2. If the notification is not properly filled-in, the competent authority of dispatch may request information and documentation from the notifier in accordance with Article 5(2).

This shall be done within 3 working days of receipt of the notification.

In such cases the three-day time limit in paragraph 1 is suspended until the requested information and documentation is received by the competent authority of dispatch.

3. The competent authority of dispatch may decide not to proceed with notification if it has immediate objections to raise against the shipment in accordance with Articles 12 and 13 on objections.

It shall immediately inform the notifier of these objections.

4. If, within 30 days of receipt of the notification, the competent authority of dispatch has not transmitted the notification as required under paragraph 1, it shall, if so requested by the notifier, provide a reasoned explanation.

A copy of any such reasoned explanation shall be sent to the competent authorities concerned.

Article 9

- Acknowledgement by the competent authority of destination

1. Upon receipt of a *properly completed* notification as defined in Article 5(3), the competent authority of destination shall send an acknowledgement to the notifier and copies to the other competent authorities concerned and to the consignee.

This shall be done within 3 working days of receipt of the notification.

2. If the notification is not properly completed, the competent authority of destination may request information and documentation from the notifier in accordance with Article 5(2) and (3).

This shall be done within 3 working days of receipt of the notification.

In such cases the three-day time limit in paragraph 1 is suspended until the requested information and documentation is received by the competent authority of destination.

3. The competent authority of destination shall notify the notifier and the other competent authorities concerned of this suspension.
4. If, within 30 days of receipt of the notification, the competent authority of destination has not acknowledged the notification as required under paragraph 1, it shall, if so requested by the notifier, provide a reasoned explanation

A copy of any such reasoned explanation shall be sent to the competent authorities concerned.

Article 10

- Consent by the competent authority of destination, dispatch and transit

1. The competent authorities of destination, dispatch and transit shall have 30 days following dispatch of the acknowledgement by the competent authority of destination in accordance with Article 9 to take one of the following reasoned decisions in writing as regards the notified shipment:

- consenting without conditions;
- consenting with conditions in accordance with Article 11 on conditions; or
- objecting in accordance with Articles 12 and 13 on objections.

Tacit consent may be assumed for the competent authority of transit if no objection has been lodged within the said 30-day limit.

2. The competent authorities of destination, dispatch and transit shall notify its decision and the reasons therefore to the notifier in writing within the 30 days time limit, with copies to the other competent authorities concerned.
3. The competent authorities of destination, dispatch and transit shall signify its written consent by appropriately stamping, signing and dating the notification document.
4. A written consent to a planned shipment shall expire after one calendar year from the date of consent as referred to in paragraph 1.

However, this does not apply:

- (a) if a shorter period is indicated by the competent authorities concerned; or
 - (b) if a longer period of up to two calendar years is indicated by the competent authorities concerned in cases of shipments involving interim recovery or disposal operations covered by Article 16(2)(d).
5. Tacit consent expires after one calendar year after the expiry of the 30 day period following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9.

However, in cases of shipments involving interim recovery or disposal operations covered by Article 16(2)(d), tacit consent expires after two calendar years after the expiry of the 30 day period following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9.

Article 11
- Conditions to a shipment

1. The competent authorities of dispatch, destination and transit may, within 30 days following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9, lay down conditions in connection to their consent to a notified shipment.

Such conditions may be based on one or more of the reasons specified in either Article 12 or Article 13 as regards waste destined for disposal and recovery respectively.

2. The competent authorities of dispatch, destination and transit may also, within the 30 day time limit referred to in paragraph 1, lay down conditions in respect of the transport of waste within their jurisdiction.

Such transport conditions shall not be more stringent than those laid down in respect of similar shipments occurring wholly within their jurisdiction and shall take due account of existing agreements, in particular relevant international agreements.

3. The competent authorities of dispatch, destination and transit may also, within the 30 day time limit referred to in paragraph 1, lay down a condition that the written consent is to be considered withdrawn if the financial guarantee(s) or equivalent insurance(s) is not applicable at the latest when the notified shipment starts, as required in Articles 5(5) and 7(2).

4. Conditions shall be notified to the notifier in writing by the competent authority that lays down conditions, with copies to the competent authorities concerned.

Conditions shall be entered into or annexed to the notification document by the relevant competent authority.

Article 12

- Objections to shipments destined for disposal

1. Where a notification is made regarding a planned shipment of waste destined for disposal, the competent authorities of destination and dispatch may, within 30 days following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9, raise reasoned objections based on any or all of the following grounds and in accordance with the Treaty:

- (a) that it would not be in accordance with measures taken to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 75/442/EEC, as amended, to prohibit generally or partially or to object systematically to shipments of waste; or
- (b) that it would not be in accordance with national laws and regulations relating to environmental protection, public order, public safety or health protection; or
- (c) that the notifier or the consignee was previously convicted of illegal trafficking or other illegal act in relation to environmental protection.

In this case, the competent authorities of dispatch and destination may refuse all shipments involving the person in question in accordance with national legislation; or

- (d) that the shipment conflicts with obligations resulting from international conventions concluded by the Member State or Member States concerned or the Community; or
- (e) while taking into account geographical circumstances or the need for specialised installations for certain types of waste if the planned shipment is not in accordance with Directive 75/442/EEC, as amended, especially Articles 5 and 7:
 - (i) in order to implement the principle of self-sufficiency at Community and national levels;
 - (ii) in cases where the installation has to dispose of waste from a nearer source and the competent authority has given priority to this waste; or
 - (iii) in order to ensure that shipments are in accordance with waste management plans; or

- (f) that the waste will be treated in a facility that is covered by Directive 96/61/EC on Integrated Pollution Prevention and Control, as amended,⁵¹ but does not apply Best Available Techniques as defined in Article 9(4) of that Directive; or
 - (g) to ensure that the waste concerned is treated in accordance with legally binding environmental protections standards in relation to disposal operations established in Community legislation.
2. The competent authority of transit may, within 30 days following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9, raise reasoned objections based only on paragraph 1(b)-(d) and not (a), (e), (f) and (g).
 3. In the case of hazardous waste produced in a Member State of dispatch in such a small quantity overall per year that the provision of new specialised disposal installations within that country would be uneconomic, paragraph 1(a) does not apply.

The competent authority of destination shall co-operate with the competent authority of dispatch, which considers that this paragraph and not paragraph 1(a) applies, with a view to resolving the issue bilaterally.

If there is no satisfactory solution, either Member State may refer the matter to the Commission. The Commission will then determine the issue in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended.

4. If, within the time limits of 30 days referred to in Article 10(1), the competent authorities are satisfied that the problems giving rise to their objections have been solved, they shall immediately inform the notifier in writing, with copies to the consignee and to the other competent authorities concerned.
5. If the problems giving rise to the objections have not been solved within the time limit of 30 days referred to in Article 10(1), the notification loses its validity and new notification shall be made, unless the competent authorities concerned and the notifier can agree otherwise.
6. Measures taken by Member States in accordance with paragraph 1(a) to prohibit generally or partially or to object systematically to shipments of waste destined for disposal shall immediately be notified to the Commission and the other Member States by that Member State.

Article 13

- Objections to shipments destined for recovery

1. Where a notification is made regarding a planned shipment of waste destined for recovery, the competent authorities of destination and dispatch may, within 30 days following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9, raise reasoned objections based on any or all of the following grounds and in accordance with the Treaty:

⁵¹ OJ L 257, 10.10.1996, p. 26.

- (a) that it would not be in accordance with Directive 75/442/EEC as amended, in particular Articles 3, 4 and 7; or
- (b) that it would not be in accordance with national laws and regulations relating to environmental protection, public order, public safety or health protection; or
- (c) that the notifier or the consignee has previously been convicted of illegal trafficking or other illegal acts in relation to environmental protection.

In this case, the competent authorities of dispatch and destination may refuse all shipments involving the person in question in accordance with national legislation; or

- (d) that the shipment conflicts with obligations resulting from international conventions concluded by the Member State or the Member States concerned or the Community; or
 - (e) that the ratio of the recoverable and non-recoverable waste, the estimated value of the materials to be finally recovered or the cost of the recovery and the cost of the disposal of the non recoverable fraction do not justify the recovery under economic and/or environmental considerations; or
 - (f) that the waste will be treated in a facility that is covered by Directive 96/61/EC on Integrated Pollution Prevention and Control, as amended, but does not apply Best Available Techniques as defined in Article 9(4) of that Directive; or
 - (g) to ensure that the waste concerned is treated in accordance with legally binding environmental protections standards in relation to recovery operations or legally binding recovery or recycling obligations established in Community legislation; or
 - (h) to ensure that the waste concerned is treated in accordance with waste management plans drawn-up pursuant to Article 7 of Directive 75/442/EEC, as amended, with the purpose of ensuring the implementation of legally binding recovery or recycling obligations established in Community legislation.
2. The competent authorities of transit may, within 30 days following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9, raise reasoned objections to the planned shipment based on only paragraph 1(b)-(d) and not (a), (e), (f) (g) and (h).
 3. If, within the time limits of 30 days referred to in Article 10(1), the competent authorities are satisfied that the problems giving rise to their objections have been solved, they shall immediately inform the notifier in writing, with copies to the consignee and to the other competent authorities concerned.
 4. If the problems giving rise to the objections have not been solved within the time limit of 30 days referred to in Article 10(1), the notification loses its validity and a new notification shall be made, unless the competent authorities concerned and the notifier can agree otherwise.

Article 14
- General Notification

1. The notifier may submit a general notification to cover several shipments if, in the case of each shipment:
 - (a) the waste has the same physical and chemical characteristics;
 - (b) the waste is shipped to the same consignee and the same facility; and
 - (c) the route of the shipment as indicated in the notification and movement documents is the same.

2. If, owing to unforeseen circumstances, the same route cannot be followed, the notifier shall inform the competent authorities concerned as soon as possible and, if possible, before the shipment commences if the need for modification is already known.

Where the route modification is known before the shipment starts and involves competent authorities other than those concerned by the general notification, the general notification may not be used and a new notification shall be submitted.

3. The competent authorities concerned may make their agreement to the use of this general notification procedure subject to the subsequent supply of additional information and documentation, in accordance with Article 5(2) and (3).

4. The competent authorities concerned shall withdraw their consent to this procedure if:
 - (a) the composition of the waste is not as notified; or
 - (b) the conditions imposed on the shipment are not respected; or
 - (c) the waste is not recovered in conformity with the permit of the facility that performs the said operation; or
 - (d) waste is to be shipped, or has been shipped, in a way that is not in accordance with the information provided in or annexed to the notification document.

5. Any withdrawal of consent shall be made by means of official notice to the notifier and with copies sent to the other competent authorities concerned and to the consignee.

6. Each shipment shall be accompanied by a copy of the general notification and movement documents, including copies of the consents to the general notification of the competent authorities concerned.

7. With the modification of paragraph 1, the provisions of this Regulation are applicable to all intended shipments subject to this Article.

Article 15
- Pre-consented recovery facilities

1. The competent authorities of destination which have jurisdiction over specific recovery facilities may decide to issue pre-consents to such facilities.

Such decisions shall be limited to a specific period of time and may be revoked at any time.

2. In case of the acceptance of a general notification in accordance with Article 14, the time period for validity of the consent referred to in Article 10(4) may be extended to up to three years by the competent authority of destination.

3. Competent authorities which decide to pre-consent to a facility in accordance with paragraphs (1) and (2) shall inform the Commission, the OECD Secretariat and the competent authorities in the other Member States of:

- (a) name, number and address of the recovery facility;
- (b) description of technologies employed, including R-code(s);
- (c) waste types in terms of specific entries in Annex IV and IVA to which the decision applies;
- (d) total pre-authorized quantity;
- (e) the period covered;
- (f) any change in the pre-authorization; and
- (g) any changes in the information notified.

For this purpose the form in Annex VI may be used.

4. Any revocations shall also be communicated as described in paragraph 3.
5. By way of derogation from Articles 10, 11 and 13, the consent given in accordance with Article 10, conditions imposed in accordance with Article 11 or objections raised in accordance with Article 13 by the competent authorities concerned are subject to a time limit of 7 working days following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9.
6. Irrespective of paragraph 5, the competent authority of dispatch may decide that more time is needed in order to receive further information or documentation from the notifier.

If this is the case the competent authority shall, within 7 working days, inform the notifier in writing with copies to the other competent authorities concerned.

The total time needed shall not exceed 30 days following the dispatch of the acknowledgement of the competent authority of destination in accordance with Article 9.

7. With the modifications of paragraphs 1, 2, 5 and 6 of this Article, the provisions of this Regulation are applicable to all intended shipments subject to this Article.
8. Further conditions and requirements in relation to pre-consented recovery facilities may be established in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended.

Article 16

- Provisions regarding interim recovery and disposal operations

1. Shipments of wastes destined for blending or mixing, repackaging, exchange, storage or other recovery or disposal operations considered interim and not final, hereinafter “interim recovery or disposal operations”, are subject to the provisions in this Title.
2. In *addition*, the following provisions apply:

- (a) If wastes are destined for interim recovery or disposal operations, the facility or facilities where the subsequent and final recovery and disposal operation(s) takes place shall also be *indicated in the notification document*.
- (b) Within three days of the receipt of the wastes by the facility or facilities which carry out these interim recovery or disposal operations, this facility or these facilities shall provide *confirmation in writing, that the waste is received*.

This confirmation shall be included in or annexed to the movement document. The said facility or facilities shall send signed copies of the movement document containing this confirmation to the notifier and to the competent authorities concerned.

- (c) As soon as possible but no later than 30 days after the completion of the interim recovery or disposal operations and no later than one calendar year following the receipt of the waste, the facility or facilities that carry out these operations shall, under its or their responsibility, *certify its recovery or disposal*.

This certificate shall be included in or annexed to the movement document.

The said facility or facilities shall send copies of the movement document containing this certification to the notifier and to the competent authorities concerned.

- (d) When a recovery or disposal facility which carries out interim recovery or disposal operations delivers wastes for subsequent and final recovery or disposal to a facility located in the country of destination, it shall obtain as soon as possible but no later than one calendar year following delivery of the waste, *a certificate from that facility that subsequent and final recovery or disposal has been completed*.

The said facility that carries out interim recovery or disposal operations shall *promptly transmit the applicable certificate(s)* to the notifier and the competent authorities concerned, identifying the transboundary movements to which the certificate(s) pertain.

- (e) When a delivery as described in sub-paragraph (d) is made to a facility respectively located:
 - (i) in the initial country of dispatch, a *new notification is required* in accordance with the provisions of this Title; or
 - (ii) in another Member States or in a third country other than the initial country of dispatch, a *new notification is required* in accordance with the provisions of this Regulation, with the addition that the provisions concerning the competent authorities concerned shall also apply to the competent authority of the initial country of *dispatch*.

Article 17

– Requirements following consent to a shipment

1. After consent to a notified shipment by the competent authorities involved, the following requirements shall be fulfilled:

- (a) *Completion of the movement document by all involved:* All undertakings involved shall complete the movement document at the points indicated, sign it and retain a copy.
- (b) *Completion of the movement document by the notifier:* Once the notifier has received consent from the competent authorities of dispatch, destination and transit or, in relation to the competent authority of transit, can assume tacit consent, the notifier shall insert the date of shipment and otherwise complete the movement document.

The notifier shall send copies of the completed movement document to the competent authorities concerned.

- (c) *Prior information regarding actual commencement of shipment:* The notifier shall send copies of the then completed movement document, as described in sub-paragraph (b), to the competent authorities concerned and to the consignee 3 working days before the shipment starts.
- (d) *Written confirmation of receipt of the waste by the consignee:* Within three working days following the receipt of the waste, the consignee shall provide confirmation in writing, that the waste has been received.

This confirmation shall be included in or annexed to the movement document.

The consignee shall send copies of the movement document containing this confirmation to the notifier and to the competent authorities concerned.

- (e) *Certificate for final disposal or recovery by the consignee:* As soon as possible, but not later than 30 days after completion of recovery or disposal and not later than 1 calendar year following the receipt of the waste, the consignee shall, under his responsibility, certify final recovery or disposal.

This certificate shall be included in or annexed to the movement document.

The consignee shall send copies of the movement document containing this certification to the notifier and to the competent authorities concerned

2. If a shipment of waste is destined for interim recovery or disposal operations, provisions of Article 16 shall apply.

Article 18

- Changes in the shipment after consent

1. Should any material changes be made to the details and/or conditions of the consented shipment the notifier shall inform the competent authorities concerned immediately.
2. In such cases a new notification shall be made, unless all the competent authorities concerned are satisfied that the proposed changes do not necessitate a new notification.
3. Where such changes involve other competent authorities than those concerned in the original notification, a new notification shall be made.

Chapter 2 - General information requirements

Article 19

- Waste to be accompanied by certain information

1. Waste as defined in Article 3(2) and (4) that is intended to be shipped from one Member State to another Member State and/or pass in transit through one or several other Member States is subject to the following procedural requirements:

In order to assist the tracking of shipments of such waste, the person under the jurisdiction of the country of dispatch who arranges the shipment, shall ensure that the waste is accompanied by the following information:

- (a) the name and address of the producer, the new producer or collector, the person who arranges the shipment, the consignee and the holder(s);
- (b) the waste identification code using the OECD code in Annex III and the European Waste List code in Commission Decision 2000/532/EC, as amended;⁵²
- (c) the usual commercial description of the waste;
- (d) the quantity of the waste;
- (e) the recovery operation, as listed in Annex II B to Directive 75/442/EEC, as amended, including the subsequent and final recovery following exchange or storage, as listed in Annex II B to Directive 75/442/EEC, as amended;
- (f) the date of shipment; and

⁵² OJ L 226, 6.9.2000, p. 3.

- (g) evidence of a contract between the person who arranges the shipment and the consignee for recovery of the waste which is legally binding when the shipment starts.

The accompanying information shall be signed by the person who arranges the shipment before the shipment takes place and shall be signed by the holder(s) and the consignee at the time when the waste in question is transferred to them.

2. The contract referred to in paragraph 1(g) shall be legally binding when the shipment starts and shall include the obligation of the person who arranges the shipment to take the waste back if the shipment has not been completed as planned or if it has been effected in violation of this Regulation.

A copy of the contract shall be provided by the person who arranges the shipment or the consignee upon request by the competent authority concerned.

3. The information shall be provided by person who arranges the shipment in the form contained in Annex VII.

4. Such waste shall also be subject to the all the provisions of Directive 75/442/EEC, as amended. It shall in particular be:

- destined for duly authorised facilities only, authorised according to Article 10 and 11 of Directive 75/442/EEC, as amended; and
- subject to the provisions of Articles 8, 12, 13 and 14 of Directive 75/442/EEC, as amended.

5. For inspection, enforcement, planning and statistical purposes, Member States may in accordance with national legislation require information about shipments subject to the provisions of this article.

6. The information specified in paragraph 1 shall be treated confidentially in accordance with Community and national legislation.

Article 20

- Waste subject to prior information

1. Waste as defined in Article 3(4) is - in addition to the information requirement described in Article 19 - subject to the following procedural requirement:

- the person who arranges the shipment shall inform the competent authorities concerned about the shipment 3 working days before it starts.

2. For this submission of information, the information listed in Article 19(1)(a)-(d) and (f) shall be provided and the form contained in Annex VII shall be applied.

Chapter 3 - General requirements

Article 21

- Prohibited to mix waste during shipment

1. During shipment or prior to recovery or disposal, as specified on the notification document, waste shall not be mixed with either waste covered by a different notification or with waste not covered by any notification.
2. Paragraph 1 shall apply also to waste destined for recovery or disposal operations.

Article 22

- Protection of the environment within the Community

The producer and/or the notifier in the Community shall take all necessary steps to ensure that any waste they ship within the Community is managed without endangering human health and without using processes or methods which could harm the environment, as required in Article 4 of Directive 75/442/EEC, as amended, and in accordance with Community legislation on waste throughout the period of shipment and including final disposal or final recovery in the country of destination.

Article 23

- Keeping of documents and information

1. All documents sent to or by the competent authorities in relation to a notified shipment shall be kept in the Community for at least three years, starting when the shipment starts, by the competent authorities, the notifier and the consignee.
2. Information given pursuant to Article 19(1) shall be kept in the Community for at least three years, starting when the shipment starts, by the person who arranges for the shipment and the consignee.

