



Council of the
European Union

Brussels, 8 September 2023
(OR. en)

12675/23

LIMITE

ENV 946
MI 714
RELEX 1016
CODEC 1535

**Interinstitutional File:
2021/0367(COD)**

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	14135/21 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056 - Preparation for the trilogue

I. INTRODUCTION

1. On 19 November 2021, the Commission transmitted to the European Parliament and the Council the proposal for a Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056. The proposal is a recast of Regulation (EC) No 1013/2006 on shipments of waste and has the overall aim of increasing the level of protection of the environment and public health from the impacts of unsound transboundary shipments of waste. Moreover, it implements the Basel Convention and incorporates the OECD rules.

II. WORK IN THE COUNCIL

2. Following intensive preparatory work, on 24 May 2023 the Committee of Permanent Representatives agreed on a Council position and gave a mandate to the Presidency to engage in negotiations with the European Parliament.
3. On the basis of this mandate, the Swedish Presidency held a first trilogue with the European Parliament on 31 May 2023. This was followed by four interinstitutional technical meetings under the Swedish and eight meetings under the Spanish Presidency. During those meetings between 5 June and 1 September 2023 around 45 % of the text (Titles I, II and IV) was discussed, except for the recitals and the technical Annexes.
4. In preparation for the negotiations with the European Parliament, the Working Party on the Environment on 6 September 2023 discussed the progress of the negotiations and new compromise proposals by the Presidency. Taking into account the observations of Member States at that meeting as well as the additional written comments received, the Presidency has prepared the 4-column table in the Annex with a view to a second trilogue on 21 September 2023. In this 4-column table, rows with text that were provisionally agreed with the Parliament at the technical meetings are marked green, while the Presidency presents some new compromise proposals in the fourth column of rows that are not ‘greened’ yet.

III. PRESIDENCY COMPROMISE PROPOSALS

5. In **Title I**, most of the articles were provisionally agreed (green), except for some lines on which either the European Parliament or the Council will need to reflect further, or where cross-references need to be further aligned. On Article 1(1) ('subject') the Presidency suggests as compromise to merge elements from the Council and Parliament amendments (e.g. to add the achievement of climate neutrality, circular economy and zero pollution as objectives).
6. On the definition of 'environmentally sound management' it is also proposed to add the 'climate' objective, while on the definition of 'illegal shipment' (Art 3(25)) no viable compromise could be reached yet and discussions will need to continue.
7. On **Title II** also many articles could be agreed (green). On the applicability of the notification process to 'mixed municipal waste' (Art 4(2a)) and the provisions on contracts (Art 6(4)) the Presidency proposes further refinements.
8. Some further refinements in Art 6(3) on contracts, Art 9(7), Art 10(1) on conditions for shipment, Art 11(1), Art 12(5) on objections to shipments of waste destined for recovery and Art 14(2) on information to be included in the request for a facility to be pre-consented are proposed.
9. Regarding the timelines in the notification process and other elements related to intra-EU shipments laid out in Articles 8, 9, 12, 14 and 18 the Parliament underlines that no disproportionate delays should occur in those processes and that there should be certainty when a process is finalised. The Council, on the other hand, wants to ensure that competent authorities have sufficient time to properly analyse and react to requests during those processes. Discussions will therefore need to continue to reach a compromise.

10. On the take back scheme in Articles 22-25 some further refinements are proposed. More specifically, a revised Council mandate is proposed for Article 24(2a). Moreover, after discussion with the Parliament and based on a draft by the Commission the Presidency proposes new provisions in Articles 22(3a), 22a(1a) and 24(2aa) to underline that, with a view to alternative arrangements to take back obligations, waste management should be carried out in an environmentally sound manner and in accordance with the detailed principles laid out in Article 56.
11. On the question regarding ‘public access to notifications/information’ in Article 21, the Council mandate from 24 May 2023 proposed to delete this Article entirely, as the Member States agreed that access to environmental information should be sufficiently addressed by the Aarhus framework. However, the Parliament has signalled that to reach a compromise the Regulation will need to cater for more transparency on shipment processes. The Commission drafted therefore a new Article 21, which suggests the use of data from the new central electronic information submission and exchange system in Article 26 for that purpose. The Presidency believes that this proposal could be a good basis to reach a compromise with the Parliament on this Article, as it would not create additional administrative burden for competent authorities. The details regarding which data would be extracted from the electronic system would be described in a new Annex XIa. The precise content of this new Annex will still need to be discussed in future technical meetings.
12. Regarding Article 27 on the language regime in the shipment processes, the Presidency asks Member States for their support to add a provision that allows to consider the use of courtesy translations produced by the new electronic system (= machine translations) while maintaining the rest of the provisions in the Council’s mandate.
13. In Article 30 on bilateral agreements, new text is proposed that waste management based on such agreements with EFTA countries should be carried out in an environmentally sound manner and in accordance with the principles in Article 56. This is to ensure that the waste will be managed in line with EU law.

