



Council of the
European Union

Brussels, 22 July 2024
(OR. en)

12491/24

ENV 803
MI 715
RELEX 1029
DELECT 131

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	19 July 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2024) 5017 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 19.7.2024 supplementing Regulation (EU) 2024/1157 of the European Parliament and of the Council by establishing the information to be provided in the certificate confirming the completion of a subsequent interim or non-interim recovery operation or a subsequent interim or non-interim disposal operation

Delegations will find attached document C(2024) 5017 final.

Encl.: C(2024) 5017 final



EUROPEAN
COMMISSION

Brussels, 19.7.2024
C(2024) 5017 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 19.7.2024

supplementing Regulation (EU) 2024/1157 of the European Parliament and of the Council by establishing the information to be provided in the certificate confirming the completion of a subsequent interim or non-interim recovery operation or a subsequent interim or non-interim disposal operation

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste lays down the prior notification and consent procedure for shipments of certain wastes, including those destined for interim recovery or interim disposal operations.

Article 15 of that Regulation contains specific provisions relating to shipments of waste destined for interim waste treatment operations. The facilities carrying out such interim operations should be informed by the facilities carrying out subsequent waste treatment processes (subsequent facilities), both interim and non-interim, that the subsequent facilities completed the processes for which waste was delivered to them. Such confirmation must take the form of a certificate confirming completion of a subsequent interim or non-interim recovery or a subsequent interim or non-interim disposal operation. Such certificates should be kept in accordance with Article 20 of that Regulation.

Article 27 of that Regulation provides for mandatory submission and exchange of information and documents related to shipments of waste. The requirement comes into effect 2 years after the Regulation's entry into force and covers the information required by Article 15.

To ensure that the content of the aforementioned certificate is consistent with the Regulation, in particular for the purposes of implementing Article 27, it is necessary to lay down the specific information which must be provided in the certificate.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This Delegated Regulation has been developed to lay down the information which must be provided in the certificate referred to in Article 15(5), first subparagraph, of Regulation (EU) 2024/1157.

The template for the certificate and the instructions on how to complete the certificate are contained in the Annexes to this Delegated Regulation. These were developed taking into account the waste shipment correspondents' guidelines No 3 on a certificate for subsequent non-interim recovery or disposal according to Article 15(e) of Regulation (EC) No 1013/2006 on shipments of waste¹, while considering the provisions of Article 15 of the new Waste Shipment Regulation, namely Regulation (EU) 2024/1157.

The information laid down in this Delegated Regulation is also relevant for the purposes of implementing Article 27 of Regulation (EU) 2024/1157 concerning the digitalisation of the prior notification and consent procedure.

There was substantial consultation of Member States and stakeholders on this issue, in accordance with Article 80 of Regulation (EU) 2024/1157. Stakeholders were also kept informed throughout this process.

The draft delegated act was discussed with experts designated by each Member State as well as with stakeholders during the meeting of the Expert Group on Waste, held on 13 May 2024². Experts from two Member States indicated that Annex I should be amended, to allow for issuance of one certificate covering several shipments of waste. This approach was supported by some stakeholders and has been reflected in the delegated regulation.

¹ https://ec.europa.eu/environment/pdf/waste/shipments/correspondents_guidelines3_en.pdf

² <https://ec.europa.eu/transparency/expert-groups-register/screen/meetings/consult?lang=en&meetingId=53508&fromExpertGroups=03343>

The draft act was published for public feedback consultation³, and during the period between 30 April 2024 and 28 May 2024 the Commission received comments and input from 12 stakeholders, including one public authority. Comments were taken into consideration, and the draft act was finetuned accordingly.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered through Article 15(6) of Regulation (EU) 2024/1157 to adopt a delegated act to lay down the information which must be provided in the certificate referred to in Article 15(5), first subparagraph.

The information laid down in this Delegated Regulation includes, in Annex I, a template for the certificate and, in Annex II, instructions on how to complete the certificate.

The delegated act has no implications for the EU budget.

—

³

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14175-Waste-shipments-information-to-be-included-in-certificates-on-subsequent-non-interim-recovery-disposal-operations_en

COMMISSION DELEGATED REGULATION (EU) .../...

of 19.7.2024

supplementing Regulation (EU) 2024/1157 of the European Parliament and of the Council by establishing the information to be provided in the certificate confirming the completion of a subsequent interim or non-interim recovery operation or a subsequent interim or non-interim disposal operation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006⁴, and in particular Article 15(6) thereof,

Whereas:

- (1) Regulation (EU) 2024/1157 lays down the prior notification and consent procedure for shipments of certain wastes, including to interim recovery or interim disposal operations.
- (2) Article 15 of that Regulation contains specific provisions relating to shipments of waste to interim recovery and interim disposal operations. The facilities carrying out such interim operations are to be informed by facilities carrying out subsequent waste treatment processes, both interim and non-interim, that these facilities completed the processes for which waste was delivered to them. Such confirmation is to be made in a form of a certificate which should be issued by the facilities which have carried out the subsequent waste treatment process. Through that certificate, those facilities are to confirm the completion of a subsequent interim or non-interim recovery operation or a subsequent interim or non-interim disposal operation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The certificate confirming completion of a subsequent interim or non-interim recovery operation or a subsequent interim or non-interim disposal operation in accordance with Article 15(5) of Regulation (EU) 2024/1157 is set out in Annex I to this Regulation.

—

⁴ OJ L, 2024/1157, 30.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1157/oj>.

2. The specific instructions for completing the certificate set out in Annex I are set out in Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 19.7.2024

For the Commission
The President
Ursula VON DER LEYEN