Chapter 4 – Take-back obligations

Article 24

– Take-back when a shipment cannot be completed as intended

1. Where a shipment of waste to which the competent authorities concerned have consented cannot be completed as intended in accordance with the terms of the notification and movement documents and/or contract referred to in Articles 5(4) and 6 and Article 19, the competent authority of destination and/or transit as relevant, shall immediately inform the competent authority of dispatch.
2. The competent authority of dispatch shall ensure that the waste in question is returned to its area of jurisdiction or elsewhere within the country of dispatch by the notifier, or if impracticable by the competent authority itself.

This shall be done within 90 days after it has become aware of or has been informed in writing that the consented shipment cannot be completed and the reason(s) therefor. Such information can be submitted inter alia by other competent authorities.

3. The take-back obligation in paragraph 2 does not apply if the competent authority of dispatch is satisfied that the waste can be disposed of or recovered of in an alternative way in the country of destination or elsewhere by the notifier or, if impracticable, by the competent authority itself.
4. In cases of take-back as referred to in paragraph 2, a new notification shall be made unless the competent authorities concerned agree that a duly motivated request by the initial competent authority of dispatch is sufficient.

A new notification shall be made by the notifier or, if impracticable, by the initial competent authority of dispatch.

No competent authorities shall oppose or object to the return of waste of a shipment that cannot be completed.

5. In cases of alternative arrangements outside the initial country of destination as referred to in paragraph 3, a new notification shall be made by the initial notifier or, if impracticable, by the initial competent authority of dispatch.

When such a new notification is made, the provisions concerning the competent authorities concerned shall also apply to the competent authority of the initial country of dispatch.

6. In cases of alternative arrangements in the initial country of destination as referred to in paragraph 3, a new notification is not required and a duly motivated request by the initial notifier or, if impracticable, by the initial competent authority of destination is sufficient.
7. The obligation of the notifier and the subsidiary obligation of the country of dispatch to take the waste back or arrange for alternative recovery of disposal shall end when the consignee has issued the certificate of final disposal or recovery as referred to in Article 17(1)(e).
8. Where waste of a shipment that cannot be completed is observed within a Member State, the competent authority with jurisdiction over the area where the waste was observed shall be responsible for making arrangements for the safe storage of the waste pending its return or final disposal or recovery in an alternative way as required in this Article.
9. The provisions paragraphs 1, 2, 3, 7 and 8 also apply to shipments of waste which are subject to the requirement of being accompanied by certain information in accordance with Article 19.

In such cases the person who arranges the shipment is subject to the same obligations established in this Article as the notifier.

Article 25
- Costs for take-back when a shipment cannot be completed

1. Costs arising from the return of waste of a shipment that cannot be completed, including its shipment, its final disposal or recovery pursuant to Article 24(2) or (3) and storage costs pursuant to Article 24(8), shall be charged to:
 - (i) the notifier, or, if impracticable;
 - (ii) the competent authority of dispatch; or, if impracticable,
 - (iii) as otherwise agreed by the parties and the competent authorities concerned.
2. The provisions of this Article also apply to shipments of waste which are subject to the requirement of being accompanied by certain information in accordance with Article 19.

In such cases the person who arranges the shipment is subject to the same obligations established in this Article as the notifier.

3. This Article is without prejudice to national rules or Community law regarding liability.

Article 26
– Take-back when a shipment is illegal

1. Where a competent authority observes a shipment that it considers to be in infringement of this Regulation or of international or Community law, hereinafter an “illegal shipment”, it shall immediately inform the other competent authorities concerned and may return such a shipment.
2. If an illegal shipment is the responsibility of the notifier, the competent authority country of dispatch shall ensure that the waste in question is:
 - (a) taken back by the notifier *de facto*, or, if no notification has been made;
 - (b) the notifier *de iure*, in accordance with the hierarchy of Article 4, or, if impracticable;
 - (c) taken back by any of the natural or legal persons responsible for the illegal shipment mentioned in Article 4, or, if impracticable;
 - (d) taken back by the competent authority itself, or, if impracticable;
 - (e) alternatively disposed of or recovered in the country of destination or dispatch by the competent authority itself; or, if impracticable;
 - (f) alternatively disposed of or recovered in another country by the competent authority itself if all the competent authorities concerned agree.

This shall be done within 30 days after it has become aware of or has been informed in writing about the illegal shipment or within such other period of time as may be

agreed by the competent authorities concerned. Such information can be submitted inter alia by other competent authorities.

In cases of take-back as referred to in (a)-(d), a new notification shall be made *unless* the competent authorities concerned agree that a duly motivated request by the initial competent authority of dispatch is sufficient.

A new notification shall be made by the person etc. listed in (a), (b), (c) or (d) and in accordance with that ranking.

No competent authorities shall oppose or object to the return of waste of an illegal shipment.

In cases of alternative arrangements as referred to in (e) and (f) by the competent authority of dispatch, a new notification shall be made by the initial competent authority of dispatch *unless* the competent authorities concerned agree that a duly motivated request by that authority is sufficient.

3. If an illegal shipment is the *responsibility of the consignee* the competent authority of destination shall ensure that the waste in question is:
 - (a) disposed of or recovered in an environmentally sound manner by the consignee, or, if impracticable;
 - (b) by the competent authority itself.

This shall be done within 30 days after it has become aware of or has been informed in writing about the illegal shipment or within such other period of time as may be agreed by the competent authorities concerned. Such information can be submitted inter alia by other competent authorities.

To this end, they shall co-operate, as necessary, in the disposal or recovery of the waste.

4. Where responsibility for the illegal shipment *cannot be imputed to either the notifier or the consignee*, the competent authorities shall co-operate to ensure that the waste in question is disposed of or recovered.
5. Where the waste of an illegal shipment is observed within a Member State, the competent authority with jurisdiction over the area where the waste was observed shall be responsible for making arrangements for the safe storage of the waste pending its return, final disposal or final recovery.
6. The provisions of Articles 35 and 37 do not apply in cases where illegal shipments are returned to the country of dispatch and that country of dispatch is a country covered by the prohibitions contained in these Articles.
7. The provisions of this Article also apply to shipments of waste which are subject to the requirement of being accompanied by certain information in accordance with Article 19.

In such cases the person who arranges the shipment is subject to the same obligations established in this Article as the notifier.

8. This Article is without prejudice to national rules or Community law regarding liability.
9. Guidelines for the co-operation of competent authorities with regard to illegal shipments may be established in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended.

Article 27
- Costs for take-back when a shipment is illegal

1. Costs arising from the return of waste of a shipment that is in infringement of this Regulation or of international or Community law, including its shipment, its final disposal or recovery pursuant to Article 26(2) and storage costs pursuant to Article 26(5), shall be charged to:
 - (a) the notifier *de facto*, or, if no notification has been made;
 - (b) the notifier *de iure* in accordance with the hierarchy of Article 4, or, if impracticable;
 - (c) by any of the natural or legal persons responsible for the illegal shipment mentioned in Article 4, or, if impracticable,
 - (d) by the competent authority of dispatch.
2. Costs arising from the final disposal or recovery pursuant to Article 26(3) and storage costs pursuant to Article 26(5) of waste of a shipment that is illegal shall be charged to:
 - (a) the consignee, or, if impracticable;
 - (b) to the competent authority of destination.
3. Costs arising from the final disposal or recovery pursuant to Article 26(4) and including its possible shipment and storage costs pursuant to Article 26(5) of waste of a shipment that is illegal shall be charged to:
 - (a) the notifier and/or the consignee depending upon the decision by the competent authorities involved, or, if impracticable;
 - (b) to the competent authorities of dispatch and destination.
4. The provisions of this Article also apply to shipments of waste which are subject to the requirement of being accompanied by certain information in accordance with Article 19.

In such cases the person who arranges the shipment is subject to the same obligations established in this Article as the notifier.

5. This article is without prejudice to national rules or Community law on liability.

Chapter 5 - General administrative provisions

Article 28 *- Submission of communication*

1. The information and documents listed in paragraph 3 may be submitted using any of the following methods of communication:
 - (a) by post;
 - (b) by telefax;
 - (c) by e-mail with digital signature; or
 - (d) by e-mail without digital signature followed by post.

2. Subject to the consent of the competent authorities concerned, the information and documents listed in paragraph 3 may be submitted by means of electronic data interchange with electronic signature or electronic authentication in accordance with Directive 1999/93/EC of the European Parliament and the Council, as amended,⁵³ or a comparable electronic authentication system which provides the same level of security.

In such cases the competent authority of dispatch may, subject to the consent of the other competent authorities concerned and of the notifier, carry out the submission of communications listed in paragraph 3.

3. The information and documents referred to in paragraph 1 are the following:
 - (a) notification of a planned shipment pursuant to Articles 4 and 14;
 - (b) request for information and documentation pursuant to Articles 5, 8 and 9;
 - (c) submission of information and documentation pursuant the Articles 5, 8 and 9;
 - (d) written consent to a notified shipment pursuant to Article 10;
 - (e) conditions to a shipment pursuant to Article 11;
 - (f) objections to a shipment pursuant to Articles 12 and 13;
 - (g) information about decisions to pre-consent to specific recovery facilities pursuant to Article 15(3);
 - (h) prior information regarding actual commencement of the shipment pursuant to Article 17;
 - (i) written confirmation of receipt of the waste pursuant to Articles 16 and 17;

⁵³ OJ L 13, 19.1.2000, p. 12.

- (j) certificate for final recovery or disposal of the waste pursuant to Articles 16 and 17; and
- (k) information about changes in the shipment after consent pursuant to Article 18.

Article 29
- Language

1. Any notification, information, documentation or other communication submitted pursuant to the provisions of this Title shall be supplied in a language acceptable to the competent authorities concerned.
2. If requested by the competent authorities concerned, the notifier shall provide authorised translation(s) into a language, which is acceptable to them.
3. Further guidance concerning the the use of languages may be determined in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended.

Article 30
- Disagreement on classification issues

1. If the competent authorities of dispatch and of destination disagree on the classification as regards the distinction between waste and non-waste, the subject matter shall be considered a waste.
2. If the competent authorities of dispatch and of destination cannot agree on the classification of the notified waste as being listed in Annex III or IV, the waste shall be considered listed in Annex IV.
3. If the competent authorities of dispatch and destination disagree on the classification of the waste treatment operation notified as being disposal or recovery, the provisions regarding disposal shall apply.
4. Paragraphs 1 to 3 apply only for the purposes of this Regulation, and are without prejudice to rights of interested parties to resolve any dispute related to these questions before a court of law or tribunal.

Article 31
- Administrative costs

Appropriate and proportionate administrative costs of implementing the notification and supervision procedures and usual costs of appropriate analyses and inspections may be charged to the notifier.

Chapter 6 - Shipments within the Community and with transit via third countries

Article 32

- Shipments destined for disposal

1. Where a shipment of waste takes place within the community with transit via one or more third countries and is destined for disposal, the competent authority of dispatch shall ask the competent authority in the third countries whether it wishes to send its written consent to the planned shipment:
 - (a) in the case of parties to the Basel Convention, within 60 days, unless it has waived this right in accordance with the terms of that Convention, or
 - (b) in the case of countries not parties to the Basel Convention, within a period agreed between the competent authorities.
2. Where a shipment of waste takes place between locations within the same Member State with transit via one or more third countries and is destined for disposal, the requirements of paragraph 1 applies.
3. This Article is without prejudice to the provisions contained in Chapter 2 of this Title.

Article 33

- Shipments destined for recovery

1. When a shipment of waste takes place within the Community with transit via one or more third countries to which the OECD Decision does not apply and is destined for recovery, Article 32 applies.
2. When a shipment of waste takes place within the Community with transit via one or more third countries to which the OECD Decision applies and is destined for recovery, Article 32 (1) does not apply.

In such cases the consent referred to in Article 10 may be provided tacitly and if no objection has been lodged or conditions been specified the shipment may commence 30 days after the dispatch of the acknowledgement.

3. Where a shipment of waste that takes place between locations within the same Member States with transit via one or more third countries and is destined for recovery, the requirements of paragraph 1 and 2 applies.
4. This Article is without prejudice to the provisions contained in Chapter 2 of this Title.

TITLE III

SHIPMENTS WITHIN MEMBER STATES

Article 34

- Application of this Regulation to shipments within Member States

1. The provision of Title II on shipments within the Community and Title VII on other provisions do not apply to shipments of waste within a Member State.
2. Member States shall, however, establish an appropriate system for the supervision and control of shipments of waste within their jurisdiction. This system should take account of the need for coherence with the Community system established by this Regulation.
3. Member States shall inform the Commission and the other Member States of their system for the supervision and control of shipments of waste.
4. Member States may apply the system provided for in Titles II and VII within their jurisdiction.

TITLE IV

EXPORTS OUT OF THE COMMUNITY TO THIRD COUNTRIES

Chapter 1 - Waste for disposal

Article 35

- Export prohibited except to EFTA countries

1. All exports of waste out of the Community destined for disposal are prohibited.
2. The prohibition in paragraph 1 does not apply to exports of waste destined for disposal in EFTA countries, which are also Parties to the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal, as amended, hereinafter "the Basel Convention".
3. However, exports of waste for disposal to an EFTA country Party to the Basel Convention shall also be prohibited
 - (a) where the EFTA country prohibits imports of such wastes; or,
 - (b) if the competent authority of dispatch has reason to believe that the waste will not be managed in an environmentally sound manner in the country of destination concerned.
4. This provision is without prejudice to the take-back obligations as described in Articles 24 and 26.

Article 36
- Procedures when exporting to EFTA countries

1. Where waste is exported out of the Community and destined for disposal in EFTA countries parties to the Basel Convention, the provisions of Title I shall apply *mutatis mutandis* with the modifications and additions listed in paragraphs 2 and 3.
2. The following *modifications* apply:
 - (a) the competent authority of transit outside the Community has 60 days following dispatch of its acknowledgement of receipt of the notification to give written consent, set conditions and require additional information to the notified shipment; and
 - (b) the competent authority of dispatch of the community shall take its decision to consent to the shipment as referred to in Article 10 only after having received written consent from the competent authorities of transit and destination outside the community and not earlier than 61 days following the dispatch of the acknowledgement of the competent authority of destination.
3. The following *additional* provisions apply:
 - (a) the competent authority of transit in the Community shall acknowledge the receipt of the notification to the notifier;
 - (b) the competent authorities of dispatch and transit in the Community shall send a stamped copy of their decisions to consent to the shipment to the customs office of export and to the customs office of exit from the Community;
 - (c) a copy of the movement document shall be delivered by the carrier to the customs office of export and the customs office of exit from the Community;
 - (d) as soon as the waste has left the Community, the customs office of exit from the Community shall send a stamped copy of the movement document to the competent authority of dispatch in the Community stating that the waste has left the Community;
 - (e) if, 42 days after the waste has left the Community, the competent authority of dispatch in the Community has received no information from the consignee about receipt of the waste, it shall inform without delay the competent authority of destination; and
 - (f) the contract referred to in Articles 5(4) and 6 shall stipulate that:
 - if a consignee issues an incorrect certificate of disposal with the consequence that the financial guarantee is released, he shall bear the costs arising from the duty to return the waste to the area of jurisdiction of the competent authority of dispatch and its disposal or recovery in an alternative and environmentally sound manner;

- within three working days following receipt of the waste for disposal, the consignee shall send copies of the completed movement document, except for the certificate of final disposal referred to in the third indent of this paragraph, to the notifier and the competent authorities concerned; and
 - as soon as possible but not later than 30 days after completion of disposal and not later than 1 calendar year following the receipt of the waste the consignee shall, under his responsibility, certify final disposal and shall send copies of the movement document containing this certification to the notifier and to the competent authorities concerned.
4. The shipment may only start if:
- (a) the notifier has received written consent from the competent authorities of dispatch, destination and transit and if the conditions laid down are met;
 - (b) a contract between the notifier and consignee is established and legally binding as required in Articles 5(4) and 6;
 - (c) a financial guarantee or equivalent insurance is established, legally binding and applicable as required in Articles 5(5) and 7 and as required by the competent authority of destination outside the Community or any country of transit Party to the Basel Convention; and
 - (d) environmentally sound management as described in Article 42 is ensured.
5. Where waste is exported, it shall be destined for disposal operations within a facility which under applicable domestic law is operating or is authorised to operate in the country of destination.
6. If a customs office of export or a customs office of exit from the Community observes a shipment that does not comply with the provisions of this Regulation, it shall:
- (a) inform without delay the competent authority of dispatch in the Community; and
 - (b) ensure detention of the waste until that competent authority has decided otherwise and has communicated that to the customs office in writing.

Chapter 2 - Waste for recovery

Exports to non-OECD Decision countries

Article 37

- Export prohibited if waste is listed in Annex V

1. The following exports out of the Community of waste destined for recovery in countries to which the decision of the OECD Council, C(2001)107/final concerning the revision of Decision C(92)39/final on the control of transfrontier movements of wastes destined for recovery operations, as amended; hereinafter “the OECD decision”, does not apply are prohibited:

- (a) hazardous waste as listed in Annex V;
 - (b) hazardous waste not classified under one single entry in Annex V;
 - (c) mixtures of hazardous waste and mixtures of hazardous waste with non-hazardous waste not classified under one single entry in Annex V;
 - (d) waste that the country of destination has notified to be hazardous under Article 3 of the Basel Convention;
 - (e) waste that the country of destination has prohibited the import of; or,
 - (f) waste which the competent authority of dispatch has reason to believe will not be managed in an environmentally sound manner in the country of destination concerned.
2. This provision is without prejudice to the take-back obligations as described in Articles 24 and 26.

Article 38
- *Procedures when exporting waste listed in Annex III*

1. In the case of waste which is listed in Annex III and the export of which is not prohibited under Article 37, the Commission shall, within 20 days of the entry into force of this Regulation, send a written request to each country to which the OECD Decision does not apply, seeking confirmation in writing that the waste may be exported from the Community for recovery in that country, and an indication as to which control procedure, if any, would be followed in the country of destination.

Each country to which the OECD Decision does not apply shall be given the following options:

- (a) a prohibition;
 - (b) a prior written notification and consent procedure as described in Article 36; and
 - (c) no control in the country of destination.
2. Before the date of application of this Regulation, the Commission shall issue a Regulation taking into account all replies received pursuant to paragraph 1 and shall inform the Committee established pursuant to Article 18 of Directive 75/442/EEC, as amended.

If a country has not made a confirmation as referred to in paragraph 1 or if a country for any reason has not been contacted, paragraph 1(b) shall apply.

The Commission shall periodically update the Regulation adopted.

3. If a country indicates in its reply that certain shipments of waste are not subject to any control, Article 19 shall apply *mutatis mutandis* to such shipments.

4. Where waste is exported, it shall be destined for recovery operations within a facility which, under applicable domestic law, is operating or is authorised to operate in the importing country.

Exports to OECD-Decision countries

Article 39

- Exports of waste listed in Annexes III, IV and IV A

1. Where waste listed in Annexes III, IV and IV A is exported out of the Community and destined for recovery in countries or through countries to which the OECD Decision applies, the provisions of Title II apply *mutatis mutandis*, with the modification and additions listed in paragraphs (2) and (3).

The following *modification* apply:

The consent as required in accordance with Article 10 may be provided by tacit consent from the competent authority of destination outside the Community.