14. On **Title IV** on exports so far Articles 36 to 43 have been discussed and a couple of provisions provisionally agreed (green). A number of refinements are suggested in the provisions on the prohibition of exports of non-hazardous waste (Art 37(2)), the information on the procedure to export to non-OECD countries (Art 38(2)), the requirements for inclusion in the list of countries to which exports are authorised (Art 39(1)), the assessment of the request for inclusion in the list of countries to which exports are authorised (Art 40(1)) and the general regime for export of waste (Art 41(2)).
15. On the monitoring of export and safeguard procedure (Article 42), the Parliament proposed in the technical discussions that the monitoring and safeguards according to the principles of environmentally sound management should be guaranteed. The Parliament would like to ensure that there is certainty about the fact that OECD countries are able to recover the waste in an environmentally sound manner as referred to in Article 56. Thus, they would like to include a possible ex ante monitoring of OECD countries before any shipment of waste is carried out, as well as ensure that there is no environmental harm and no substantial adverse effects on the management of domestic waste ('domestic waste' to be understood as waste generated in the country). The Commission has redrafted Article 42 to cover the concerns of the Parliament, and the Presidency suggests this newly structured Article as a possible way forward.

IV. REMAINING OPEN ISSUES

16. As regards the provisions in Article 4(4) concerning the quantity of waste destined for laboratory analysis or experimental treatment trials, providing for whether such shipments are subject to general information requirements or the prior notification procedure, the Presidency believes that the existing negotiation mandate from 24 May 2023 could be a good basis to reach a compromise with the Parliament but maybe further flexibilities could be needed.

17. As regards further timelines and conditions for requesting additional information and for consent in Articles 8 and 9 and regarding deadlines and other parameters related to pre-consented facilities in Article 14, The Presidency expects that further technical discussions will lead to an overall package deal on those issues. Other timelines (e.g. Article 69 on reporting in Title VIII) could be included in the package.
18. After further discussions a package deal could also be envisaged for the various suggested Implementing or Delegated Acts and their deadlines proposed throughout the Regulation.
19. On the ban on the export of plastic waste suggested by the Parliament in Article 37(2) regarding non-OECD countries and Article 41(2) regarding OECD countries, the Commission and the Council have asked the Parliament to provide further information before political negotiations can be intensified. Firstly, it needs to be explained why the measures contained in the proposal are not sufficient to address the environmental consequences of the export of plastic waste from the EU to third countries. Secondly, it is needs to be clarified that a ban on the export of plastic waste to third countries would be in compliance with the EU's international commitments, in particular the OECD Decision on transboundary movements of waste and the WTO/GATT provisions. Further negotiations can also be expected about the obligations for exporters in Article 43 (e.g. audits), for which the technical discussions will still need to be advanced.

V. CONCLUSION

20. The Permanent Representatives Committee is invited to examine the Presidency proposals as set out in the Annex to this note with a view to agreeing on a revised mandate for negotiations with the European Parliament.

**Proposal for a
Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and
(EU) No 2020/1056
(Text with EEA relevance)
2021/0367(COD)**

- Text provisionally agreed with EP in fourth column ('Presidency proposal') and rows marked green.
- New Presidency proposals in fourth column ('Presidency proposal') and rows marked NOT green. Differences to Council mandate from 24 May 2023 are highlighted in yellow.

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Formula				
1	2021/0367 (COD)		2021/0367 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056 (Text with EEA relevance)		Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on shipments of waste and , amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056 <u>and repealing Regulation (EC) 1013/2006</u> (Text with EEA relevance)	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , _____		Having regard to the opinion of the European Economic and Social Committee ¹ , _____	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	1. OJ C , , p. .		1. OJ C , , p. .	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions,		Having regard to the opinion of the Committee of the Regions,	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:		Whereas:	
Recital 1				
11	(1) It is necessary to lay out rules at the Union level to protect the environment and human health against the adverse impacts which may result from the shipment of waste. These rules should also contribute to the facilitation of environmentally sound management of waste, in accordance with the waste hierarchy laid down in Article 4 of Directive 2008/98/EC of the	(1) It is necessary to lay out rules at the Union level to protect the environment and human health against the adverse impacts which may result from the shipment of waste. These rules should also contribute to the facilitation of environmentally sound management of waste, in accordance with the waste hierarchy laid down in Article 4 of Directive 2008/98/EC of the	(1) It is necessary to lay out rules at the Union level to protect the environment and human health against the adverse impacts which may result from the shipment of waste. These rules should also contribute to the facilitation of environmentally sound management of waste, in accordance with the waste hierarchy laid down in Article 4 of Directive 2008/98/EC of the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>European Parliament and of the Council¹, as well as to the reduction of overall impacts of resource use and to the improvement of the efficiency of such use, which is crucial for the transition to a circular economy.</p> <p>1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJL 312, 22.11.2008, p. 3).</p>	<p>European Parliament and of the Council¹, as well as to the reduction of overall impacts of resource use and to the improvement of the efficiency of such use, which is crucial for the transition to a circular economy <u>and for reaching climate-neutrality by 2050 at the latest. In this regard, waste management should be considered as one step of the product life-cycle spanning from production to secondary raw materials, for which sustainable innovative techniques which seek to improve material recovery, energy efficiency, and waste management's overall contribution to decarbonisation should be prioritized.</u></p> <p>1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJL<u>OJL</u> 312, 22.11.2008, p. 3).</p>	<p>European Parliament and of the Council¹, as well as to the reduction of overall impacts of resource use and to the improvement of the efficiency of such use, which is crucial for the transition to a circular economy <u>and for reaching climate-neutrality by 2050 at the latest.</u></p> <p>1. <u>III</u> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJL 312, 22.11.2008, p. 3).</p>	
Recital 1a				
11a		<u>(1a) Waste treatment and disposal activities can, if not properly managed, have various negative impacts on the environment and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>on people's quality of life, some of which are difficult to mitigate. More information therefore needs to be made available online on the various waste management operations carried out, in terms of quantities, types, routes and associated destinations, as well as on the inspection and monitoring of waste management activities.</i></u>		
Recital 1b				
11b		<u><i>(1b) Progress in improving the effectiveness and efficiency of waste management should be accompanied by measures to reduce the generation of waste addressing in particular the waste upstream in production and consumption;</i></u>		
Recital 2				
12	(2) Regulation (EC) No 1013/2006 of the European Parliament and of the Council ¹ has, over the past fifteen years, brought about important improvements to protect the environment and human health against the adverse impacts which may result from the shipment of		(2) Regulation (EC) No 1013/2006 of the European Parliament and of the Council ¹ has, over the past fifteen years, brought about important improvements to protect the environment and human health against the adverse impacts which may result from the shipment of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>waste. However, the Commission’s evaluation² of that Regulation has also revealed a number of challenges and shortcomings, which need to be addressed through new regulatory provisions.</p> <p>1. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1). 2. Commission Staff Working Document on the evaluation of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (SWD(2020) 27 final).</p>		<p>waste. However, the Commission’s evaluation² of that Regulation has also revealed a number of challenges and shortcomings, which need to be addressed through new regulatory provisions.</p> <p>1. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1). 2. Commission Staff Working Document on the evaluation of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (SWD(2020) 27 final).</p>	
Recital 3				