2. As regards exports of waste listed in Annex IV and IV A, the following *additional provisions* apply:

- (a) the competent authority of dispatch shall send a stamped copy of its decision to consent to the shipment to the custom office of exit from the Community;
- (b) the competent authorities of dispatch and transit in the Community shall send a stamped copy of their decisions to consent to the shipment to the customs office of export and to the customs office of exit from the Community;
- (c) a copy of the movement document shall be delivered by the carrier to the customs office of exit from the Community;
- (d) as soon as the waste has left the Community, the customs office of exit from the Community shall send a stamped copy of the movement document to the competent authority of dispatch in the Community stating that the waste has left the Community;
- (e) if, 42 days after the waste has left the Community, the competent authority of dispatch has received no information from the consignee about receipt of the waste, it shall inform without delay the country of destination; and
- (f) the contract referred to in Articles 5(4) and (6) shall stipulate that:
 - if a consignee issues an incorrect certificate of recovery with the consequence that the financial guarantee is released, he shall bear the costs arising from the duty to return the waste to the area of jurisdiction of the competent authority of dispatch and its disposal or recovery in an alternative and environmentally sound manner;

- within three working days following receipt of the waste for recovery, the consignee shall send copies of the completed movement document, except for the certificate of final recovery referred to in the third indent of this paragraph, to the notifier and the competent authorities concerned; and
 - as soon as possible but not later than 30 days after completion of recovery and not later than 1 calendar year following the receipt of the waste the consignee shall, under his responsibility, certify final recovery and shall send copies of the movement document containing this certification to the notifier and to the competent authorities concerned.
3. The shipment may only start if:
- (a) the notifier has received written consent from the competent authorities of dispatch, destination and transit or, if tacit consent from the competent authority of destination outside the Community is provided and can be assumed, and if the conditions laid down are met;
 - (b) a contract between the notifier and consignee is established and legally binding as required in Articles 5(4) and 6;
 - (c) a financial guarantee or equivalent insurance is established, legally binding and applicable as required in Articles 5(5) and 7 and as required by the competent authority of destination outside the Community or any country of transit Party to the Basel Convention; and
 - (d) environmentally sound management as described in Article 42 is ensured.
4. If an export as described in paragraph 1 of waste listed in Annex IV and IV A is transiting through a country to which the OECD decision does not apply, the following modifications apply:
- (a) the competent authority of transit to which the OECD decision does not apply has 60 days following dispatch of its acknowledgement to give written consent, set conditions and require additional information to the notified shipment; and
 - (b) the competent authority of dispatch in the Community shall take its decision to consent to the shipment as referred to in Article 10 only after having received written consent from that competent authority of transit to which the OECD decision does not apply and not earlier than 61 days following the dispatch of the acknowledgement of the competent authority of destination.
5. Where waste is exported, it shall be destined for recovery operations within a facility which under applicable domestic law is operating or is authorised to operate in the importing country.
6. If a custom office of export or a customs office of exit from the Community observes a shipment that does not comply with the provisions of this Regulation, it shall

- (a) inform without delay the competent authority of dispatch in the Community; and
- (b) ensure detention of the waste until that competent authority has decided otherwise and has communicated that to the customs office in writing.

Chapter 3 - General provisions

Article 40

- Exports to Antarctic

Export of all waste out of the Community to Antarctic is prohibited.

Article 41

- Exports to Overseas Countries or Territories

1. Exports out of the Community of all waste destined for disposal in Overseas Countries or Territories are prohibited.
2. As regards exports of waste destined for recovery in Overseas Countries or Territories, the prohibition in Article 37 applies *mutatis mutandis*.
3. As regards exports of waste destined for recovery in Overseas Countries or Territories not covered by the prohibition in paragraph 2, the provisions of Title II shall apply *mutatis mutandis*.

Article 42

- Ensuring environmentally sound management in third countries

1. The producer and the notifier and other undertakings involved in a shipment shall take all necessary steps to ensure that any waste they ship is managed in an environmentally sound manner throughout the period of shipment and including final disposal or recovery in the third country of destination.
2. The competent authority of dispatch in the Community shall require and secure that any waste exported is managed in an environmentally sound manner throughout the period of shipment and including final disposal or recovery in the third country of destination.
3. The competent authority of dispatch in the Community shall prohibit an export to third countries if it has any reason to believe that the waste will not be managed in an environmentally sound manner throughout the period of shipment and including final disposal or recovery in the third country of destination.
4. Environmentally sound management may *inter alia* be assumed as regards the waste stream and recovery operation concerned, if the treatment guideline listed in Annex IX in respect of the waste stream concerned is proved to be applied at the facility in the third country of destination.

This assumption is, however, without prejudice to the overall assessment of environmentally sound management throughout the period of shipment and including final disposal or recovery in the third country of destination.

5. Member States shall take all necessary steps to ensure that the obligations laid down in paragraphs 1-3 are carried out.

TITLE V

IMPORTS INTO THE COMMUNITY FROM THIRD COUNTRIES

Chapter 1 - Imports of waste for disposal

Article 43

- Import prohibited except from EFTA- or Basel Party country or with an agreement in place

1. All imports into the Community of waste destined for disposal are prohibited except those from:
 - (a) countries which are Parties to the Basel Convention; or
 - (b) other countries with which the Community, or the Community and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Community legislation and in accordance with Article 11 of the Basel Convention; or,
 - (c) other countries with which individual Member States conclude bilateral agreements or arrangements in accordance with paragraph 2.

2. In exceptional cases individual Member States may conclude bilateral agreements and arrangements for the disposal of specific waste, where such waste will not be managed in an environmentally sound manner in the country of dispatch.

These agreements and arrangements shall be compatible with Community legislation and in accordance with Article 11 of the Basel Convention.

They shall guarantee that the disposal operations are carried out in an authorised facility and comply with the requirements for environmentally sound management.

They shall also guarantee that the waste is produced in the country of dispatch and that disposal will be carried out exclusively in the Member State which has concluded the agreement or arrangement.

These agreements or arrangements shall be notified to the Commission prior to their conclusion. However, in emergency situations they may be notified up to one month after conclusion.

3. Bilateral or multilateral agreements or arrangements entered into in accordance with paragraph 1(b) and (c) shall be based upon the control procedure of Article 44.
4. The countries referred to in paragraph 1(a) to (c) shall be required to present a duly motivated request beforehand to the competent authority of the Member State of destination in the Community on the basis that they do not have and cannot reasonably acquire the technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner.

Article 44

- Procedural requirements if import from EFTA- or Basel Party country

1. Where waste is imported into the Community and destined for disposal from countries Parties to the Basel Convention, the provisions of Title II shall apply *mutatis mutandis* with the modifications and additions listed in paragraphs 2 and 3.
2. The following *modifications* apply:
 - (a) notification shall be made through the competent authority of dispatch to the competent authority of destination by means of a notification document issued by the competent authority of dispatch and with copies to the consignee and the competent authorities of transit; and
 - (b) the competent authority of transit outside the Community has 60 days following dispatch of its acknowledgement of receipt of the notification to give written consent, set conditions and require additional information to the notified shipment.
3. The following *additional provisions* apply:
 - (a) the competent authority of transit in the Community shall acknowledge the receipt of the notification to the notifier, with copies to the competent authorities concerned;
 - (b) the competent authorities of destination and transit in the Community shall send a stamped copy of their decisions to consent to the shipment to the customs office of entry into the Community;
 - (c) a specimen of the movement document shall be delivered by the carrier to the customs office of entry into the Community;
 - (d) as soon as the waste enters into the Community, the customs office of entry into the Community shall send a stamped copy of the movement document to the competent authority(ies) of destination and transit in the Community, stating that the waste has entered the Community; and
 - (e) a copy of the movement document and if requested by the competent authorities, a copy of the notification form, together with the stamp of consent from the competent authorities of dispatch, destination and transit shall accompany each shipment.
4. The shipment may only start if:
 - (a) the notifier has received written consent from the competent authorities of dispatch, destination and transit and if the conditions laid down are met;
 - (b) a contract between the notifier and consignee is established and legally binding as required in Articles 5(4) and 6;
 - (c) a financial guarantee or equivalent insurance is established, legally binding and applicable as required in Articles 5(5) and 7 and as required by the competent

authority of destination in the Community or any country of transit Party to the Basel Convention; and

- (d) protection of the environment as required in Article 49 is ensured.
5. If a custom office of entry into the Community observes a shipment that does not comply with the provisions of this Regulation, it shall:
- (a) inform without delay the competent authority of destination in the Community, who informs the competent authority of dispatch outside the Community; and
 - (b) ensure detention of the waste until that competent authority has decided otherwise and has communicated that to the customs office in writing.

Chapter 2 - Imports of waste for recovery

Article 45

- Import prohibited except from OECD Decision-, EFTA - or Basel Party country or with an agreement in place

1. All imports into the Community of waste destined for recovery are prohibited except those from:
 - (a) countries to which the OECD decision applies; or
 - (b) other countries which are Parties to the Basel Convention; or
 - (c) other countries with which the Community, or the Community and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Community legislation and in accordance with Article 11 of the Basel Convention; or
 - (d) other countries with which individual Member States conclude bilateral agreements or arrangements in accordance with paragraph 2.
2. In exceptional cases individual Member States may conclude bilateral agreements and arrangements for the recovery of specific waste, where such waste will not be managed in an environmentally sound manner in the country of dispatch.

In such cases the provisions of Article 43(2) apply.

3. Bilateral or multilateral agreements or arrangements and entered into in accordance with paragraph 1(c) and (d) shall be based upon the control procedures of Articles 44 or 46 as relevant.

Article 46

- Procedural requirements if import from OECD Decision countries

1. Where waste is imported into the Community and destined for recovery
 - from a country to which the OECD Decision applies; and/or

– through countries to which the OECD Decision applies

the provisions of Title II shall apply *mutatis mutandis*, with the modifications and additions listed in paragraphs 2 and 3.

2. The following *modification* apply:

The consent as required in accordance with Article 10 may be provided by tacit consent from the competent authority of dispatch outside the Community.

3. The following *additional provisions* apply:

- (a) the competent authorities of import and transit in the Community shall send stamped copies of their decisions to consent to a shipment to the customs office of entry into the Community;
- (b) a copy of the movement document shall be delivered by the carrier to the customs office of entry into the Community; and
- (c) as soon as the waste enters into the Community, the customs office of entry into the community shall send a stamped copy of the movement document to the competent authority of destination and transit in the Community, stating that the waste has entered the community.

4. The shipment may be effected only if:

- (a) the notifier has received written consent from the competent authorities of dispatch, destination and transit or, if tacit consent from the competent authority of dispatch outside the Community is provided and can be assumed, and if the conditions laid down are met;
- (b) a contract between the notifier and consignee is established and legally binding as required in Articles 5(4) and 6;
- (c) a financial guarantee or equivalent insurance is established, legally binding and applicable as required in Articles 5(5) and 7 and as required by the competent authority of destination in the Community or any country of transit Party to the Basel Convention; and
- (d) protection of the environment as required in Article 49 is ensured.

5. If a custom office of entry into the Community observes a shipment that does not comply with the provisions of this Article, it shall

- (a) inform without delay the competent authority of destination in the Community, who informs the competent authority of dispatch outside the Community; and
- (b) ensure detention of the waste until that competent authority has decided otherwise and has communicated that to the customs office in writing.

Article 47

- Procedural requirements if import from non-OECD Decision country Party to the Basel Convention

Where waste is imported into the Community and destined for recovery

- from a country to which the OECD Decision does not apply; and/or
- through any country to which the OECD Decision does not apply and which is also Party to the Basel Convention,

the provisions of Article 44 shall apply *mutatis mutandis*.

Chapter 3 - General provisions

Article 48

- Imports from Overseas Countries or Territories

1. Where waste is imported into the Community from Overseas Countries or Territories, the provisions of Title II apply *mutatis mutandis*.
2. One or more Overseas Country and Territory and the Member State to which they are linked may apply national procedures to shipments from the Overseas Country and Territory to that Member State.
3. Member States that apply paragraph 2, shall notify the Commission of the national procedures applied.

Article 49

- Protection of the environment within the Community

1. The producer, the notifier and other undertakings involved in a shipment shall take all necessary steps to ensure that any waste they ship is managed without endangering human health and without using processes or methods which could harm the environment as required in Article 4 of Directive 75/442/EEC, as amended, and in accordance with Community legislation on waste throughout the period of shipment and including final disposal or final recovery in the country of destination.
2. The competent authority of destination in the Community shall require and secure that any waste shipped into its area of jurisdiction is managed without endangering human health and without using processes or methods which could harm the environment as required in Article 4 of Directive 75/442/EEC, as amended, and in accordance with Community legislation on waste throughout the period of shipment and including final disposal or recovery in the country of destination.

3. The competent authority of destination in the Community shall prohibit an import of waste from third countries if it has any reason to believe that the waste will not be managed without endangering human health and without using processes or methods which could harm the environment as required in Article 4 of Directive 75/442/EEC, as amended, and in accordance with Community legislation on waste throughout the period of shipment and including final disposal or recovery in the country of destination.

TITLE VI TRANSIT THROUGH THE COMMUNITY FROM AND TO THIRD COUNTRIES

Chapter 1 - Waste for disposal

Article 50

– Transit through the Community of waste destined for disposal

1. Where waste destined for disposal is shipped through a Member State from and to third countries the provisions of Article 44 shall apply *mutatis mutandis*, with the modifications listed in paragraph 2.
2. The following *modifications* applies:
 - (a) the notifier shall also send a copy of the notification to the customs offices of entry into and exit from the Community;
 - (b) the first and last competent authority of transit in the Community shall send a stamped copy of the decisions to consent to the shipment to the customs offices of entry into and exit from the Community respectively; and
 - (c) as soon as the waste has left the Community, the customs office of exit from the Community shall send a copy of the movement document to the competent authorities of transit in the Community, stating that the waste has left the Community.

Chapter 2 - Waste for recovery

Article 51

- Transit through the Community of waste from and/or to a non-OECD Decision country

Where waste destined for recovery is shipped through a Member State from and/or to a country to which the OECD Decision does not apply, Article 50 shall apply *mutatis mutandis*.

Article 52

- Transit through the Community of waste from and/or to an OECD Decision country

1. Where waste destined for recovery is shipped through (a) Member State(s) from and/or to a country to which the OECD Decision applies, the provisions of Article 46 shall apply *mutatis mutandis*, with the modifications listed in paragraph 2.
2. The following modifications apply:
 - (a) the notifier shall also send a copy of the notification to the customs offices of entry into and exit from the Community;

- (b) the first and last competent authority of transit in the Community shall send a stamped copy of the decisions to consent to the shipment to the customs offices of entry into and exit from the Community respectively; and
- (c) as soon as the waste has left the Community, the customs office of exit from the Community shall send a copy of the movement document to the competent authorities of transit in the Community, stating that the waste has left the Community.

TITLE VII OTHER PROVISIONS

Chapter 1 – Additional obligations related to Member States

Article 53

- Enforcement in Member States

1. Member States shall take appropriate legal action to prevent and detect illegal shipments, including the imposition of penalties. Any such measures shall be notified to the Commission.
2. Member States may, by way of enforcement measures for this Regulation, make provision for, *inter alia*, inspections of establishments and undertakings in accordance with Article 13 of Directive 75/442/EEC, and spot checks of shipments.
3. Checks of shipments may take place in particular:
 - (a) at the point of origin, carried out together with the producer, holder or notifier;
 - (b) at the destination, carried out together with the final consignee;
 - (c) at the frontiers of the Community; and/or
 - (d) while the shipment is in transit within the Community.
4. Checks may include the inspection of documents, the confirmation of identity and, if appropriate, physical checking of the waste.
5. Member States may co-operate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments.
6. At the request of another Member State, a Member State may take enforcement action against persons suspected of being engaged in the illegal shipment of waste who are located in that Member State.

Article 54

- Member States reporting

1. Before the end of every calendar year, each Member State shall send the Commission a copy of the report for the previous calendar year which, in accordance with Article 13(3) of the Basel Convention, it has drawn up and submitted to the Secretariat of that Convention.
2. Before the end of each calendar year, Member States shall also draw up a report for the previous year based on the additional reporting questionnaire in Annex X and send it to the Commission.
3. The reports drawn up by Member States in accordance with paragraph 1 and 2 shall be submitted to the Commission in an electronic as well as a paper version.

4. The Commission shall, based on these reports, establish every three years reports on the implementation of this Regulation by the Community and its Member States. To this end the Commission may request additional information in accordance with Article 6 of Directive 91/692/EEC, as amended.

Article 55

- International co-operation

Member States, and as appropriate and necessary in liaison with the Commission, shall cooperate with other parties to the Basel Convention and inter-State organisations, inter alia, via the exchange and/or sharing of information, the promotion of environmentally sound technologies and the development of appropriate codes of good practice.

Article 56

- Designation of customs offices of entry into and exit from the Community

Member States may designate customs offices of entry into and exit from the Community for shipments of waste entering and leaving the Community.

If Member States decide to designate the custom offices referred to in paragraph 1, no shipment of waste shall be allowed to use any other frontier crossing points within a Member State for entering or leaving the Community.

Article 57

- Designation of competent authority

Member States shall designate the competent authority or authorities responsible for the application and operation of this Regulation. Only one single competent authority of transit shall be designated by each Member State.

Article 58

- Designation of correspondents

Member States and the Commission shall each designate one correspondent responsible for informing or advising persons or undertakings who or which make enquiries. The Commission correspondent shall forward to the correspondents of the Member States any questions put to him/her which concern the latter, and vice versa.

Article 59

- Notification of and information regarding designations

1. Member States shall notify the Commission of designations of custom offices of entry into and departure from the Community, competent authorities and correspondents made pursuant to Articles 56, 57 and 58 respectively.
2. Member States shall notify the Commission of the following information in relation to those designations
 - the name(s);

- post address(es);
 - e-mail-address(es);
 - telephone number(s); and
 - telefax number(s).
3. Member States shall immediately notify the Commission of any changes in this information.
 4. This information as well as any changes in the information shall be submitted to the Commission in an electronic as well as a paper version.
 5. The Commission shall publish lists of the designated customs offices of entry into and departure from the Community, competent authorities and correspondents on its web-site and shall, as appropriate, update these lists.

Chapter 2 - Other provisions

Article 60 *- Meeting of the Correspondents*

The Commission shall, if requested by Member States or if otherwise appropriate, periodically hold a Meeting of the Correspondents to examine with them the questions raised by the implementation of this Regulation.

Article 61 *- Amendment of Annexes*

1. The Annexes of this Regulation shall be amended by the Commission by means of Commission Regulations and in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended.
2. Amendments to Annex III, IV and V shall consider changes agreed under the Basel Convention and the OECD Decision.
3. Amendments to Annex V shall, however, also reflect changes agreed on the list of hazardous waste adopted in accordance with Article 1(4) of Council Directive 91/689/EEC on hazardous waste, as amended.
4. Amendments to Annex IX shall reflect relevant international conventions and agreements.

Article 62 *- Additional measures*

1. The Commission may adopt additional measures related to the implementation, application, administration and enforcement of this Regulation.

2. Such measures shall be decided in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, as amended, and Article 5 of Decision 1999/468/EC⁵⁴.
3. The period laid down in Article 5(6) of Decision 1999/468/EC shall be 30 days.

Article 63
- Repeals

1. The Council Regulation (EEC) No 259/93, as amended, on shipments of waste and Commission Decision 94/774/EC concerning a standard consignment note are hereby repealed with effect from the date of application of this Regulation.
2. Commission Decision 1999/412/EC concerning a questionnaire for the reporting obligation of Member States pursuant to Article 41(2) of Council Regulation (EEC) No 259/93, as amended is repealed with effect from the 31 December following the date of application of this Regulation.

Article 64
- Transition rules

1. Any shipment that has been notified to the competent authority of dispatch and has started before the date of application of this Regulation is subject to the provisions of Council Regulation (EEC) No 259/93, as amended.
2. Any shipment for which the competent authorities concerned have given their consent pursuant to Council Regulation (EEC) No 259/93, as amended shall be completed not later than one year from the date of application of this Regulation.
3. Reporting pursuant to Article 41(2) of Council Regulation (EEC) No 259/93, as amended and Article 54 of this Regulation for the year by which this Regulation is applied shall be based on the questionnaire contained in Commission Decision 1999/412/EC.

Article 65
- Entry into force and application

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply 10 months after publication.

⁵⁴ OJ L 184, 17.7.1999, p. 23.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX IA

Notification Document for Transboundary Movements of Waste

EU

<p>1. Exporter - Notifier Registration N°: Name: Address: Contact person: Tel: Fax: Email:</p>	<p>3. Notification N°: Notification concerning A.(i) Individual shipment: <input type="checkbox"/> (ii) Multiple shipments: <input type="checkbox"/> B.(i) Disposal (1): <input type="checkbox"/> (ii) Recovery : <input type="checkbox"/> C. Pre-consented recovery facility (2;3) Yes <input type="checkbox"/> No <input type="checkbox"/></p>												
<p>2. Importer - Consignee Registration N°: Name: Address: Contact person: Tel: Fax: Email:</p>	<p>4. Total intended number of shipments: 5. Total intended quantity (kg / litre) (4): 6. Intended period of time for shipment(s) (4): First departure: Last departure: 7. Packaging type(s) (5): Special handling requirements (6): Yes: <input type="checkbox"/> No: <input type="checkbox"/> 11. Disposal / recovery operation(s) (2) D code / R code (5) : Technology employed (6): Reason for export (1;6):</p>												
<p>8. Intended carrier(s) Registration N°: Name(7): Address: Contact person: Tel: Fax: Email: Means of transport (5):</p>	<p>12. Designation and composition of the waste (6):</p>												
<p>9. Waste generator(s) (1;7;8) Registration N°: Name: Address: Contact person: Tel: Fax: Email: Site & process of generation (6)</p>	<p>13. Physical characteristics (5):</p>												
<p>10. Disposal facility (2): <input type="checkbox"/> or Recovery facility (2): <input type="checkbox"/> Registration N°: Name: Address: Contact person: Tel: Fax: Email: Actual site of disposal/recovery:</p>	<p>14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):</p>												
<p>15. Countries/states concerned (a), code N° of competent authorities where applicable (b), specific points of exit or entry (c)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:25%;">State of Export</th> <th style="width:50%;">State(s) of Transit (entry and exit)</th> <th style="width:25%;">State of Import</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td></td> <td></td> </tr> <tr> <td>(b)</td> <td></td> <td></td> </tr> <tr> <td>(c)</td> <td></td> <td></td> </tr> </tbody> </table>		State of Export	State(s) of Transit (entry and exit)	State of Import	(a)			(b)			(c)		
State of Export	State(s) of Transit (entry and exit)	State of Import											
(a)													
(b)													
(c)													
<p>16. Customs offices of entry and/or exit and/or export: (European Community): Entry: Exit: Export:</p>													
<p>17. Exporter's - Notifier's / Generator's (1) declaration: I certify that the information is complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.</p>													
<p>Name: Signature: Date:</p>	<p>18. Number of annexes attached</p>												
<p>FOR USE BY COMPETENT AUTHORITIES</p>													
<p>19. Acknowledgement from the relevant competent authority of countries of import - destination/ transit (1) / export - dispatch (9): Country: Notification received on: Acknowledgement sent on: Name of competent authority: Stamp and/or signature:</p>	<p>20. Written consent (1;8) to the movement provided by the competent authority of (country): Consent given on: until: Consent valid from: until: Specific conditions: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/> Name of competent authority: Stamp and/or signature:</p>												
<p>21. SPECIFIC CONDITIONS ON CONSENTING TO THE MOVEMENT OR REASONS FOR OBJECTING</p>													

(1) Required by the Basel Convention
 (2) In case of R12/R13 or D13-D15 operation, also attach corresponding information on the subsequent R1-R11 or D1-D12 facilit(y)ies when required.
 (3) To be completed for movements within the OECD area and only if B(ii) applies.
 (4) Attach detailed list if multiple shipments

(5) See list of abbreviations and codes on the next page
 (6) Attach details if necessary
 (7) Attach list if more than one
 (8) If required by national legislation
 (9) If applicable under the OECD Decision

List of Abbreviations and Codes Used in the Notification Document

DISPOSAL OPERATIONS (Block 11)			
D1	Deposit into or onto land, (e.g., landfill, etc.)		
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)		
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)		
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)		
D5	Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)		
D6	Release into a water body except seas/oceans		
D7	Release into seas/oceans including sea-bed insertion		
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list		
D9	Physico- chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, etc.)		
D10	Incineration on land		
D11	Incineration at sea		
D12	Permanent storage, (e.g., emplacement of containers in a mine, etc.)		
D13	Blending or mixing prior to submission to any of the operations in this list		
D14	Repackaging prior to submission to any of the operations in this list		
D15	Storage pending any of the operations numbered in this list		
RECOVERY OPERATIONS (Block 11)			
R1	Use as a fuel (other than in direct incineration) or other means to generate energy		
R2	Solvent reclamation/regeneration		
R3	Recycling/reclamation of organic substances which are not used as solvents		
R4	Recycling/reclamation of metals and metal compounds		
R5	Recycling/reclamation of other inorganic materials		
R6	Regeneration of acids or bases		
R7	Recovery of components used for pollution abatement		
R8	Recovery of components from catalysts		
R9	Used oil re-refining or other reuses of previously used oil		
R10	Land treatment resulting in benefit to agriculture or ecological improvement		
R11	Uses of residual materials obtained from any of the operations numbered R1-R10		
R12	Exchange of wastes for submission to any of the operations numbered R1-R11		
R13	Accumulation of material intended for any operation in this list.		
PACKAGING TYPES (Block 7)		H CODE AND UN CLASS (Block 14)	
1. Drum		UN	H code Characteristics
2. Wooden barrel		Class	
3. Jerrican		1	H1 Explosive
4. Box		3	H3 Flammable liquids
5. Bag		4.1	H4.1 Flammable solids
6. Composite packaging		4.2	H4.2 Substances or wastes liable to spontaneous combustion
7. Pressure receptacle		4.3	H4.3 Substances or wastes which, in contact with water, emit flammable gases
8. Bulk		5.1	H5.1 Oxidizing
9. Other (specify)		5.2	H5.2 Organic peroxides
MEANS OF TRANSPORT (Block 8)		6.1	H6.1 Poisonous (acute)
R = Road		6.2	H6.2 Infectious substances
T = Train/Rail		8	H8 Corrosives
S = Sea		9	H10 Liberation of toxic gases in contact with air or water
A = Air		9	H11 Toxic (delayed or chronic)
W = Inland Waterways		9	H12 Ecotoxic
PHYSICAL CHARACTERISTICS (Block 13)		9	H13 Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above
1. Powdery/powder			
2. Solid			
3. Viscous/paste			
4. Sludgy			
5. Liquid			
6. Gaseous			
7. Other (specify)			

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y codes, can be found in a Guidance/Instruction Manual available from OECD and the Secretariat of the Basel Convention

ANNEX IB

Movement Document for Transboundary Movements of Waste

EU

1. Corresponding to Notification N°:		2. Serial/total number of shipments: /	
3. Exporter - Notifier Registration N°: Name: Address: Contact person: Tel: Fax: Email:		4. Importer - Consignee Registration N°: Name: Address: Contact person: Tel: Fax: Email:	
5. Actual quantity: kg: litre:		6 Actual date of shipment:	
7. Packaging Type(s) (1): Number of packages: Special handling requirements: (2) Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
8.(a) 1st Carrier (3): Registration N°: Name: Address: Tel: Fax: Email:		8.(b) 2nd Carrier: Registration N°: Name: Address: Tel: Fax: Email:	8.(c) Last Carrier: Registration N°: Name: Address: Tel: Fax: Email:
----- <i>To be completed by carrier's representative</i> ----- More than 3 carriers (2) <input type="checkbox"/>			
Means of transport (1): Date of transfer: Signature:		Means of transport (1): Date of transfer: Signature:	Means of transport (1): Date of transfer: Signature:
9. Waste generator(s) (4;5;6): Registration N°: Name: Address: Contact person: Tel: Fax: Email: Site of generation (2):		12. Designation and composition of the waste (2):	
10. Disposal facility <input type="checkbox"/> or Recovery facility <input type="checkbox"/>		13. Physical characteristics (1):	
Registration N°: Name: Address: Contact person: Tel: Fax: Email: Actual site of disposal/recovery (2)		14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN class (1): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):	
11. Disposal/recovery operation(s) D code / R code (1):			
15. Exporter's - Notifier's / Generator's (4) declaration: I certify that the above information is complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned. Name: Signature: Date:			
16. For use by any person involved in the transboundary movement in case additional information is required			
TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY			
17. Shipment received at disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/>		18. I certify that the disposal/recovery of the waste described above has been completed.	
Date of reception: Accepted: <input type="checkbox"/> Rejected*: <input type="checkbox"/> Quantity received: kg: litre: *immediately contact competent authorities Approximate date of disposal/recovery: Disposal/Recovery operation (1): Date: Name: Signature:		Date: Name: Signature and stamp:	

(1) See list of abbreviations and codes on the next page

(2) Attach details if necessary

(3) If more than 3 carriers, attach information as required in blocks 8 (a,b,c).

(4) Required by the Basel Convention

(5) Attach list if more than one

(6) If required by national legislation

FOR USE BY CUSTOMS OFFICES (if required by national legislation)			
19. COUNTRY OF EXPORT - DISPATCH OR CUSTOMS OFFICE OF EXIT The waste described in this movement document has left the Country on: Signature: Stamp:		20. COUNTRY OF IMPORT - DESTINATION OR CUSTOMS OFFICE OF ENTRY The waste described in this movement document has entered The country on: Signature: Stamp:	
21. STAMPS OF CUSTOMS OFFICES OF TRANSIT COUNTRIES			
Name of country: Entry:		Name of country: Entry:	
Exit:		Exit::	
Name of country: Entry:		Name of country: Entry:	
Exit::		Exit::	

List of Abbreviations and Codes Used in the Movement Document

DISPOSAL OPERATIONS (Block 11)		RECOVERY OPERATIONS (Block 11)	
D1 Deposit into or onto land, (e.g., landfill, etc.)		R1 Use as a fuel (other than in direct incineration) or other means to generate energy	
D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)		R2 Solvent reclamation/regeneration	
D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)		R3 Recycling/reclamation of organic substances which are not used as solvents	
D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)		R4 Recycling/reclamation of metals and metal compounds	
D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment)		R5 Recycling/reclamation of other inorganic materials	
D6 Release into a water body except seas/oceans		R6 Regeneration of acids or bases	
D7 Release into seas/oceans including sea-bed insertion		R7 Recovery of components used for pollution abatement	
D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list		R8 Recovery of components from catalysts	
D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination)		R9 Used oil re-refining or other reuses of previously used oil	
D10 Incineration on land		R10 Land treatment resulting in benefit to agriculture or ecological improvement	
D11 Incineration at sea		R11 Uses of residual materials obtained from any of the operations numbered R1-R10	
D12 Permanent storage, (e.g., emplacement of containers in a mine, etc.)		R12 Exchange of wastes for submission to any of the operations numbered R1-R11	
D13 Blending or mixing prior to submission to any of the operations in this list		R13 Accumulation of material intended for any operation in this list	
D14 Repackaging prior to submission to any of the operations in this list			
D15 Storage pending any of the operations in this list			
PACKAGING TYPES (Block 7)		H CODE AND UN CLASS (Block 14)	
1. Drum		UN class H code Characteristics	
2. Wooden barrel		1 H1 Explosive	
3. Jerrican		3 H3 Flammable liquids	
4. Box		4.1 H4.1 Flammable solids	
5. Bag		4.2 H4.2 Substances or wastes liable to spontaneous combustion	
6. Composite packaging		4.3 H4.3 Substances or wastes which, in contact with water, emit flammable gases	
7. Pressure receptacle		5.1 H5.1 Oxidizing	
8. Bulk		5.2 H5.2 Organic peroxides	
9. Other (specify)		6.1 H6.1 Poisonous (acute)	
MEANS OF TRANSPORT (Block 8)		6.2 H6.2 Infectious substances	
R = Road T = Train/Rail		8 H8 Corrosives	
S = Sea A = Air		9 H10 Liberation of toxic gases in contact with air or water	
W = Inland Waterways		9 H11 Toxic (delayed or chronic)	
PHYSICAL CHARACTERISTICS (Block 13)		9 H12 Ecotoxic	
1. Powdery / powder		9 H13 Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above	
2. Solid 5. Liquid			
3. Viscous / paste 6. Gaseous			
4. Sludgy 7. Other			
(specify)			

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y codes, can be found in a Guidance/Instruction Manual available from OECD and the Secretariat of the Basel Convention.

ANNEX II

INFORMATION AND DOCUMENTATION RELATED TO NOTIFICATION

1 INFORMATION TO BE INCLUDED IN OR ANNEXED TO THE NOTIFICATION DOCUMENT:

1. Serial number or other accepted identifier of notification document.
2. Notifier name, address, telephone, telefax, e-mail and contact person.
3. Recovery or disposal facility name, address, telephone, telefax, e-mail, technologies employed and possible status as pre-consented in accordance with Article 15.

If the waste is destined for blending or mixing, repackaging, exchange, storage or other disposal or recovery operations considered interim, similar information regarding facilities where the subsequent and final recovery or disposal operation takes place or may take place, shall be indicated.

If the recovery or disposal facility is listed in Annex I, Category 5 of Directive 94/61/EC on Integrated Pollution Prevention and Control, as amended, evidence of valid permit issued in accordance with Article 4 and 5 of that Directive shall be provided.

4. Consignee name, address, telephone, telefax, e-mail.
5. Intended carrier(s) and/or their agents name, address, telephone, telefax and e-mail
6. Country of dispatch and relevant competent authority.
7. Countries of transit and relevant competent authorities.
8. Country of destination and relevant competent authority.
9. Single notification or general notification. If general notification, period of validity requested.
10. Date(s) foreseen for commencement of the shipment(s).
11. Means of transport, routing (point of exit and entry into and out of each country concerned, including customs offices of exit and entry into the Community) and route (route between points of exit and entry), including possible alternatives.
12. Evidence of registration of the carrier regarding waste transports.
13. Designation of waste type on the appropriate list, the source(s), description, quantity(ies), composition and any hazardous characteristics. In case of waste from various sources, also a detailed inventory of the waste.
14. Specification of the recovery or disposal operation(s) as referred to in Annex IIA and B of Directive 75/442/EEC, as amended.
15. If the waste is destined for recovery:

- (a) The planned method of disposal for the residual waste after recovery
 - (b) The amount of recovered material in relation to the residual waste and the non-recoverable waste
 - (c) The estimated value of the recovered material
 - (d) The cost of recovery and the cost of disposal of the residual waste
16. Evidence of insurance against liability for damage to third parties.
 17. Evidence of liability insurance for the transport vehicles.
 18. Evidence of a contract between the notifier and consignee for the treatment of the waste that is established and legally binding upon notification as required in Articles 5(4) and 6.
 19. Evidence of a financial guarantee or equivalent insurance that is established and legally binding upon notification and activated when the shipment starts, as required in Articles 5(5) and 7.
 20. Certification by the notifier that the information is completed and correct to the best of his knowledge.
 21. Customs offices of entry and/or exit and/or export.

2. INFORMATION TO BE INCLUDED IN OR ANNEXED TO THE MOVEMENT DOCUMENT:

Include all information listed in part 1 above plus:

1. Date shipment has commenced.
2. Carrier(s) name, address, telephone, telefax, e-mail.
3. Type of packaging envisaged.
4. Any special precautions to be taken by carrier(s).
5. Declaration by notifier that no objection has been lodged by the competent authorities of all countries concerned. This declaration requires signature of the notifier.
6. Appropriate signatures for each custody transfer.

3. ADDITIONAL INFORMATION AND DOCUMENTATION THAT MAY BE REQUESTED BY THE COMPETENT AUTHORITIES:

1. In the case of the notifier not being the producer, the original producer(e)s identity.
2. the type and duration of the authorisation under which the treatment facility operates.
3. Information about the measures to be taken to ensure transport safety.
4. The transport distance(s) between notifier and consignee, including possible alternative routes.
5. Chemical analysis of the composition of the waste.
6. Description of the production process of the waste.
7. Description of the treatment process of the receiving plant
8. Information about calculation of the financial guarantee or equivalent insurance as required in Articles 5(5) and 7.

ANNEX III

List of Waste Subject to the procedure of being accompanied by certain information ("green" listed waste)⁵⁵

Regardless of whether or not wastes are included on this list, they may not be subject to the control procedure of being accompanied by certain information if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the control procedure of written notification and consent, when taking into account the hazardous characteristics listed in Annex III of Council Directive 91/689/EEC, as amended⁵⁶ or (b) prevents the recovery of the wastes in an environmentally sound manner.

PART I:

Wastes listed in Annex IX of the Basel Convention⁵⁷.

For the purposes of this Regulation:

- (a) Any reference to list A in Annex IX of the Basel Convention shall be understood as a reference to Annex IV of this Regulation.
- (b) In Basel entry B1020 the term "bulk finished form" includes all metallic non-dispersible⁵⁸ forms of the scrap listed therein.
- (c) The part of Basel entry B1100 that refers to "Slags from copper processing" etc does not apply and (OECD) entry GB040 in Part II applies instead.
- (d) Basel entry B1110 does not apply and (OECD) entries GC010 and GC020 in Part II apply instead.
- (e) Basel entry B2050 does not apply and (OECD) entry GG040 in Part II applies instead.
- (f) The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).

PART II:

The following wastes will also be subject to the procedure of being accompanied by certain information:

Metal and Metal-Alloy Wastes in Metallic, Non-Dispersible⁶ Form

GA300 ex 811220 Chromium waste and scrap

⁵⁵ This list originates from the OECD Decision, Appendix 3.

⁵⁶ OJ L 377, 31.12.1991, p. 20

⁵⁷ Annex IX of the Basel Convention is listed in this Regulation in Annex V, Part 1, List B.

⁵⁸ "Non-dispersible" does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

Metal Bearing Wastes Arising from Melting, Smelting and Refining of Metals

GB040	7112 262030 262090	Slags from precious metals and copper processing for further refining
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Other Wastes Containing Metals

GC010		Electrical assemblies consisting only of metals or alloys
GC020		Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery
GC030	ex 890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste ⁵⁹
GC040	ex 8701-05 ex 8709-11	Motor vehicle wrecks, drained of liquids
GC050		Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g.: aluminium oxide, zeolites)

The following metal and metal alloy wastes in metallic dispersible form:

GC090		Molybdenum
GC100		Tungsten
GC110		Tantalum
GC120		Titanium
GC130		Niobium
GC140		Rhenium

Glass Waste in Non-dispersible Form

GE020	ex 7001 ex 701939	Glass Fibre Waste
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Ceramic Wastes in Non-Dispersible Form

GF010		Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)
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⁵⁹ The term “properly emptied” is understood as presuming full compliance with internationally recognised rules and guidelines on ship recycling.

Other Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

GG030	ex 2621	Bottom ash and slag tap from coal fired power plants
GG040	ex 2621	Coal fired power plants fly ash
GG160		Bituminous materials (asphalt waste) from road construction and maintenance, not containing tar

Solid Plastic Wastes

GH013	391530 ex 390410-40	Polymers of vinyl chloride
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Textile Wastes

GJ140	ex 6310	Waste textile floor coverings, carpets
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Wastes Arising from Agro-Food Industries

GM140	ex 1500	Waste edible fats and oils of animal or vegetable origin (e.g. frying oils)
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Wastes Arising from Tanning and Fellmongery Operations and Leather Use

GN010	ex 050200	Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair
GN020	ex 050300	Horsehair waste, whether or not put up as a layer with or without supporting material
GN030	ex 050590	Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation

ANNEX IV

List of Waste Subject To the procedure of written notification and consent ("amber" listed waste)⁶⁰

PART I:

Wastes listed in Annexes II and VIII of the Basel Convention⁶¹.

For the purposes of this Regulation:

- (a) Any reference to list B in Annex VIII of the Basel Convention shall be understood as a reference to Annex III of this Regulation.
- (b) In Basel entry A1010, the term "excluding such wastes specifically listed on List B (Annex IX)" is a reference both to Basel entry B1020 and the note on B1020 in Annex III to this Regulation, Part I (b).
- (c) Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Annex III, Part II apply instead when appropriate.
- (d) Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride.

PART II:

The following wastes will also be subject to the procedure of written notification and consent:

Metal Bearing Wastes

AA010	261900	Dross, scalings and other wastes from the manufacture of iron and steel ⁶²
AA060	262050	Vanadium ashes and residues
AA190	810420 ex 8/10430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

AB030		Wastes from non-cyanide based systems which arise from surface treatment of metals
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⁶⁰ This list originates from the OECD Decision, Appendix 4.

⁶¹ Annex VIII of the Basel Convention is listed in this Regulation in Annex V, Part 1, List A.