13	<p>(3) The European Green Deal¹ sets out an ambitious roadmap to transform the Union into a sustainable, resource efficient and climate neutral economy. It calls on the Commission to review the Union rules on waste shipments established under Regulation (EC) No 1013/2006. The New Circular Economy Action Plan² adopted in March 2020 further stresses the need for action to ensure that shipments of waste for re-use and recycling in the Union are facilitated, that the Union does not</p>	<p>(3) The European Green Deal¹ sets out an ambitious roadmap to transform the Union into a sustainable, resource efficient and climate neutral economy. It calls on the Commission to review the Union rules on waste shipments established under Regulation (EC) No 1013/2006. The New Circular Economy Action Plan² adopted in March 2020 further stresses the need for action to ensure that shipments of waste for re-use and recycling in the Union are facilitated, that the Union does not</p>	<p>(3) The European Green Deal¹ sets out an ambitious roadmap to transform the Union into a sustainable, resource efficient and climate neutral economy. It calls on the Commission to review the Union rules on waste shipments established under Regulation (EC) No 1013/2006. The New Circular Economy Action Plan² adopted in March 2020 further stresses the need for action to ensure that shipments of waste for re-use and recycling in the Union are facilitated, that the Union does not</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>export its waste challenges to third countries and that illegal waste shipments are better addressed. In addition to the environmental and social benefits, this can also result in ameliorating EU's strategic dependencies on raw materials. Both the Council³ and the European Parliament⁴ have also called for a revision of the current Union rules on waste shipments established under Regulation (EC) No 1013/2006.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European GreenDeal (COM (2019) 640 final)</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy Action Plan – For a cleaner and more competitive Europe (COM(2020)98 final).</p> <p>3. Council conclusions on Making the Recovery Circular and Green (13852/20 OJ CONS 34).</p> <p>4. European Parliament resolution of 10 February 2021 on the New Circular Economy Action Plan (2020/2077(INI)).</p>	<p>export its waste challenges to third countries and that illegal waste shipments are better addressed. In addition to the environmental and social benefits, this can also result in ameliorating EU's strategic dependencies on raw materials. <u>Keeping more of the generated waste within the Union will, however, require improved recycling and waste management capacity.</u> Both the Council³ and the European Parliament⁴ have also called for a revision of the current Union rules on waste shipments established under Regulation (EC) No 1013/2006. <u>To support the circular economy, innovative business initiatives such as taking back waste for the purpose of recycling, refurbishment, research or for improvement of product design should be supported.</u></p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European GreenDeal (COM (2019) 640 <u>COM(2019)0640</u> final)</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy</p>	<p>export its waste challenges to third countries and that illegal waste shipments are better addressed. In addition to the environmental and social benefits, this can also result in ameliorating EU's strategic dependencies on raw materials. Both the Council³ and the European Parliament⁴ have also called for a revision of the current Union rules on waste shipments established under Regulation (EC) No 1013/2006. <u>Article 60(2a) of Regulation (EC) No 1013/2006 mandated the Commission to carry out a review of this Regulation by 31 December 2020.</u></p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European GreenDeal <u>Green Deal</u> (COM (2019) 640 final)</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy <u>Economy</u> Action Plan – For a cleaner and more competitive Europe (COM(2020)98 final).</p> <p>3. Council conclusions on Making the Recovery Circular and Green (13852/20 OJ CONS 34).</p> <p>4. European Parliament resolution of 10 February 2021 on the New Circular</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		Action Plan – For a cleaner and more competitive Europe (COM(2020)98 COM(2020)0098 final). 3. Council conclusions on Making the Recovery Circular and Green (13852/20 OJ CONS 34). 4. European Parliament resolution of 10 February 2021 on the New Circular Economy Action Plan (2020/2077(INI)).	Economy Action Plan (2020/2077(INI)).	
Recital 4				
14	(4) Regulation (EC) No 1013/2006 has already been amended on several occasions and requires further significant amendments to ensure that the policy objectives of the European Green Deal and the New Circular Economy Action Plan are met. Regulation (EC) No 1013/2006 should therefore be replaced by a new Regulation.		(4) Regulation (EC) No 1013/2006 has already been amended on several occasions and requires further significant amendments to ensure that the policy objectives of the European Green Deal and the New Circular Economy Action Plan are met. Regulation (EC) No 1013/2006 should therefore be replaced <i>repealed and</i> replaced by a new Regulation.	
Recital 5				
15	(5) This Regulation supplements the general waste management legislation of the Union, such as Directive 2008/98/EC. It refers to the definitions in that Directive, including, the definitions of waste and general waste management		(5) This Regulation supplements the general waste management legislation of the Union, such as Directive 2008/98/EC. It refers to the definitions in that Directive, including, the definitions of waste and general <i>of terms related to</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	operations. It also includes a number of additional definitions in order to facilitate uniform application of this Regulation.		waste management operations . It also includes a number of additional definitions in order to facilitate uniform application of this Regulation.	