⁶² This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

AB070		Sands used in foundry operations
AB120	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
AB130		Used blasting grit
AB150	ex 382490	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

Wastes Containing Principally Organic Constituents, Which May Contain Metals and Inorganic Materials

AC020		Bituminous materials (asphalt waste) not elsewhere specified or included
AC060	ex 381900	Hydraulic fluids
AC070	ex 381900	Brake fluids
AC080	ex 382000	Antifreeze fluids
AC150		Chlorofluorocarbons
AC160		Halons
AC170	ex 440310	Treated cork and wood wastes
AC250		Surface active agents (surfactants)
AC260	ex 3101	Liquid pig manure; faeces
AC270		Sewage sludge

Wastes Which May Contain either Inorganic or Organic Constituents

AD090	ex 382490	Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD100		Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD120	ex 391400 ex 3915	Ion exchange resins
AD150		Naturally occurring organic material used as a filter medium (such as bio-filters)

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

RB020 ex 6815 Ceramic based fibres of physico-chemical characteristics similar to those of asbestos

ANNEX IVA

Waste listed in Annex III but subject to the procedure of written notification and consent (Article 3(3))

ANNEX V

WASTE SUBJECT TO THE EXPORT BAN IN ARTICLE 37

INTRODUCTORY NOTES

1. Annex V shall apply without prejudice to Directive 75/442/EEC, as amended by Directive 91/156/EEC and Directive 91/689/EEC.
2. This Annex consists of three parts, whereby parts 2 and 3 only apply when part 1 is not of application. Consequently, to determine if a specific waste is covered by Annex V of this Regulation, one has to first check whether the waste features in part 1 of Annex V, if this is not the case whether it features in part 2, and if this is not the case whether it features in part 3.

Part 1 is divided into two sub-sections: List A enumerating wastes which are classified as hazardous for the purposes of the Basel Convention and therefore are covered by the export ban and List B enumerating wastes which are not covered by the export ban.

Thus, if a waste features in part 1, one has to check if it is enumerated in List A or in List B. Only if a waste does not feature in either List A or List B of part 1, one has to check if it features among the hazardous waste of part 2 or in part 3 and if this is the case it is covered by the export ban.

3. Member States may make provisions, in exceptional cases, to determine, on the basis of documentary evidence provided in an appropriate way by the holder, that a specific hazardous waste on this Annex is excluded from the export ban referred to in Article 37 of this Regulation if it does not display any of the properties listed in Annex III to Directive 91/689/EEC, taking into account, as regards H3 to H8, H10 and H11 of the said Annex, the limit values laid down in Commission Decision 2000/532/EC as amended.

In such a case, the Member State concerned shall inform the envisaged importing country prior to taking a decision. Member States shall notify such cases to the Commission before the end of each calendar year. The Commission shall forward the information to all Member States and to the Secretariat of the Basel Convention. On the basis of the information provided, the Commission may make comments and, where appropriate, submit proposals to the Committee established pursuant to Article 18 of Directive 75/442/EEC with a view to adapting Annex V of this Regulation.

4. The fact that a waste is not listed as hazardous in this Annex, or that it is listed in part 1, list B, does not preclude, in exceptional cases, characterisation of such a waste as hazardous and therefore subject to the export ban referred to in Article 37 of this Regulation if it displays any of the properties listed in Annex III to Directive 91/689/EEC, taking into account, as regards H3 to H8, H10 and H11 of the said Annex, the limit values laid down in Commission Decision 2000/532/EC, as amended, as provided for in Article 1(4), second indent, of Directive 91/689/EEC and in the Header of Annex III to this Regulation.

In such a case, the Member State concerned shall inform the envisaged importing country prior to taking a decision. Member States shall notify such cases to the Commission before the end of each calendar year. The Commission shall forward the information to all Member States and to the Secretariat of the Basel Convention. On the basis of the information provided, the Commission may make comments and, where appropriate, submit proposals to the Committee established pursuant to Article 18 of Directive 75/442/EEC with a view to adapting Annex V of this Regulation.

PART 1

List A (Annex VIII to the Basel Convention)

A1 Metal and metal bearing wastes

A1010 Metal wastes and waste consisting of alloys of any of the following:

- Antimony
- Arsenic
- Beryllium
- Cadmium
- Lead
- Mercury
- Selenium
- Tellurium
- Thallium

but excluding such wastes specifically listed on list B.

A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:

- Antimony; antimony compounds
- Beryllium; beryllium compounds
- Cadmium; cadmium compounds
- Lead; lead compounds
- Selenium; selenium compounds
- Tellurium; tellurium compounds

A1030 Wastes having as constituents or contaminants any of the following:

- Arsenic; arsenic compounds
- Mercury; mercury compounds
- Thallium; thallium compounds

A1040 Wastes having as constituents any of the following:

- Metal carbonyls

– Hexavalent chromium compounds

- A1050 Galvanic sludges
- A1060 Waste liquors from the pickling of metals
- A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
- A1080 Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics
- A1090 Ashes from the incineration of insulated copper wire
- A1100 Dusts and residues from gas cleaning systems of copper smelters
- A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations
- A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
- A1130 Spent etching solutions containing dissolved copper
- A1140 Waste cupric chloride and copper cyanide catalysts
- A1150 Precious metal ash from incineration of printed circuit boards not included on list B⁶³
- A1160 Waste lead-acid batteries, whole or crushed
- A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex 1 constituents to an extent to render them hazardous.
- A1180 Waste electrical and electronic assemblies or scrap⁶⁴ containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B, B1110)⁶⁵

A2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

- A2010 Glass waste from cathode-ray tubes and other activated glasses
- A2020 Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B

⁶³ Note that mirror entry on list B (B1160) does not specify exceptions.

⁶⁴ This entry does not include scrap assemblies from electric power generation.

⁶⁵ PCBs are at a concentration level of 50 mg/kg or more.

- A2030 Waste catalysts but excluding such wastes specified on list B
- A2040 Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B, B2080)
- A2050 Waste asbestos (dusts and fibres)
- A2060 Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B, B2050)

A3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

- A3010 Waste from the production or processing of petroleum coke and bitumen
- A3020 Waste mineral oils unfit for their originally intended use
- A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges
- A3040 Waste thermal (heat transfer) fluids
- A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B, B4020)
- A3060 Waste nitrocellulose
- A3070 Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
- A3080 Waste ethers not including those specified on list B
- A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B, B3100)
- A3100 Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on list B, B3090)
- A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B, B3110)
- A3120 Fluff - light fraction from shredding
- A3130 Waste organic phosphorous compounds
- A3140 Waste non-halogenated organic solvents but excluding such wastes specified on list B
- A3150 Waste halogenated organic solvents

- A3160 Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
- A3170 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
- A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more⁶⁶
- A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials

A4 Wastes which may contain either inorganic or organic constituents

- A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
- A4020 Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
- A4030 Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, out-dated⁶⁷, or unfit for their originally intended use
- A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals⁶⁸
- A4050 Wastes that contain, consist of or are contaminated with any of the following:
- Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
 - Organic cyanides
- A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions
- A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B, B4010)
- A4080 Wastes of an explosive nature (but excluding such wastes specified on list B)
- A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B, B2120)

⁶⁶ The 50 mg/kg level is considered to be an internationally practical level for all wastes. However, many individual countries have established lower regulatory levels (e.g. 20 mg/kg) for specific wastes.

⁶⁷ "Out-dated" means unused within the period recommended by the manufacturer.

⁶⁸ This entry does not include wood treated with wood-preserving chemicals.

- A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B
- A4110 Wastes that contain, consist of or are contaminated with any of the following:
- any congener of polychlorinated dibenzo-furan
 - any congener of polychlorinated dibenzo-dioxin
- A4120 Wastes that contain, consist of or are contaminated with peroxides
- A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
- A4140 Waste consisting of or containing off-specification or out-dated⁶⁹ chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
- A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
- A4160 Spent activated carbon not included on list B (note the related entry on list B, B2060)

⁶⁹ “Out-dated” means unused within the period recommended by the manufacturer.

List B (Annex IX to the Basel Convention)

B1 Metal and metal bearing wastes

B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:

- Precious metals (gold, silver, the platinum group, but not mercury)
- Iron and steel scrap
- Copper scrap
- Nickel scrap
- Aluminium scrap
- Zinc scrap
- Tin scrap
- Tungsten scrap
- Molybdenum scrap
- Tantalum scrap
- Magnesium scrap
- Cobalt scrap
- Bismuth scrap
- Titanium scrap
- Zirconium scrap
- Manganese scrap
- Germanium scrap
- Vanadium scrap
- Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium
- Thorium scrap
- Rare earths scrap

B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc):

- Antimony scrap
- Beryllium scrap

- Cadmium scrap
 - Lead scrap (but excluding lead-acid batteries)
 - Selenium scrap
 - Tellurium scrap
- B1030 Refractory metals containing residues
- B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous
- B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics⁷⁰
- B1060 Waste Selenium and Tellurium in metallic elemental form including powder
- B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics
- B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3⁷¹
- B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury
- B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:
- Hard zinc spelter
 - Zinc-containing drosses:
 - Galvanizing slab zinc top dross (>90 % Zn)
 - Galvanizing slab zinc bottom dross (>92 % Zn)
 - Zinc die casting dross (>85 % Zn)
 - Hot dip galvanizers slab zinc dross (batch) (>92 % Zn)
 - Zinc skimmings
 - Aluminium skimmings (or skims) excluding salt slag

⁷⁰ Note that even where low level contamination with Annex I materials initially exists, subsequent processes, including recycling processes, may result in separated fractions containing significantly enhanced concentrations of those Annex I materials.

⁷¹ The status of zinc ash is currently under review and there is a recommendation with United Nations Conference on Trade and Development (UNCTAD) that zinc ashes should not be dangerous goods.

- Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics
- Wastes of refractory linings, including crucibles, originating from copper smelting
- Slags from precious metals processing for further refining
- Tantalum bearing tin slags with less than 0.5 % tin

B1110 Electrical and electronic assemblies:

- Electronic assemblies consisting only of metals or alloys
- Waste electrical and electronic assemblies or scrap⁷² (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A, A1180)
- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct re-use⁷³ and not for recycling or final disposal⁷⁴

B1120 Spent catalysts excluding liquids used as catalysts, containing any of:

- | | | |
|--|------------------------------------|------------|
| – Transition Metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A | Scandium | Titanium |
| | Vanadium | Chromium |
| | Manganese | Iron |
| | Cobalt | Nickel |
| | Copper | Zinc |
| | Yttrium | Zirconium |
| | Niobium | Molybdenum |
| | Hafnium | Tantalum |
| | Tungsten | Rhenium |
| | – Lanthanides (rare earth metals): | Lanthanum |
| Praseodymium | | Neodymium |
| Samarium | | Europium |
| Gadolinium | | Terbium |
| Dysprosium | | Holmium |
| Erbium | | Thulium |
| Ytterbium | | Lutetium |

⁷² This entry does not include scrap from electrical power generation.

⁷³ Re-use can include repair, refurbishment or upgrading, but not major reassembly.

⁷⁴ In some countries these materials destined for direct re-use are not considered wastes.

- B1130 Cleaned spent precious-metal-bearing catalysts
- B1140 Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides
- B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labeling
- B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry on list A, A1150)
- B1170 Precious-metal ash from the incineration of photographic film
- B1180 Waste photographic film containing silver halides and metallic silver
- B1190 Waste photographic paper containing silver halides and metallic silver
- B1200 Granulated slag arising from the manufacture of iron and steel
- B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO₂ and Vanadium
- B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301) mainly for construction
- B1230 Mill scaling arising from the manufacture of iron and steel
- B1240 Copper oxide mill-scale

B2 Wastes containing principally inorganic constituents, which may contain metals and organic materials

- B2010 Wastes from mining operations in non-dispersible form:
 - Natural graphite waste
 - Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
 - Mica waste
 - Leucite, nepheline and nepheline syenite waste
 - Feldspar waste
 - Fluorspar waste
 - Silica wastes in solid form excluding those used in foundry operations
- B2020 Glass waste in non-dispersible form:

- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
- B2030 Ceramic wastes in non-dispersible form:
- Cermet wastes and scrap (metal ceramic composites)
 - Ceramic based fibres not elsewhere specified or included
- B2040 Other wastes containing principally inorganic constituents:
- Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
 - Waste gypsum wallboard or plasterboard arising from the demolition of buildings
 - Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
 - Sulphur in solid form
 - Limestone from the production of calcium cyanamide (having a pH less than 9)
 - Sodium, potassium, calcium chlorides
 - Carborundum (silicon carbide)
 - Broken concrete
 - Lithium-Tantalum and Lithium-Niobium containing glass scraps
- B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A, A2060)
- B2060 Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A, A4160)
- B2070 Calcium fluoride sludge
- B2080 Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A, A2040)
- B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
- B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
- B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)

B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on list A, A4090)

B3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

B3010 Solid plastic waste:

The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:

- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following⁷⁵:
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides
 - acrylic polymers
 - alkanes C10-C13 (plasticiser)
 - polyurethane (not containing CFCs)
 - polysiloxanes
 - polymethyl methacrylate
 - polyvinyl alcohol

⁷⁵ It is understood that such scraps are completely polymerized.

- polyvinyl butyral
- polyvinyl acetate
- Cured waste resins or condensation products including the following:
 - urea formaldehyde resins
 - phenol formaldehyde resins
 - melamine formaldehyde resins
 - epoxy resins
 - alkyd resins
 - polyamides
- The following fluorinated polymer wastes⁷⁶:
 - Perfluoroethylene/propylene (FEP)
 - Perfluoroalkoxy alkane (PFA)
 - Perfluoroalkoxy alkane (MFA)
 - Polyvinylfluoride (PVF)
 - Polyvinylidene fluoride (PVDF)

B3020 Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- unbleached paper or paperboard or of corrugated paper or paperboard
- other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- other, including but not limited to 1) laminated paperboard; 2) unsorted scrap

B3030 Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

⁷⁶ - Post-consumer wastes are excluded from this entry
 - Wastes shall not be mixed
 - Problems arising from open-burning practices to be considered

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - not carded or combed
 - other
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair
- Cotton waste (including yarn waste and garnetted stock)
 - yarn waste (including thread waste)
 - garnetted stock
 - other
- Flax tow and waste
- Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
- Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or *Musa textilis* Nee)
- Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
- Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - of synthetic fibres
 - of artificial fibres
- Worn clothing and other worn textile articles
- Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile

- sorted
- other

B3040 Rubber wastes

The following materials, provided they are not mixed with other wastes:

- Waste and scrap of hard rubber (e.g. ebonite)
- Other rubber wastes (excluding such wastes specified elsewhere)

B3050 Untreated cork and wood waste:

- Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- Cork waste: crushed, granulated or ground cork

B3060 Wastes arising from agro-food industries provided it is not infectious:

- Wine lees
- Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, or a kind used in animal feeding, not elsewhere specified or included
- Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
- Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
- Fish waste
- Cocoa shells, husks, skins and other cocoa waste
- Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

B3070 The following wastes:

- Waste of human hair
- Waste straw
- Deactivated fungus mycelium from penicillin production to be used as animal feed

B3080 Waste parings and scrap of rubber

- B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A, A3100)
- B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on list A, A3090)
- B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list A, A3110)
- B3120 Wastes consisting of food dyes
- B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
- B3140 Waste pneumatic tyres, excluding those destined for Annex IVA operations

B4 Wastes which may contain either inorganic or organic constituents

- B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A, A4070)
- B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g. water based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A, A3050)
- B4030 Used single use cameras, with batteries not included on list A

PART 2

Wastes listed in the Annex to Commission Decision 2000/532/EC, as amended. Wastes marked with an asterisk are considered to be hazardous waste pursuant to Directive 91/689/EEC on hazardous waste.⁷⁷

01 WASTES RESULTING FROM EXPLORATION, MINING, QUARRYING, AND PHYSICAL AND CHEMICAL TREATMENT OF MINERALS

01 01 wastes from mineral excavation

01 01 01 wastes from mineral metalliferous excavation

01 01 02 wastes from mineral non-metalliferous excavation

01 03 wastes from physical and chemical processing of metalliferous minerals

01 03 04* acid-generating tailings from processing of sulphide ore

01 03 05* other tailings containing dangerous substances

01 03 06 tailings other than those mentioned in 01 03 04 and 01 03 05

01 03 07* other wastes containing dangerous substances from physical and chemical processing of metalliferous minerals

01 03 08 dusty and powdery wastes other than those mentioned in 01 03 07

01 03 09 red mud from alumina production other than the wastes mentioned in 01 03 07

01 03 99 wastes not otherwise specified

01 04 wastes from physical and chemical processing of non-metalliferous minerals

01 04 07* wastes containing dangerous substances from physical and chemical processing of non-metalliferous minerals

01 04 08 waste gravel and crushed rocks other than those mentioned in 01 04 07

01 04 09 waste sand and clays

01 04 10 dusty and powdery wastes other than those mentioned in 01 04 07

01 04 11 wastes from potash and rock-salt processing other than those mentioned in 01 04 07

⁷⁷ When identifying a waste in the list below, the introduction to the Annex of Commission Decision 2000/532/EC as amended is relevant.

01 04 12 tailings and other wastes from washing and cleaning of minerals other than those mentioned in 01 04 07 and 01 04 11

01 04 13 wastes from stone cutting and sawing other than those mentioned in 01 04 07

01 04 99 wastes not otherwise specified

01 05 drilling muds and other drilling wastes

01 05 04 fresh-water drilling muds and wastes

01 05 05* oil-containing drilling muds and wastes

01 05 06* drilling muds and other drilling wastes containing dangerous substances

01 05 07 barite-containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06

01 05 08 chloride-containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06

01 05 99 wastes not otherwise specified

02 WASTES FROM AGRICULTURE, HORTICULTURE, AQUACULTURE, FORESTRY, HUNTING AND FISHING, FOOD PREPARATION AND PROCESSING

02 01 wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing

02 01 01 sludges from washing and cleaning

02 01 02 animal-tissue waste

02 01 03 plant-tissue waste

02 01 04 waste plastics (except packaging)

02 01 06 animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off-site

02 01 07 wastes from forestry

02 01 08* agrochemical waste containing dangerous substances

02 01 09 agrochemical waste other than those mentioned in 02 01 08

02 01 10 waste metal

02 01 99 wastes not otherwise specified

02 02 wastes from the preparation and processing of meat, fish and other foods of animal origin

02 02 01 sludges from washing and cleaning

02 02 02 animal-tissue waste

02 02 03 materials unsuitable for consumption or processing

02 02 04 sludges from on-site effluent treatment

02 02 99 wastes not otherwise specified

02 03 wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation

02 03 01 sludges from washing, cleaning, peeling, centrifuging and separation

02 03 02 wastes from preserving agents

02 03 03 wastes from solvent extraction

02 03 04 materials unsuitable for consumption or processing

02 03 05 sludges from on-site effluent treatment

02 03 99 wastes not otherwise specified

02 04 wastes from sugar processing

02 04 01 soil from cleaning and washing beet

02 04 02 off-specification calcium carbonate

02 04 03 sludges from on-site effluent treatment

02 04 99 wastes not otherwise specified

02 05 wastes from the dairy products industry

02 05 01 materials unsuitable for consumption or processing

02 05 02 sludges from on-site effluent treatment

02 05 99 wastes not otherwise specified

02 06 wastes from the baking and confectionery industry

02 06 01 materials unsuitable for consumption or processing

02 06 02 wastes from preserving agents

02 06 03 sludges from on-site effluent treatment

02 06 99	wastes not otherwise specified
02 07	wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)
02 07 01	wastes from washing, cleaning and mechanical reduction of raw materials
02 07 02	wastes from spirits distillation
02 07 03	wastes from chemical treatment
02 07 04	materials unsuitable for consumption or processing
02 07 05	sludges from on-site effluent treatment
02 07 99	wastes not otherwise specified
03	WASTES FROM WOOD PROCESSING AND THE PRODUCTION OF PANELS AND FURNITURE, PULP, PAPER AND CARDBOARD
03 01	wastes from wood processing and the production of panels and furniture
03 01 01	waste bark and cork
03 01 04*	sawdust, shavings, cuttings, wood, particle board and veneer containing dangerous substances
03 01 05	sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04
03 01 99	wastes not otherwise specified
03 02	wastes from wood preservation
03 02 01*	non-halogenated organic wood preservatives
03 02 02*	organochlorinated wood preservatives
03 02 03*	organometallic wood preservatives
03 02 04*	inorganic wood preservatives
03 02 05*	other wood preservatives containing dangerous substances
03 02 99	wood preservatives not otherwise specified
03 03	wastes from pulp, paper and cardboard production and processing
03 03 01	waste bark and wood
03 03 02	green liquor sludge (from recovery of cooking liquor)

- 03 03 05 de-inking sludges from paper recycling
- 03 03 07 mechanically separated rejects from pulping of waste paper and cardboard
- 03 03 08 wastes from sorting of paper and cardboard destined for recycling
- 03 03 09 lime mud waste
- 03 03 10 fibre rejects, fibre-, filler- and coating sludges from mechanical separation
- 03 03 11 sludges from on-site effluent treatment other than those mentioned in 03 03 10
- 03 03 99 wastes not otherwise specified