Recital 6				
16	<p>(6) This Regulation implements at Union level the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal¹ ('the Basel Convention'). The Basel Convention aims to protect human health and the environment against the adverse effects resulting from the generation, transboundary movements and management of hazardous wastes and other wastes. The Union has been a Party to the Basel Convention since 1994².</p> <p>¹ OJ L 39, 16.2.1993, p. 3 ² Council Decision 93/98/EEC of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention) (OJ L 39, 16.2.1993, p. 1).</p>		<p>(6) This Regulation implements at Union level the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal¹ ('the Basel Convention'). The Basel Convention aims to protect human health and the environment against the adverse effects resulting from the generation, transboundary movements and management of hazardous wastes and other wastes. The Union has been a Party to the Basel Convention since 1994².</p> <p>¹ OJ L 39, 16.2.1993, p. 3 ² Council Decision 93/98/EEC of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention) (OJ L 39, 16.2.1993, p. 1).</p>	
Recital 7				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
17	<p>(7) This Regulation also implements at Union level an amendment to the Basel Convention¹ (the Ban Amendment) which was adopted in 1995 and entered into force at the international level on 5 December 2019. The Ban Amendment establishes a general prohibition on all exports of hazardous waste that are intended for final disposal, re-use, recycling and recovery from countries listed in Annex VII to the Basel Convention to all other countries. The Union has ratified the Ban Amendment and implemented it since 1997².</p> <p>1. Amendment to the Basel Convention ('Ban Amendment') adopted by Decision III/1 of the Parties to the Basel Convention. 2. Council Decision 97/640/EC of 22 September 1997 concerned the approval, on behalf of the Community, of the Ban Amendment (OJ L 272, 4.10.1997, p. 45) and Council Regulation (EC) No 120/97 of 20 January 1997 amended Regulation (EC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 22, 24.1.1997, p. 14).</p>		<p>(7) This Regulation also implements at Union level an amendment to the Basel Convention¹ (the Ban Amendment) which was adopted in 1995 and entered into force at the international level on 5 December 2019. The Ban Amendment establishes a general prohibition on all exports of hazardous wastewastes that are intended for final disposal<u>destined for</u> disposal, re-use, recycling and recovery <u>operations</u> from countries listed in Annex VII to the Basel Convention to all other countries<u>countries not listed in that Annex</u>. The Union has ratified the Ban Amendment and implemented it since 1997².</p> <p>1. Amendment to the Basel Convention ('Ban Amendment') adopted by Decision III/1 of the Parties to the Basel Convention. 2. Council Decision 97/640/EC of 22 September 1997 concerned the approval, on behalf of the Community, of the Ban Amendment (OJ L 272, 4.10.1997, p. 45) and Council Regulation (EC) No 120/97 of 20 January 1997 amended Regulation (EC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 22, 24.1.1997, p. 14).</p>	
Recital 8				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
18	(8) The Union submitted in October 2020 a notification, covering shipment of waste within the Union, to the Secretariat of the Basel Convention under Article 11 of that Convention. In line with that Article, the Union might therefore set out specific rules applying to the intra-EU shipments of waste which are not less environmentally sound than those provided for by the Basel Convention.	(8) The Union submitted in October 2020 a notification, covering shipment of waste within the Union, to the Secretariat of the Basel Convention under Article 11 of that Convention. In line with that Article, the Union might therefore set out specific rules applying to the intra-EU shipments of waste which are not less environmentally sound than those provided for by the Basel Convention. Deleted	(8) The Union submitted in October 2020 a notification, covering shipment of waste within the Union, to the Secretariat of the Basel Convention under Article 11 of that Convention. In line with that Article, the Union might therefore set out specific rules applying to the intra-EU shipments of waste which are not less environmentally sound than those provided for by the Basel Convention.	
Recital 9				
19	(9) In view of the fact that the Union has approved the Decision of the OECD Council of 30 March 1992 on the Control of Transboundary Movements of Wastes Destined for Recovery Operations ¹ ('the OECD Decision'), it is necessary to incorporate the content of that Decision, including its amendments, in Union legislation. ¹ OECD/LEGAL/0266		(9) In view of the fact that the Union has approved the <u>OECD</u> Decision of the OECD Council of 30 March 1992 on the Control of Transboundary Movements of Wastes Destined for Recovery Operations ¹ ('the OECD Decision'), it is necessary to incorporate the content of that Decision, including its amendments, in Union legislation. ¹ OECD/LEGAL/0266	
Recital 10				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
20	(10) It is important to organise and regulate 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 and human health and which ensures a uniform application of rules on waste shipments throughout the Union.		(10) It is important to organise and regulate 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 and human health and which ensures a uniform application of rules on waste shipments throughout the Union.	
Recital 10a				
20a		<u><i>(10a) Research and innovation should be an integral part of the European waste management sector. The research and innovation network for waste should include industry, universities and other research institutions. Accordingly, revisions of this Regulation and its relevant associated acts should take into account innovation in waste management techniques, where such techniques contribute to the environmentally sound management of waste.</i></u>		
Recital 10b				
20b				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>(10b) To ensure a real transition towards a circular economy for shipments of waste from its place of origin to the best place of treatment for such waste, the principle of proximity, material efficiency as well as the need to reduce the environmental footprint of waste should be taken into account.</i></u>		
Recital 11				
21	(11) It is necessary to avoid duplication with applicable Union legislation on the transport of certain materials that could classify as waste under this Regulation.		(11) It is necessary to avoid duplication with applicable Union legislation on the transport of certain materials that could classify as waste under this Regulation.	
Recital 11a				
21a		<u><i>(11a) This regulation should provide legal certainty and ensure uniform application of Union legislation within the area of waste management to facilitate compliance with the relevant provisions on protection of the environment and human health. Creating an undue administrative burden, especially for small and medium-sized enterprises, should</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u>be avoided.</u>		
Recital 11a				
21b			<u>(11a) Collection and conduction of wastewater through sewage systems pursuant to relevant Union legislation should not be considered as transport of waste under this Regulation.</u>	
Recital 11b				
21c			<u>(11b) Used products and materials, as for example electrical and electronic equipment, textiles, scrap metal and vehicles, that are not considered as waste are not covered by the scope of this Regulation but may have a negative impact on human health and the environment especially if being exported to countries where they risk to end up as waste not being managed in an environmentally sound manner. Member States should take necessary measures to strengthen their control of shipments of such goods and their sources. Of the same reasons it is important for</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>the Member States to take necessary measures in order to prevent that products and materials that are exported as by-products or as waste that has reached end-of-waste status fulfill the conditions required in accordance with Directive 2008/98/EC.</i></u>	
Recital 12				
22	(12) Shipments of waste generated by armed forces or relief organisations should be excluded from the scope of this Regulation when imported into the Union in certain situations (including transit within the Union when the waste enters the Union). The requirements of international law and international agreements should be respected in relation to such shipments. In such cases, any competent authority of transit and the competent authority of destination in the Union should be informed in advance concerning the shipment and its destination.		(12) Shipments of waste generated by armed forces or relief organisations should be excluded from the scope of this Regulation when imported into the Union in certain situations (including transit within the Union when the waste enters the Union). The requirements of international law and international agreements should be respected in relation to such shipments. In such cases, any competent authority of transit and the competent authority of destination in the Union should be informed in advance concerning the shipment and its destination.	
Recital 13				
23				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>(13) It is necessary to avoid duplication with Regulation (EC) No 1069/2009 of the European Parliament and of the Council¹, which already contains provisions covering the overall consignment, channelling and movement (collection, transport, handling, processing, use, recovery or disposal, record keeping, accompanying documents and traceability) of animal by-products within, into and out of the Union.</p> <p>¹ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).</p>		<p>(13) It is necessary to avoid duplication with Regulation (EC) No 1069/2009 of the European Parliament and of the Council¹, which already contains provisions covering the overall consignment, channelling and movement (collection, transport, handling, processing, use, recovery or disposal, record keeping, accompanying documents and traceability) of animal by-products within, into and out of the Union.</p> <p>¹ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).</p>	
Recital 14				