04 WASTES FROM THE LEATHER, FUR AND TEXTILE INDUSTRIES

04 01 wastes from the leather and fur industry

- 04 01 01 fleshings and lime split wastes
- 04 01 02 liming waste
- 04 01 03* degreasing wastes containing solvents without a liquid phase
- 04 01 04 tanning liquor containing chromium
- 04 01 05 tanning liquor free of chromium
- 04 01 06 sludges, in particular from on-site effluent treatment containing chromium
- 04 01 07 sludges, in particular from on-site effluent treatment free of chromium
- 04 01 08 waste tanned leather (blue sheetings, shavings, cuttings, buffing dust) containing chromium
- 04 01 09 wastes from dressing and finishing
- 04 01 99 wastes not otherwise specified

04 02 wastes from the textile industry

- 04 02 09 wastes from composite materials (impregnated textile, elastomer, plastomer)
- 04 02 10 organic matter from natural products (e.g. grease, wax)
- 04 02 14* wastes from finishing containing organic solvents
- 04 02 15 wastes from finishing other than those mentioned in 04 02 14
- 04 02 16* dyestuffs and pigments containing dangerous substances
- 04 02 17 dyestuffs and pigments other than those mentioned in 04 02 16

- 04 02 19* sludges from on-site effluent treatment containing dangerous substances
- 04 02 20 sludges from on-site effluent treatment other than those mentioned in 04 02 19
- 04 02 21 wastes from unprocessed textile fibres
- 04 02 22 wastes from processed textile fibres
- 04 02 99 wastes not otherwise specified

05 WASTES FROM PETROLEUM REFINING, NATURAL GAS PURIFICATION AND PYROLYTIC TREATMENT OF COAL

05 01 wastes from petroleum refining

- 05 01 02* desalter sludges
- 05 01 03* tank bottom sludges
- 05 01 04* acid alkyl sludges
- 05 01 05* oil spills
- 05 01 06* oily sludges from maintenance operations of the plant or equipment
- 05 01 07* acid tars
- 05 01 08* other tars
- 05 01 09* sludges from on-site effluent treatment containing dangerous substances
- 05 01 10 sludges from on-site effluent treatment other than those mentioned in 05 01 09
- 05 01 11* wastes from cleaning of fuels with bases
- 05 01 12* oil containing acids
- 05 01 13 boiler feedwater sludges
- 05 01 14 wastes from cooling columns
- 05 01 15* spent filter clays
- 05 01 16 sulphur-containing wastes from petroleum desulphurisation
- 05 01 17 Bitumen
- 05 01 99 wastes not otherwise specified

05 06 wastes from the pyrolytic treatment of coal

- 05 06 01* acid tars

05 06 03*	other tars
05 06 04	waste from cooling columns
05 06 99	wastes not otherwise specified
05 07	wastes from natural gas purification and transportation
05 07 01*	wastes containing mercury
05 07 02	wastes containing sulphur
05 07 99	wastes not otherwise specified
06	WASTES FROM INORGANIC CHEMICAL PROCESSES
06 01	wastes from the manufacture, formulation, supply and use (MFSU) of acids
06 01 01*	sulphuric acid and sulphurous acid
06 01 02*	hydrochloric acid
06 01 03*	hydrofluoric acid
06 01 04*	phosphoric and phosphorous acid
06 01 05*	nitric acid and nitrous acid
06 01 06*	other acids
06 01 99	wastes not otherwise specified
06 02	wastes from the MFSU of bases
06 02 01*	calcium hydroxide
06 02 03*	ammonium hydroxide
06 02 04*	sodium and potassium hydroxide
06 02 05*	other bases
06 02 99	wastes not otherwise specified
06 03	wastes from the MFSU of salts and their solutions and metallic oxides
06 03 11*	solid salts and solutions containing cyanides
06 03 13*	solid salts and solutions containing heavy metals
06 03 14	solid salts and solutions other than those mentioned in 06 03 11 and 06 03 13

06 03 15*	metallic oxides containing heavy metals
06 03 16	metallic oxides other than those mentioned in 06 03 15
06 03 99	wastes not otherwise specified
06 04	metal-containing wastes other than those mentioned in 06 03
06 04 03*	wastes containing arsenic
06 04 04*	wastes containing mercury
06 04 05*	wastes containing other heavy metals
06 04 99	wastes not otherwise specified
06 05	sludges from on-site effluent treatment
06 05 02*	sludges from on-site effluent treatment containing dangerous substances
06 05 03	sludges from on-site effluent treatment other than those mentioned in 06 05 02
06 06	wastes from the MFSU of sulphur chemicals, sulphur chemical processes and desulphurisation processes
06 06 02*	wastes containing dangerous sulphides
06 06 03	wastes containing sulphides other than those mentioned in 06 06 02
06 06 99	wastes not otherwise specified
06 07	wastes from the MFSU of halogens and halogen chemical processes
06 07 01*	wastes containing asbestos from electrolysis
06 07 02*	activated carbon from chlorine production
06 07 03*	barium sulphate sludge containing mercury
06 07 04*	solutions and acids, e.g. contact acid
06 07 99	wastes not otherwise specified
06 08	wastes from the MFSU of silicon and silicon derivatives
06 08 02*	wastes containing dangerous chlorosilanes
06 08 99	wastes not otherwise specified
06 09	wastes from the MSFU of phosphorous chemicals and phosphorous chemical processes
06 09 02	phosphorous slag

06 09 03*	calcium-based reaction wastes containing or contaminated with dangerous substances
06 09 04	calcium-based reaction wastes other than those mentioned in 06 09 03
06 09 99	wastes not otherwise specified
06 10	wastes from the MFSU of nitrogen chemicals, nitrogen chemical processes and fertiliser manufacture
06 10 02*	wastes containing dangerous substances
06 10 99	wastes not otherwise specified
06 11	wastes from the manufacture of inorganic pigments and opacifiers
06 11 01	calcium-based reaction wastes from titanium dioxide production
06 11 99	wastes not otherwise specified
06 13	wastes from inorganic chemical processes not otherwise specified
06 13 01*	inorganic plant protection products, wood-preserving agents and other biocides.
06 13 02*	spent activated carbon (except 06 07 02)
06 13 03	carbon black
06 13 04*	wastes from asbestos processing
06 13 05*	Soot
06 13 99	wastes not otherwise specified
07	WASTES FROM ORGANIC CHEMICAL PROCESSES
07 01	wastes from the manufacture, formulation, supply and use (MFSU) of basic organic chemicals
07 01 01*	aqueous washing liquids and mother liquors
07 01 03*	organic halogenated solvents, washing liquids and mother liquors
07 01 04*	other organic solvents, washing liquids and mother liquors
07 01 07*	halogenated still bottoms and reaction residues
07 01 08*	other still bottoms and reaction residues
07 01 09*	halogenated filter cakes and spent absorbents

- 07 01 10* other filter cakes and spent absorbents
- 07 01 11* sludges from on-site effluent treatment containing dangerous substances
- 07 01 12 sludges from on-site effluent treatment other than those mentioned in 07 01 11
- 07 01 99 wastes not otherwise specified
- 07 02 wastes from the MFSU of plastics, synthetic rubber and man-made fibres**
- 07 02 01* aqueous washing liquids and mother liquors
- 07 02 03* organic halogenated solvents, washing liquids and mother liquors
- 07 02 04* other organic solvents, washing liquids and mother liquors
- 07 02 07* halogenated still bottoms and reaction residues
- 07 02 08* other still bottoms and reaction residues
- 07 02 09* halogenated filter cakes and spent absorbents
- 07 02 10* other filter cakes and spent absorbents
- 07 02 11* sludges from on-site effluent treatment containing dangerous substances
- 07 02 12 sludges from on-site effluent treatment other than those mentioned in 07 02 11
- 07 02 13 waste plastic
- 07 02 14* wastes from additives containing dangerous substances
- 07 02 15 wastes from additives other than those mentioned in 07 02 14
- 07 02 16* wastes containing dangerous silicones
- 07 02 17 waste containing silicones other than those mentioned in 07 02 16
- 07 02 99 wastes not otherwise specified
- 07 03 wastes from the MFSU of organic dyes and pigments (except 06 11)**
- 07 03 01* aqueous washing liquids and mother liquors
- 07 03 03* organic halogenated solvents, washing liquids and mother liquors
- 07 03 04* other organic solvents, washing liquids and mother liquors
- 07 03 07* halogenated still bottoms and reaction residues
- 07 03 08* other still bottoms and reaction residues
- 07 03 09* halogenated filter cakes and spent absorbents

- 07 03 10* other filter cakes and spent absorbents
- 07 03 11* sludges from on-site effluent treatment containing dangerous substances
- 07 03 12 sludges from on-site effluent treatment other than those mentioned in 07 03 11
- 07 03 99 wastes not otherwise specified
- 07 04 Wastes from the MFSU of organic plant protection products (except 02 01 08 and 02 01 09), wood preserving agents (except 03 02) and other biocides**
- 07 04 01* aqueous washing liquids and mother liquors
- 07 04 03* organic halogenated solvents, washing liquids and mother liquors
- 07 04 04* other organic solvents, washing liquids and mother liquors
- 07 04 07* halogenated still bottoms and reaction residues
- 07 04 08* other still bottoms and reaction residues
- 07 04 09* halogenated filter cakes and spent absorbents
- 07 04 10* other filter cakes and spent absorbents
- 07 04 11* sludges from on-site effluent treatment containing dangerous substances
- 07 04 12 sludges from on-site effluent treatment other than those mentioned in 07 04 11
- 07 04 13* solid wastes containing dangerous substances
- 07 04 99 wastes not otherwise specified
- 07 05 wastes from the MFSU of pharmaceuticals**
- 07 05 01* aqueous washing liquids and mother liquors
- 07 05 03* organic halogenated solvents, washing liquids and mother liquors
- 07 05 04* other organic solvents, washing liquids and mother liquors
- 07 05 07* halogenated still bottoms and reaction residues
- 07 05 08* other still bottoms and reaction residues
- 07 05 09* halogenated filter cakes and spent absorbents
- 07 05 10* other filter cakes and spent absorbents
- 07 05 11* sludges from on-site effluent treatment containing dangerous substances
- 07 05 12 sludges from on-site effluent treatment other than those mentioned in 07 05 11

07 05 13*	solid wastes containing dangerous substances
07 05 14	solid wastes other than those mentioned in 07 05 13
07 05 99	wastes not otherwise specified
07 06	wastes from the MFSU of fats, grease, soaps, detergents, disinfectants and cosmetics
07 06 01*	aqueous washing liquids and mother liquors
07 06 03*	organic halogenated solvents, washing liquids and mother liquors
07 06 04*	other organic solvents, washing liquids and mother liquors
07 06 07*	halogenated still bottoms and reaction residues
07 06 08*	other still bottoms and reaction residues
07 06 09*	halogenated filter cakes and spent absorbents
07 06 10*	other filter cakes and spent absorbents
07 06 11*	sludges from on-site effluent treatment containing dangerous substances
07 06 12	sludges from on-site effluent treatment other than those mentioned in 07 06 11
07 06 99	wastes not otherwise specified
07 07	wastes from the MFSU of fine chemicals and chemical products not otherwise specified
07 07 01*	aqueous washing liquids and mother liquors
07 07 03*	organic halogenated solvents, washing liquids and mother liquors
07 07 04*	other organic solvents, washing liquids and mother liquors
07 07 07*	halogenated still bottoms and reaction residues
07 07 08*	other still bottoms and reaction residues
07 07 09*	halogenated filter cakes and spent absorbents
07 07 10*	other filter cakes and spent absorbents
07 07 11*	sludges from on-site effluent treatment containing dangerous substances
07 07 12	sludges from on-site effluent treatment other than those mentioned in 07 07 11
07 07 99	wastes not otherwise specified

08 WASTES FROM THE MANUFACTURE, FORMULATION, SUPPLY AND USE (MFSU) OF COATINGS (PAINTS, VARNISHES AND VITREOUS ENAMELS), ADHESIVES, SEALANTS AND PRINTING INKS

08 01 wastes from MFSU and removal of paint and varnish

08 01 11* waste paint and varnish containing organic solvents or other dangerous substances

08 01 12 waste paint and varnish other than those mentioned in 08 01 11

08 01 13* sludges from paint or varnish containing organic solvents or other dangerous substances

08 01 14 sludges from paint or varnish other than those mentioned in 08 01 13

08 01 15* aqueous sludges containing paint or varnish containing organic solvents or other dangerous substances

08 01 16 aqueous sludges containing paint or varnish other than those mentioned in 08 01 15

08 01 17* wastes from paint or varnish removal containing organic solvents or other dangerous substances

08 01 18 wastes from paint or varnish removal other than those mentioned in 08 01 17

08 01 19* aqueous suspensions containing paint or varnish containing organic solvents or other dangerous substances

08 01 20 aqueous suspensions containing paint or varnish other than those mentioned in 08 01 19

08 01 21* waste paint or varnish remover

08 01 99 wastes not otherwise specified

08 02 wastes from MFSU of other coatings (including ceramic materials)

08 02 01 waste coating powders

08 02 02 aqueous sludges containing ceramic materials

08 02 03 aqueous suspensions containing ceramic materials

08 02 99 wastes not otherwise specified

08 03 wastes from MFSU of printing inks

08 03 07 aqueous sludges containing ink

08 03 08	aqueous liquid waste containing ink
08 03 12*	waste ink containing dangerous substances
08 03 13	waste ink other than those mentioned in 08 03 12
08 03 14*	ink sludges containing dangerous substances
08 03 15	ink sludges other than those mentioned in 08 03 14
08 03 16*	waste etching solutions
08 03 17*	waste printing toner containing dangerous substances
08 03 18	waste printing toner other than those mentioned in 08 03 17
08 03 19*	disperse oil
08 03 99	wastes not otherwise specified
08 04	wastes from MFSU of adhesives and sealants (including waterproofing products)
08 04 09*	waste adhesives and sealants containing organic solvents or other dangerous substances
08 04 10	waste adhesives and sealants other than those mentioned in 08 04 09
08 04 11*	adhesive and sealant sludges containing organic solvents or other dangerous substances
08 04 12	adhesive and sealant sludges other than those mentioned in 08 04 11
08 04 13*	aqueous sludges containing adhesives or sealants containing organic solvents or other dangerous substances
08 04 14	aqueous sludges containing adhesives or sealants other than those mentioned in 08 04 13
08 04 15*	aqueous liquid waste containing adhesives or sealants containing organic solvents or other dangerous substances
08 04 16	aqueous liquid waste containing adhesives or sealants other than those mentioned in 08 04 15
08 04 17*	rosin oil
08 04 99	wastes not otherwise specified
08 05	wastes not otherwise specified in 08
08 05 01*	waste isocyanates

09 WASTES FROM THE PHOTOGRAPHIC INDUSTRY

09 01 wastes from the photographic industry

- 09 01 01* water-based developer and activator solutions
- 09 01 02* water-based offset plate developer solutions
- 09 01 03* solvent-based developer solutions
- 09 01 04* fixer solutions
- 09 01 05* bleach solutions and bleach fixer solutions
- 09 01 06* wastes containing silver from on-site treatment of photographic wastes
- 09 01 07 photographic film and paper containing silver or silver compounds
- 09 01 08 photographic film and paper free of silver or silver compounds
- 09 01 10 single-use cameras without batteries
- 09 01 11* single-use cameras containing batteries included in 16 06 01, 16 06 02 or 16 06 03
- 09 01 12 single-use cameras containing batteries other than those mentioned in 09 01 11
- 09 01 13* aqueous liquid waste from on-site reclamation of silver other than those mentioned in 09 01 06
- 09 01 99 wastes not otherwise specified

10 WASTES FROM THERMAL PROCESSES

10 01 wastes from power stations and other combustion plants (except 19)

- 10 01 01 bottom ash, slag and boiler dust (excluding boiler dust mentioned in 10 01 04)
- 10 01 02 coal fly ash
- 10 01 03 fly ash from peat and untreated wood
- 10 01 04* oil fly ash and -boiler dust
- 10 01 05 calcium-based reaction wastes from flue-gas desulphurisation in solid form
- 10 01 07 calcium-based reaction wastes from flue-gas desulphurisation in sludge form
- 10 01 09* sulphuric acid

- 10 01 13* fly ash from emulsified hydrocarbons used as fuel
- 10 01 14* bottom ash, slag and boiler dust from co-incineration containing dangerous substances
- 10 01 15 bottom ash, slag and boiler dust from co-incineration other than those mentioned in 10 01 14
- 10 01 16* fly ash from co-incineration containing dangerous substances
- 10 01 17 fly ash from co-incineration other than those mentioned in 10 01 16
- 10 01 18* wastes from gas cleaning containing dangerous substances
- 10 01 19 wastes from gas cleaning other than those mentioned in 10 01 05, 10 01 07 and 10 01 18
- 10 01 20* sludges from on-site effluent treatment containing dangerous substances
- 10 01 21 sludges from on-site effluent treatment other than those mentioned in 10 01 20
- 10 01 22* aqueous sludges from boiler cleansing containing dangerous substances
- 10 01 23 aqueous sludges from boiler cleansing other than those mentioned in 10 01 22
- 10 01 24 sands from fluidised beds
- 10 01 25 wastes from fuel storage and preparation of coal-fired power plants
- 10 01 26 wastes from cooling-water treatment
- 10 01 99 wastes not otherwise specified
- 10 02 wastes from the iron and steel industry**
- 10 02 01 wastes from the processing of slag
- 10 02 02 unprocessed slag
- 10 02 07* solid wastes from gas treatment containing dangerous substances
- 10 02 08 solid wastes from gas treatment other than those mentioned in 10 02 07
- 10 02 10 mill scales
- 10 02 11* wastes from cooling-water treatment containing oil
- 10 02 12 wastes from cooling-water treatment other than those mentioned in 10 02 11
- 10 02 13* sludges and filter cakes from gas treatment containing dangerous substances
- 10 02 14 sludges and filter cakes from gas treatment other than those mentioned in 10 02 13

- 10 02 15 other sludges and filter cakes
- 10 02 99 wastes not otherwise specified
- 10 03 wastes from aluminium thermal metallurgy**
- 10 03 02 anode scraps
- 10 03 04* primary production slags
- 10 03 05 waste alumina
- 10 03 08* salt slags from secondary production
- 10 03 09* black drosses from secondary production
- 10 03 15* skimmings that are flammable or emit, upon contact with water, flammable gases in dangerous quantities
- 10 03 16 skimmings other than those mentioned in 10 03 15
- 10 03 17* tar-containing wastes from anode manufacture
- 10 03 18 carbon-containing wastes from anode manufacture other than those mentioned in 10 03 17
- 10 03 19* flue-gas dust containing dangerous substances
- 10 03 20 flue-gas dust other than those mentioned in 10 03 19
- 10 03 21* other particulates and dust (including ball-mill dust) containing dangerous substances
- 10 03 22 other particulates and dust (including ball-mill dust) other than those mentioned in 10 03 21
- 10 03 23* solid wastes from gas treatment containing dangerous substances
- 10 03 24 solid wastes from gas treatment other than those mentioned in 10 03 23
- 10 03 25* sludges and filter cakes from gas treatment containing dangerous substances
- 10 03 26 Sludges and filter cakes from gas treatment other than those mentioned in 10 03 25
- 10 03 27* wastes from cooling-water treatment containing oil
- 10 03 28 wastes from cooling-water treatment other than those mentioned in 10 03 27
- 10 03 29* wastes from treatment of salt slags and black drosses containing dangerous substances
- 10 03 30 wastes from treatment of salt slags and black drosses other than those

mentioned in 10 03 29

10 03 99 wastes not otherwise specified

10 04 wastes from lead thermal metallurgy

10 04 01* slags from primary and secondary production

10 04 02* dross and skimmings from primary and secondary production

10 04 03* calcium arsenate

10 04 04* flue-gas dust

10 04 05* other particulates and dust

10 04 06* solid wastes from gas treatment

10 04 07* sludges and filter cakes from gas treatment

10 04 09* wastes from cooling-water treatment containing oil

10 04 10 wastes from cooling-water treatment other than those mentioned in 10 04 09

10 04 99 wastes not otherwise specified

10 05 wastes from zinc thermal metallurgy

10 05 01 slags from primary and secondary production

10 05 03* flue-gas dust

10 05 04 other particulates and dust

10 05 05* solid waste from gas treatment

10 05 06* sludges and filter cakes from gas treatment

10 05 08* wastes from cooling-water treatment containing oil

10 05 09 wastes from cooling-water treatment other than those mentioned in 10 05 08

10 05 10* dross and skimmings that are flammable or emit, upon contact with water, flammable gases in dangerous quantities

10 05 11 dross and skimmings other than those mentioned in 10 05 10

10 05 99 wastes not otherwise specified

10 06 wastes from copper thermal metallurgy

10 06 01 slags from primary and secondary production

10 06 02 dross and skimmings from primary and secondary production

10 06 03*	flue-gas dust
10 06 04	other particulates and dust
10 06 06*	solid wastes from gas treatment
10 06 07*	sludges and filter cakes from gas treatment
10 06 09*	wastes from cooling-water treatment containing oil
10 06 10	wastes from cooling-water treatment other than those mentioned in 10 06 09
10 06 99	wastes not otherwise specified
10 07	wastes from silver, gold and platinum thermal metallurgy
10 07 01	slags from primary and secondary production
10 07 02	dross and skimmings from primary and secondary production
10 07 03	solid wastes from gas treatment
10 07 04	other particulates and dust
10 07 05	sludges and filter cakes from gas treatment
10 07 07*	wastes from cooling-water treatment containing oil
10 07 08	wastes from cooling-water treatment other than those mentioned in 10 07 07
10 07 99	wastes not otherwise specified
10 08	wastes from other non-ferrous thermal metallurgy
10 08 04	particulates and dust
10 08 08*	salt slag from primary and secondary production
10 08 09	other slags
10 08 10*	dross and skimmings that are flammable or emit, upon contact with water, flammable gases in dangerous quantities
10 08 11	dross and skimmings other than those mentioned in 10 08 10
10 08 12*	tar-containing wastes from anode manufacture
10 08 13	carbon-containing wastes from anode manufacture other than those mentioned in 10 08 12
10 08 14	anode scrap
10 08 15*	flue-gas dust containing dangerous substances

10 08 16	flue-gas dust other than those mentioned in 10 08 15
10 08 17*	sludges and filter cakes from flue-gas treatment containing dangerous substances
10 08 18	sludges and filter cakes from flue-gas treatment other than those mentioned in 10 08 17
10 08 19*	wastes from cooling-water treatment containing oil
10 08 20	wastes from cooling-water treatment other than those mentioned in 10 08 19
10 08 99	wastes not otherwise specified
10 09	wastes from casting of ferrous pieces
10 09 03	furnace slag
10 09 05*	casting cores and moulds which have not undergone pouring containing dangerous substances
10 09 06	casting cores and moulds which have not undergone pouring other than those mentioned in 10 09 05
10 09 07*	casting cores and moulds which have undergone pouring containing dangerous substances
10 09 08	casting cores and moulds which have undergone pouring other than those mentioned in 10 09 07
10 09 09*	flue-gas dust containing dangerous substances
10 09 10	flue-gas dust other than those mentioned in 10 09 09
10 09 11*	other particulates containing dangerous substances
10 09 12	other particulates other than those mentioned in 10 09 11
10 09 13*	waste binders containing dangerous substances
10 09 14	waste binders other than those mentioned in 10 09 13
10 09 15*	waste crack-indicating agent containing dangerous substances
10 09 16	waste crack-indicating agent other than those mentioned in 10 09 15
10 09 99	wastes not otherwise specified
10 10	wastes from casting of non-ferrous pieces
10 10 03	furnace slag
10 10 05*	casting cores and moulds which have not undergone pouring containing

- dangerous substances
- 10 10 06 casting cores and moulds which have not undergone pouring other than those mentioned in 10 10 05
- 10 10 07* casting cores and moulds which have undergone pouring containing dangerous substances
- 10 10 08 casting cores and moulds which have undergone pouring other than those mentioned in 10 10 07
- 10 10 09* flue-gas dust containing dangerous substances
- 10 10 10 flue-gas dust other than those mentioned in 10 10 09
- 10 10 11* other particulates containing dangerous substances
- 10 10 12 other particulates other than those mentioned in 10 10 11
- 10 10 13* waste binders containing dangerous substances
- 10 10 14 waste binders other than those mentioned in 10 10 13
- 10 10 15* waste crack-indicating agent containing dangerous substances
- 10 10 16 waste crack-indicating agent other than those mentioned in 10 10 15
- 10 10 99 wastes not otherwise specified
- 10 11 wastes from manufacture of glass and glass products**
- 10 11 03 waste glass-based fibrous materials
- 10 11 05 particulates and dust
- 10 11 09* waste preparation mixture before thermal processing containing dangerous substances
- 10 11 10 waste preparation mixture before thermal processing other than those mentioned in 10 11 09
- 10 11 11* waste glass in small particles and glass powder containing heavy metals (e.g. from cathode ray tubes)
- 10 11 12 waste glass other than those mentioned in 10 11 11
- 10 11 13* glass-polishing and -grinding sludge containing dangerous substances
- 10 11 14 glass-polishing and -grinding sludge other than those mentioned in 10 11 13
- 10 11 15* solid wastes from flue-gas treatment containing dangerous substances
- 10 11 16 solid wastes from flue-gas treatment other than those mentioned in 10 11 15

- 10 11 17* sludges and filter cakes from flue-gas treatment containing dangerous substances
- 10 11 18 sludges and filter cakes from flue-gas treatment other than those mentioned in 10 11 17
- 10 11 19* solid wastes from on-site effluent treatment containing dangerous substances
- 10 11 20 solid wastes from on-site effluent treatment other than those mentioned in 10 11 19
- 10 11 99 wastes not otherwise specified
- 10 12 wastes from manufacture of ceramic goods, bricks, tiles and construction products**
- 10 12 01 waste preparation mixture before thermal processing
- 10 12 03 particulates and dust
- 10 12 05 sludges and filter cakes from gas treatment
- 10 12 06 discarded molds
- 10 12 08 waste ceramics, bricks, tiles and construction products (after thermal processing)
- 10 12 09* solid wastes from gas treatment containing dangerous substances
- 10 12 10 solid wastes from gas treatment other than those mentioned in 10 12 09
- 10 12 11* wastes from glazing containing heavy metals
- 10 12 12 wastes from glazing other than those mentioned in 10 12 11
- 10 12 13 sludge from on-site effluent treatment
- 10 12 99 wastes not otherwise specified
- 10 13 wastes from manufacture of cement, lime and plaster and articles and products made from them**
- 10 13 01 waste preparation mixture before thermal processing
- 10 13 04 wastes from calcination and hydration of lime
- 10 13 06 particulates and dust (except 10 13 12 and 10 13 13)
- 10 13 07 sludges and filter cakes from gas treatment
- 10 13 09* wastes from asbestos-cement manufacture containing asbestos
- 10 13 10 wastes from asbestos-cement manufacture other than those mentioned in 10 13 09

- 10 13 11 wastes from cement-based composite materials other than those mentioned in 10 13 09 and 10 13 10
- 10 13 12* solid wastes from gas treatment containing dangerous substances
- 10 13 13 solid wastes from gas treatment other than those mentioned in 10 13 12
- 10 13 14 waste concrete and concrete sludge
- 10 13 99 wastes not otherwise specified
- 10 14 waste from crematoria**
- 10 14 01* waste from gas cleaning containing mercury

- 11 WASTES FROM CHEMICAL SURFACE TREATMENT AND COATING OF METALS AND OTHER MATERIALS; NON-FERROUS HYDRO-METALLURGY**

- 11 01 wastes from chemical surface treatment and coating of metals and other materials (eg. galvanic processes, zinc coating processes, pickling processes, etching, phosphating, alkaline degreasing, anodising)**
- 11 01 05* pickling acids
- 11 01 06* acids not otherwise specified
- 11 01 07* pickling bases
- 11 01 08* phosphating sludges
- 11 01 09* sludges and filter cakes containing dangerous substances
- 11 01 10 sludges and filter cakes other than those mentioned in 11 01 09
- 11 01 11* aqueous rinsing liquids containing dangerous substances
- 11 01 12 aqueous rinsing liquids other than those mentioned in 11 01 11
- 11 01 13* degreasing wastes containing dangerous substances
- 11 01 14 degreasing wastes other than those mentioned in 11 01 13
- 11 01 15* eluate and sludges from membrane systems or ion exchange systems containing dangerous substances
- 11 01 16* saturated or spent ion exchange resins
- 11 01 98* other wastes containing dangerous substances
- 11 01 99 wastes not otherwise specified

- 11 02 wastes from non-ferrous hydrometallurgical processes**
- 11 02 02* sludges from zinc hydrometallurgy (incl. Jarosite, goethite)
- 11 02 03 wastes from the production of anodes for aqueous electrolytical processes
- 11 02 05* wastes from copper hydrometallurgical processes containing dangerous substances
- 11 02 06 wastes from copper hydrometallurgical processes other than those mentioned in 11 02 05
- 11 02 07* other wastes containing dangerous substances
- 11 02 99 wastes not otherwise specified
- 11 03 sludges and solids from tempering processes**
- 11 03 01* wastes containing cyanide
- 11 03 02* other wastes
- 11 05 wastes from hot galvanising processes**
- 11 05 01 hard zinc
- 11 05 02 zinc ash
- 11 05 03* solid wastes from gas treatment
- 11 05 04* spent flux
- 11 05 99 wastes not otherwise specified
- 12 WASTES FROM SHAPING AND PHYSICAL AND MECHANICAL SURFACE TREATMENT OF METALS AND PLASTICS**
- 12 01 wastes from shaping and physical and mechanical surface treatment of metals and plastics**
- 12 01 01 ferrous metal filings and turnings
- 12 01 02 ferrous metal dust and particles
- 12 01 03 non-ferrous metal filings and turnings
- 12 01 04 non-ferrous metal dust and particles
- 12 01 05 plastics shavings and turnings
- 12 01 06* mineral-based machining oils containing halogens (except emulsions and solutions)

- 12 01 07* mineral-based machining oils free of halogens (except emulsions and solutions)
- 12 01 08* machining emulsions and solutions containing halogens
- 12 01 09* machining emulsions and solutions free of halogens
- 12 01 10* synthetic machining oils
- 12 01 12* spent waxes and fats
- 12 01 13 welding wastes
- 12 01 14* machining sludges containing dangerous substances
- 12 01 15 machining sludges other than those mentioned in 12 01 14
- 12 01 16* waste blasting material containing dangerous substances
- 12 01 17 waste blasting material other than those mentioned in 12 01 16
- 12 01 18* metal sludge (grinding, honing and lapping sludge) containing oil
- 12 01 19* readily biodegradable machining oil
- 12 01 20* spent grinding bodies and grinding materials containing dangerous substances
- 12 01 21 spent grinding bodies and grinding materials other than those mentioned in 12 01 20
- 12 01 99 wastes not otherwise specified
- 12 03 wastes from water and steam degreasing processes (except 11)**
- 12 03 01* aqueous washing liquids
- 12 03 02* steam degreasing wastes
- 13 OIL WASTES AND WASTES OF LIQUID FUELS (EXCEPT EDIBLE OILS, AND THOSE IN CHAPTERS 05, 12 AND 19)**
- 13 01 waste hydraulic oils**
- 13 01 01* hydraulic oils, containing PCBs⁷⁸
- 13 01 04* chlorinated emulsions
- 13 01 05* non-chlorinated emulsions

⁷⁸ For the purpose of this list of wastes, PCBs will be defined as in Directive 96/59/EC

- 13 01 09* mineral-based chlorinated hydraulic oils
- 13 01 10* mineral based non-chlorinated hydraulic oils
- 13 01 11* synthetic hydraulic oils
- 13 01 12* readily biodegradable hydraulic oils
- 13 01 13* other hydraulic oils
- 13 02 waste engine, gear and lubricating oils**
- 13 02 04* mineral-based chlorinated engine, gear and lubricating oils
- 13 02 05* mineral-based non-chlorinated engine, gear and lubricating oils
- 13 02 06* synthetic engine, gear and lubricating oils
- 13 02 07* readily biodegradable engine, gear and lubricating oils
- 13 02 08* other engine, gear and lubricating oils
- 13 03 waste insulating and heat transmission oils**
- 13 03 01* insulating or heat transmission oils containing PCBs
- 13 03 06* mineral-based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01
- 13 03 07* mineral-based non-chlorinated insulating and heat transmission oils
- 13 03 08* synthetic insulating and heat transmission oils
- 13 03 09* readily biodegradable insulating and heat transmission oils
- 13 03 10* other insulating and heat transmission oils
- 13 04 bilge oils**
- 13 04 01* bilge oils from inland navigation
- 13 04 02* bilge oils from jetty sewers
- 13 04 03* bilge oils from other navigation
- 13 05 oil/water separator contents**
- 13 05 01* solids from grit chambers and oil/water separators
- 13 05 02* sludges from oil/water separators
- 13 05 03* interceptor sludges
- 13 05 06* oil from oil/water separators

- 13 05 07* oily water from oil/water separators
- 13 05 08* mixtures of wastes from grit chambers and oil/water separators

13 07 wastes of liquid fuels

- 13 07 01* fuel oil and diesel
- 13 07 02* petrol
- 13 07 03* other fuels (including mixtures)

13 08 oil wastes not otherwise specified

- 13 08 01* desalter sludges or emulsions
- 13 08 02* other emulsions
- 13 08 99* wastes not otherwise specified

14 WASTE ORGANIC SOLVENTS, REFRIGERANTS AND PROPELLANTS (EXCEPT 07 AND 08)

14 06 waste organic solvents, refrigerants and foam/aerosol propellants

- 14 06 01* chlorofluorocarbons, HCFC, HFC
- 14 06 02* other halogenated solvents and solvent mixtures
- 14 06 03* other solvents and solvent mixtures
- 14 06 04* sludges or solid wastes containing halogenated solvents
- 14 06 05* sludges or solid wastes containing other solvents

15 WASTE PACKAGING; ABSORBENTS, WIPING CLOTHS, FILTER MATERIALS AND PROTECTIVE CLOTHING NOT OTHERWISE SPECIFIED

15 01 packaging (including separately collected municipal packaging waste)

- 15 01 01 paper and cardboard packaging
- 15 01 02 plastic packaging
- 15 01 03 wooden packaging
- 15 01 04 metallic packaging
- 15 01 05 composite packaging

- 15 01 06 mixed packaging
- 15 01 07 glass packaging
- 15 01 09 textile packaging
- 15 01 10* packaging containing residues of or contaminated by dangerous substances
- 15 01 11* metallic packaging containing a dangerous solid porous matrix (e.g. asbestos), including empty pressure containers

15 02 absorbents, filter materials, wiping cloths and protective clothing

- 15 02 02* absorbents, filter materials (including oil filters not otherwise specified), wiping cloths, protective clothing contaminated by dangerous substances
- 15 02 03 absorbents, filter materials, wiping cloths and protective clothing other than those mentioned in 15 02 02

16 WASTES NOT OTHERWISE SPECIFIED IN THE LIST

16 01 end-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)

- 16 01 03 end-of-life tyres
- 16 01 04* end-of-life vehicles
- 16 01 06 end-of-life vehicles, containing neither liquids nor other hazardous components
- 16 01 07* oil filters
- 16 01 08* components containing mercury
- 16 01 09* components containing PCBs
- 16 01 10* explosive components (e.g. air bags)
- 16 01 11* brake pads containing asbestos
- 16 01 12 brake pads other than those mentioned in 16 01 11
- 16 01 13* brake fluids
- 16 01 14* antifreeze fluids containing dangerous substances
- 16 01 15 antifreeze fluids other than those mentioned in 16 01 14
- 16 01 16 tanks for liquefied gas

- 16 01 17 ferrous metal
- 16 01 18 non-ferrous metal
- 16 01 19 Plastic
- 16 01 20 Glass
- 16 01 21* hazardous components other than those mentioned in 16 01 07 to 16 01 11 and 16 01 13 and 16 01 14
- 16 01 22 components not otherwise specified
- 16 01 99 wastes not otherwise specified
- 16 02 wastes from electrical and electronic equipment**
- 16 02 09* transformers and capacitors containing PCBs
- 16 02 10* discarded equipment containing or contaminated by PCBs other than those mentioned in 16 02 09
- 16 02 11* discarded equipment containing chlorofluorocarbons, HCFC, HFC
- 16 02 12* discarded equipment containing free asbestos
- 16 02 13* discarded equipment containing hazardous components⁷⁹ other than those mentioned in 16 02 09 to 16 02 12
- 16 02 14 discarded equipment other than those mentioned in 16 02 09 to 16 02 13
- 16 02 15* hazardous components removed from discarded equipment
- 16 02 16 components removed from discarded equipment other than those mentioned in 16 02 15
- 16 03 off-specification batches and unused products**
- 16 03 03* inorganic wastes containing dangerous substances
- 16 03 04 inorganic wastes other than those mentioned in 16 03 03
- 16 03 05* organic wastes containing dangerous substances
- 16 03 06 organic wastes other than those mentioned in 16 03 05
- 16 04 waste explosives**
- 16 04 01* waste ammunition

⁷⁹ hazardous components from electrical and electronic equipment may include accumulators and batteries mentioned in 16 06 and marked as hazardous; mercury switches, glass from cathode ray tubes and other activated glass etc.

- 16 04 02* fireworks wastes
- 16 04 03* other waste explosives
- 16 05 gases in pressure containers and discarded chemicals**
- 16 05 04* gases in pressure containers (including halons) containing dangerous substances
- 16 05 05 gases in pressure containers other than those mentioned in 16 05 04
- 16 05 06* laboratory chemicals consisting of or containing dangerous substances including mixtures of laboratory chemicals
- 16 05 07* discarded inorganic chemicals consisting of or containing dangerous substances
- 16 05 08* discarded organic chemicals consisting of or containing dangerous substances
- 16 05 09 discarded chemicals other than those mentioned in 16 05 06, 16 05 07 or 16 05 08
- 16 06 batteries and accumulators**
- 16 06 01* lead batteries
- 16 06 02* Ni-Cd batteries
- 16 06 03* mercury- containing batteries
- 16 06 04 alkaline batteries (except 16 06 03)
- 16 06 05 other batteries and accumulators
- 16 06 06* separately collected electrolyte from batteries and accumulators
- 16 07 wastes from transport tank, storage tank and barrel cleaning (except 05 and 13)**
- 16 07 08* wastes containing oil
- 16 07 09* wastes containing other dangerous substances
- 16 07 99 wastes not otherwise specified
- 16 08 spent catalysts**
- 16 08 01 spent catalysts containing gold, silver, rhenium, rhodium, palladium, iridium or platinum (except 16 08 07)

- 16 08 02* spent catalysts containing dangerous transition metals⁸⁰ or dangerous transition metal compounds
- 16 08 03 spent catalysts containing transition metals or transition metal compounds not otherwise specified
- 16 08 04 spent fluid catalytic cracking catalysts (except 16 08 07)
- 16 08 05* spent catalysts containing phosphoric acid
- 16 08 06* spent liquids used as catalysts
- 16 08 07* spent catalysts contaminated with dangerous substances
- 16 09 oxidising substances**
- 16 09 01* permanganates, e.g. potassium permanganate
- 16 09 02* chromates, e.g. potassium chromate, potassium or sodium dichromate
- 16 09 03* peroxides, e.g. hydrogen peroxide
- 16 09 04* oxidising substances, not otherwise specified
- 16 10 aqueous liquid wastes destined for off-site treatment**
- 16 10 01* aqueous liquid wastes containing dangerous substances
- 16 10 02 aqueous liquid wastes other than those mentioned in 16 10 01
- 16 10 03* aqueous concentrates containing dangerous substances
- 16 10 04 aqueous concentrates other than those mentioned in 16 10 03
- 16 11 waste linings and refractories**
- 16 11 01* carbon-based linings and refractories from metallurgical processes containing dangerous substances
- 16 11 02 carbon-based linings and refractories from metallurgical processes others than those mentioned in 16 11 01
- 16 11 03* other linings and refractories from metallurgical processes containing dangerous substances
- 16 11 04 other linings and refractories from metallurgical processes other than those mentioned in 16 11 03

⁸⁰ For the purpose of this entry, transition metals are: Scandium, Vanadium, Manganese, Cobalt, Copper, Yttrium, Niobium, Hafnium, Tungsten, Titanium, Chromium, Iron, Nickel, Zinc, Zirconium, Molybdenum and Tantalum. These metals or their compounds are dangerous if they are classified as dangerous substances. The classification of dangerous substances shall determine which among those transition metals and which transition metal compounds are hazardous.

- 16 11 05* linings and refractories from non-metallurgical processes containing dangerous substances
- 16 11 06 linings and refractories from non-metallurgical processes others than those mentioned in 16 11 05

- 17 CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)**

- 17 01 concrete, bricks, tiles and ceramics**
- 17 01 01 concrete
- 17 01 02 bricks
- 17 01 03 tiles and ceramics
- 17 01 06* mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing dangerous substances
- 17 01 07 mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06

- 17 02 wood, glass and plastic**
- 17 02 01 wood
- 17 02 02 glass
- 17 02 03 plastic
- 17 02 04* glass, plastic and wood containing or contaminated with dangerous substances

- 17 03 bituminous mixtures, coal tar and tarred products**
- 17 03 01* bituminous mixtures containing coal tar
- 17 03 02 bituminous mixtures other than those mentioned in 17 03 01
- 17 03 03* coal tar and tarred products

- 17 04 metals (including their alloys)**
- 17 04 01 copper, bronze, brass
- 17 04 02 aluminium
- 17 04 03 lead
- 17 04 04 zinc
- 17 04 05 iron and steel

- 17 04 06 tin
- 17 04 07 mixed metals
- 17 04 09* metal waste contaminated with dangerous substances
- 17 04 10* cables containing oil, coal tar and other dangerous substances
- 17 04 11 cables other than those mentioned in 17 04 10
- 17 05 soil (including excavated soil from contaminated sites), stones and dredging spoil**
- 17 05 03* soil and stones containing dangerous substances
- 17 05 04 soil and stones other than those mentioned in 17 05 03
- 17 05 05* dredging spoil containing dangerous substances
- 17 05 06 dredging spoil other than those mentioned in 17 05 05
- 17 05 07* track ballast containing dangerous substances
- 17 05 08 track ballast other than those mentioned in 17 05 07
- 17 06 insulation materials and asbestos-containing construction materials**
- 17 06 01* insulation materials containing asbestos
- 17 06 03* other insulation materials consisting of or containing dangerous substances
- 17 06 04 insulation materials other than those mentioned in 17 06 01 and 17 06 03
- 17 06 05* construction materials containing asbestos
- 17 08 gypsum-based construction material**
- 17 08 01* gypsum-based construction materials contaminated with dangerous substances
- 17 08 02 gypsum-based construction materials other than those mentioned in 17 08 01
- 17 09 other construction and demolition wastes**
- 17 09 01* construction and demolition wastes containing mercury
- 17 09 02* construction and demolition wastes containing PCB (e.g. PCB-containing sealants, PCB-containing resin-based floorings, PCB-containing sealed glazing units, PCB-containing capacitors)
- 17 09 03* other construction and demolition wastes (including mixed wastes) containing dangerous substances

17 09 04 mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03

18 WASTES FROM HUMAN OR ANIMAL HEALTH CARE AND/OR RELATED RESEARCH (EXCEPT KITCHEN AND RESTAURANT WASTES NOT ARISING FROM IMMEDIATE HEALTH CARE)

18 01 wastes from natal care, diagnosis, treatment or prevention of disease in humans

18 01 01 sharps (except 18 01 03)

18 01 02 body parts and organs including blood bags and blood preserves (except 18 01 03)

18 01 03* wastes whose collection and disposal is subject to special requirements in order to prevent infection

18 01 04 wastes whose collection and disposal is not subject to special requirements in order to prevent infection (e.g. dressings, plaster casts, linen, disposable clothing, diapers)

18 01 06* chemicals consisting of or containing dangerous substances

18 01 07 chemicals other than those mentioned in 18 01 06

18 01 08* cytotoxic and cytostatic medicines

18 01 09 medicines other than those mentioned in 18 01 08

18 01 10* amalgam waste from dental care

18 02 wastes from research, diagnosis, treatment or prevention of disease involving animals

18 02 01 sharps (except 18 02 02)

18 02 02* wastes whose collection and disposal is subject to special requirements in order to prevent infection

18 02 03 wastes whose collection and disposal is not subject to special requirements in order to prevent infection

18 02 05* chemicals consisting of or containing dangerous substances

18 02 06 chemicals other than those mentioned in 18 02 05

18 02 07* cytotoxic and cytostatic medicines

18 02 08 medicines other than those mentioned in 18 02 07

19 WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE

19 01 wastes from incineration or pyrolysis of waste

- 19 01 02 ferrous materials removed from bottom ash
- 19 01 05* filter cake from gas treatment
- 19 01 06* aqueous liquid wastes from gas treatment and other aqueous liquid wastes
- 19 01 07* solid wastes from gas treatment
- 19 01 10* spent activated carbon from flue-gas treatment
- 19 01 11* bottom ash and slag containing dangerous substances
- 19 01 12 bottom ash and slag other than those mentioned in 19 01 11
- 19 01 13* fly ash containing dangerous substances
- 19 01 14 fly ash other than those mentioned in 19 01 13
- 19 01 15* boiler dust containing dangerous substances
- 19 01 16 boiler dust other than those mentioned in 19 01 15
- 19 01 17* pyrolysis wastes containing dangerous substances
- 19 01 18 pyrolysis wastes other than those mentioned in 19 01 17
- 19 01 19 sands from fluidised beds
- 19 01 99 wastes not otherwise specified

19 02 wastes from physico/chemical treatments of waste (including dechromatation, decyanidation, neutralisation)

- 19 02 03 premixed wastes composed only of non hazardous wastes
- 19 02 04* premixed wastes composed of at least one hazardous waste
- 19 02 05* sludges from physico/chemical treatment containing dangerous substances
- 19 02 06 sludges from physico/chemical treatment other than those mentioned in 19 02 05
- 19 02 07* oil and concentrates from separation
- 19 02 08* liquid combustible wastes containing dangerous substances

19 02 09*	solid combustible wastes containing dangerous substances
19 02 10	combustible wastes other than those mentioned in 19 02 08 and 19 02 09
19 02 11*	other wastes containing dangerous substances
19 02 99	wastes not otherwise specified
19 03	stabilised/solidified wastes⁸¹
19 03 04*	wastes marked as hazardous, partly ⁸² stabilised
19 03 05	stabilised wastes other than those mentioned in 19 03 04
19 03 06*	wastes marked as hazardous, solidified
19 03 07	solidified wastes other than those mentioned in 19 03 06
19 04	vitriified waste and wastes from vitrification
19 04 01	vitriified waste
19 04 02*	fly ash and other flue-gas treatment wastes
19 04 03*	non-vitriified solid phase
19 04 04	aqueous liquid wastes from vitriified waste tempering
19 05	wastes from aerobic treatment of solid wastes
19 05 01	non-composted fraction of municipal and similar wastes
19 05 02	non-composted fraction of animal and vegetable waste
19 05 03	off-specification compost
19 05 99	wastes not otherwise specified
19 06	wastes from anaerobic treatment of waste
19 06 03	liquor from anaerobic treatment of municipal waste
19 06 04	digestate from anaerobic treatment of municipal waste
19 06 05	liquor from anaerobic treatment of animal and vegetable waste

⁸¹ Stabilisation processes change the dangerousness of the constituents in the waste and thus transform hazardous waste into non hazardous waste. Solidification processes only change the physical state of the waste (e.g. liquid into solid) by using additives without changing the chemical properties of the waste.

⁸² A waste is considered as partly stabilised if after the stalibisation process dangerous constituents which have not been changed completely into non dangerous constituents could be released into the environment in short, middle or long term.

19 06 06	digestate from anaerobic treatment of animal and vegetable waste
19 06 99	wastes not otherwise specified
19 07	landfill leachate
19 07 02*	landfill leachate containing dangerous substances
19 07 03	landfill leachate other than those mentioned in 19 07 02
19 08	wastes from waste water treatment plants not otherwise specified
19 08 01	Screenings
19 08 02	waste from desanding
19 08 05	sludges from treatment of urban waste water
19 08 06*	saturated or spent ion exchange resins
19 08 07*	solutions and sludges from regeneration of ion exchangers
19 08 08*	membrane system waste containing heavy metals
19 08 09	grease and oil mixture from oil/water separation containing only edible oil and fats
19 08 10*	grease and oil mixture from oil/water separation other than those mentioned in 19 08 09
19 08 11*	sludges containing dangerous substances from biological treatment of industrial waste water
19 08 12	sludges from biological treatment of industrial waste water other than those mentioned in 19 08 11
19 08 13*	sludges containing dangerous substances from other treatment of industrial waste water
19 08 14	sludges from other treatment of industrial waste water other than those mentioned in 19 08 13
19 08 99	wastes not otherwise specified
19 09	wastes from the preparation of water intended for human consumption or water for industrial use
19 09 01	solid waste from primary filtration and screenings
19 09 02	sludges from water clarification
19 09 03	sludges from decarbonation

19 09 04	spent activated carbon
19 09 05	saturated or spent ion exchange resins
19 09 06	solutions and sludges from regeneration of ion exchangers
19 09 99	wastes not otherwise specified
19 10	wastes from shredding of metal-containing wastes
19 10 01	iron and steel waste
19 10 02	non-ferrous waste
19 10 03*	fluff-light fraction and dust containing dangerous substances
19 10 04	fluff-light fraction and dust other than those mentioned in 19 10 03
19 10 05*	other fractions containing dangerous substances
19 10 06	other fractions other than those mentioned in 19 10 05
19 11	wastes from oil regeneration
19 11 01*	spent filter clays
19 11 02*	acid tars
19 11 03*	aqueous liquid wastes
19 11 04*	wastes from cleaning of fuel with bases
19 11 05*	sludges from on-site effluent treatment containing dangerous substances
19 11 06	sludges from on-site effluent treatment other than those mentioned in 19 11 05
19 11 07*	wastes from flue-gas cleaning
19 11 99	wastes not otherwise specified
19 12	wastes from the mechanical treatment of waste (e.g. sorting, crushing, compacting, pelletising) not otherwise specified
19 12 01	paper and cardboard
19 12 02	ferrous metal
19 12 03	non-ferrous metal
19 12 04	plastic and rubber
19 12 05	Glass
19 12 06*	wood containing dangerous substances

19 12 07	wood other than that mentioned in 19 12 06
19 12 08	Textiles
19 12 09	minerals (e.g. sand, stones)
19 12 10	combustible waste (refuse derived fuel)
19 12 11*	other wastes (including mixtures of materials) from mechanical treatment of waste containing dangerous substances
19 12 12	other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11
19 13	wastes from soil and groundwater remediation
19 13 01*	solid wastes from soil remediation containing dangerous substances
19 13 02	solid wastes from soil remediation other than those mentioned in 19 13 01
19 13 03*	sludges from soil remediation containing dangerous substances
19 13 04	sludges from soil remediation other than those mentioned in 19 13 03
19 13 05*	sludges from groundwater remediation containing dangerous substances
19 13 06	sludges from groundwater remediation other than those mentioned in 19 13 05
19 13 07*	aqueous liquid wastes and aqueous concentrates from groundwater remediation containing dangerous substances
19 13 08	aqueous liquid wastes and aqueous concentrates from groundwater remediation other than those mentioned in 19 13 07
20	MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS
20 01	separately collected fractions (except 15 01)
20 01 01	paper and cardboard
20 01 02	Glass
20 01 08	biodegradable kitchen and canteen waste
20 01 10	Clothes
20 01 11	Textiles
20 01 13*	Solvents

20 01 14*	Acids
20 01 15*	Alkalines
20 01 17*	Photochemicals
20 01 19*	Pesticides
20 01 21*	fluorescent tubes and other mercury-containing waste
20 01 23*	discarded equipment containing chlorofluorocarbons
20 01 25	edible oil and fat
20 01 26*	oil and fat other than those mentioned in 20 01 25
20 01 27*	paint, inks, adhesives and resins containing dangerous substances
20 01 28	paint, inks, adhesives and resins other than those mentioned in 20 01 27
20 01 29*	detergents containing dangerous substances
20 01 30	detergents other than those mentioned in 20 01 29
20 01 31*	cytotoxic and cytostatic medicines
20 01 32	medicines other than those mentioned in 20 01 31
20 01 33*	batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries
20 01 34	batteries and accumulators other than those mentioned in 20 01 33
20 01 35*	Discarded electrical and electronic equipment other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components ⁸³
20 01 36	discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35
20 01 37*	wood containing dangerous substances
20 01 38	wood other than that mentioned in 20 01 37
20 01 39	Plastics
20 01 40	Metals
20 01 41	wastes from chimney sweeping

⁸³ Hazardous components from electrical and electronic equipment may include accumulators and batteries mentioned in 16 06 and marked as hazardous; mercury switches, glass from cathode ray tubes and other activated glass etc.

20 01 99	other fractions not otherwise specified
20 02	garden and park wastes (including cemetery waste)
20 02 01	biodegradable waste
20 02 02	soil and stones
20 02 03	other non-biodegradable wastes
20 03	other municipal wastes
20 03 01	mixed municipal waste
20 03 02	waste from markets
20 03 03	street-cleaning residues
20 03 04	septic tank sludge
20 03 06	waste from sewage cleaning
20 03 07	bulky waste
20 03 99	municipal wastes not otherwise specified

PART 3

List A (Annex II to the Basel Convention)

Waste from Appendix 4, Part I of Decision C(2001)107 of the OECD Council on the Revision of Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.

Y46 Waste collected from households

Y47 Residues arising from the incineration of household wastes

List B

Waste from Appendix 4, Part II of Decision C(2001)107 of the OECD Council on the Revision of Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations. The wastes numbered AB 130, AC 250, AC 260 and AC 270 have been deleted since they have been considered, in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, to be non-hazardous and therefore not subject to the export ban laid down in Article 37.

Metal Bearing Wastes

AA 010	261900	Dross, scalings and other wastes from the manufacture of iron and steel ⁸⁴
AA 060	262050	Vanadium ashes and residues
AA 190	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

AB 030		Wastes from non-cyanide based systems which arise from surface treatment of metals
AB 070		Sands used in foundry operations
AB 120	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
AB 150	ex 382490	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

⁸⁴ This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

Wastes Containing Principally Organic Constituents, Which May Contain Metals and Inorganic Materials

AC 020		Bituminous materials (asphalt waste) not elsewhere specified or included
AC 060	ex 381900	Hydraulic fluids
AC 070	ex 381900	Brake fluids
AC 080	ex 382000	Antifreeze fluids
AC 150		Chlorofluorocarbons
AC 160		Halons
AC 170	ex 440310	Treated cork and wood wastes

Wastes Which May Contain either Inorganic or Organic Constituents

AD 090	ex 382490	Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD 100		Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD 120	ex 391400 ex 3915	Ion exchange resins
AD 150		Naturally occurring organic material used as a filter medium (such as bio-filters)

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

RB 020	ex 6815	Ceramic based fibres of physico-chemical characteristics similar to those of asbestos
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ANNEX VI

Form for pre-consented facilities (Article 15)

<i>Competent authority</i>	<i>Consignee</i>			<i>Waste types</i>	<i>Period of validity</i>		<i>Total pre- authorised quantity</i>
	<i>Name and no. of the recovery facility</i>	<i>Address</i>	<i>Recovery method (+ R code)</i>		<i>OECD</i>	<i>Beginning</i>	

ANNEX VII

**INFORMATION ACCOMPANYING SHIPMENTS OF WASTE
LISTED IN ANNEX III AND DESTINED FOR RECOVERY (ARTICLE 19)**

Producer(s), new producer or collector (name, address, tel., fax and e-mail):		
Contact person:		
Person who arranges the shipment (name, address, tel., fax and e-mail):		
Contact person:		
Consignee (name, address, tel., fax and e-mail):		
Contact person:		
Holder(s) (name, address, tel., fax and e-mail):		
Contact person:		
Usual commercial description of the waste:	OECD classification :	
Quantity (kg / litres):	EWL code:	
Recovery operation (or disposal if relevant):		
Carrier(s) (name, address, tel., fax, e-mail and contact person):		
Modes of transport:		
Countries of dispatch/transit/destination :		
Transit	Dispatch	Destination
Enclosure:		
Evidence of contract between the person who arranges the shipment and the consignee:		
Date of commencement of shipment:		
Signature before commencement of shipment:		
Producer, new producer or collector (date)	Person who arranges the shipment (date)	
Signature upon receipt of the waste:		
Holder(s) (date)	Consignee (date):	

ANNEX VIII

Chemicals listed in Annex A, B and C of the Stockholm Convention

Aldrin	CAS N° 309-00-2
Chlordane	CAS N° 57-74-9
Dieldrin	CAS N° 60-57-1
Endrin	CAS N° 72-20-8
Heptachlor	CAS N° 76-44-8
Hexachlorobenzene (HCB)	CAS N° 118-74-1
Mirex	CAS N° 2385-85-5
Toxaphene	CAS N° 8001-35-2
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)	CAS N° 50-29-3
Polychlorinated Biphenyls (PCB)	
Polychlorinated dibenzo-p-dioxins (PCDD)	
Polychlorinated dibenzofurans (PCDF)	

(PCBs, dioxins and furans do not have a CAS number because they are « families » of molecules. There 209 different types of PCBs and around 175 Dioxins and around 100 Furans).

ANNEX IX

Guidelines on Environmentally sound management (Article 42)

- I. GUIDELINES ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE BASLE CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTE AND THEIR DISPOSAL, AS AMENDED:**
1. Technical Guidelines on the Environmentally Sound Management of Biomedical and Health Care Wastes (Y1; Y3)⁸⁵.
 2. Technical Guidelines on the Environmentally Sound Management of Waste Lead Acid Batteries⁸⁶.
 3. Technical Guidelines on the Environmentally Sound Management of the Full and Partial Dismantling of Ships⁸⁷.

⁸⁵ Adopted by the 6th Conference of the Parties to the Basle Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, 9-13 December 2002.

⁸⁶ Adopted by the 6th Conference of the Parties to the Basle Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, 9-13 December 2002.

⁸⁷ Adopted by the 6th Conference of the Parties to the Basle Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, 9-13 December 2002.

ANNEX X

**Additional Questionnaire for Member States Reporting Obligation Pursuant to
Article 54(2)**

Art. 12(1)(a)	<p>Information on the measures taken to prohibit generally or partially shipments of waste between Member States</p> <p>In order to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 75/442/EEC</p> <p>Has this provision been applied? Yes No</p> <p><i>(please tick ✓ as appropriate)</i> <input type="checkbox"/> <input type="checkbox"/></p> <p>If yes, please provide details on the measures taken:</p> <p>----- ----- ----- ----- -----</p> <p>Additional remarks:</p> <p>----- ----- ----- -----</p> <p>Information on the measures taken to object systematically to shipments of waste between Member States</p> <p>In order to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 75/442/EEC</p> <p>Has this provision been applied? Yes No</p> <p><i>(please tick ✓ as appropriate)</i> <input type="checkbox"/> <input type="checkbox"/></p> <p>If yes, please provide details on the measures taken:</p> <p>----- ----- ----- ----- -----</p> <p>Additional remarks:</p> <p>----- ----- ----- -----</p>
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Art. 56	Information on the customs posts designated by Member States for shipments of waste in and out of the Community	Please complete Table 5
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Note for completion of the Tables:

D and R codes are those referred to in Annexes IIA and IIB to Directive 75/442/EEC, as amended.

Waste codes are those referred to in Annexes III, IV and IVA of this Regulation, as amended.

Table 3

**INFORMATION ON DECISIONS BY COMPETENT AUTHORITIES HAVING JURISDICTION OVER SPECIFIC RECOVERY FACILITIES
NOT TO RAISE OBJECTIONS CONCERNING SHIPMENTS OF CERTAIN TYPES OF WASTE TO A SPECIFIC RECOVERY FACILITY
(ARTICLE 15)**

Competent Authority	Recovery Facility				Waste types involved (Code)	Period Covered		Revocation (date)
	Name	Address	Operations leading to recovery R Code	Technologies Employed		From	To	

Table 4

INFORMATION ON ILLEGAL SHIPMENTS OF WASTE (Articles 26 and 53(1))

Waste types involved (Code)	Amount (metric tonnes)	Country of Import (I)/ Country of Origin (O)	Identification of the reason for illegality (possible reference to violated Articles)	Responsible for illegality <i>(please tick ✓ as appropriate)</i>			Measures taken including possible sanctions
				Notifier	Consignee	Other	