24	<p>(14) Regulation (EU) No 1257/2013 of the European Parliament and of the Council¹ applies to large commercial ships flying the flag of a Member State of the Union, which were excluded from the scope of application of Regulation (EC) No 1013/2006. However, following the recent</p>		<p>(14) Regulation (EU) No 1257/2013 of the European Parliament and of the Council¹ applies to large commercial ships flying the flag of a Member State of the Union, which were excluded from the scope of application of Regulation (EC) No 1013/2006. However, <u>Such ships, when</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>international entry into force of the Ban Amendment, it is necessary to ensure that the ships covered by the scope of Regulation (EU) No 1257/2013 which become waste in the Union are made subject to the relevant Union waste shipment rules implementing the Ban Amendment, in order to ensure strict legal compatibility of the Union's legal regime with international obligations. At the same time, it is also necessary to amend Regulation (EU) No 1257/2013 to clarify that ships falling within the scope of that Regulation and which become waste in the Union shall only be recycled at those facilities included in the European List of ship recycling facilities established under that Regulation, which are located in countries listed in Annex VII to the Basel Convention.</p> <p>1. Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10.12.2013, p. 1).</p>		<p><u>becoming waste and except when all hazardous substances and materials have been removed from it, are generally classified as hazardous waste.</u> Following the recent international entry into force of the Ban Amendment, it is necessary to ensure that the ships covered by the scope of Regulation (EU) No 1257/2013 which become <u>are considered</u> waste and are exported from the Union are made subject to the relevant Union waste shipment rules, <u>including those</u> implementing the Ban Amendment, in order to ensure strict legal compatibility of the Union's legal regime with international obligations. At the same time, it is also necessary to amend Regulation (EU) No 1257/2013 to clarify that ships falling within the scope of that Regulation and which become <u>are considered hazardous</u> waste and are exported from the Union shall <u>should</u> only be recycled at those facilities included in the European List of ship recycling facilities established under that Regulation, which are located in countries listed in Annex VII to the Basel Convention.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p>I. <u>III</u> Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10.12.2013, p. 1).</p>	
Recital 14a				
24a			<p><u>(14a) In order to avoid unnecessary burden on Member State's competent authorities and judicial systems in enforcing this Regulation, a shipment should not be considered illegal in case only minor discrepancies with the notification or movement documents or the Annex VII documents occur, such as clerical errors in spelling out the information when filling out the notification or movement documents or the Annex VII documents or omission of one of the contact details of one of the persons involved in the shipment. However, such mistakes of a clerical nature should only insignificantly affect the content of the notification or movement document or the Annex VII document and should not affect the objectives of the Regulation.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Recital 15				
25	(15) Although the supervision and control of shipments of waste within a Member State is a matter for that Member State, national systems concerning shipments of waste should take account of the need for coherence with the Union system in order to ensure a high level of protection of the environment and human health.		deleted	
Recital 16				
26	(16) In the case of shipments of waste not listed in Annex III, Annex IIIA or Annex IIIB of this Regulation and destined for recovery operations, it is appropriate to ensure optimal 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		(16) <u>It is appropriate to ensure optimal supervision and control by requiring prior written consent to shipments destined for recovery in particular of hazardous wastes, of wastes</u> In the case of shipments of waste not listed in Annex III, Annex IIIA or Annex IIIB <u>and of wastes containing or contaminated with persistent organic pollutants when containing or contaminated with POPs meeting or exceeding a concentration limit specified in Annex IV to Regulation (EU) 2019/1021¹</u> of this Regulation and	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	those authorities to raise reasoned objections to such shipments.		<p>destined for recovery operations, it is appropriate to ensure optimal 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 shipments.</p> <p><u>1. [1] Regulation (EU) 2019/1021 of the European Parliament and the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2109, p 45).</u></p>	
Recital 16a				
26a		<p><u>(16a) To take account of innovation in waste treatment technologies with regard to environmental sound management, as well as of changes in consumer behaviour with regard to the sorting of waste, it is essential that Annex IIIB be continuously updated. The Commission should in particular assess whether to add entries on</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>used footwear, clothing and other textile products, mineral wool and mattresses.</i></u>		
Recital 16b				
26b		<u><i>(16b) A well-functioning Union market for waste shipments should prioritise proximity, self-sufficiency and the use of the best available techniques in waste management as guiding principles. Achieving a fair transition to a circular economy is essential to attaining a climate neutral, resource-efficient and competitive Union economy that is sustainable in the long run.</i></u>		
Recital 17				
27	(17) In order to support the implementation of the provisions in Directive 2008/98/EC designed to increase the separate collection of waste and reduce the generation of mixed municipal waste, shipments of mixed municipal waste to another Member State should be subject to particular scrutiny. Furthermore, in order to support the achievements of targets to		(17) In order to support the implementation of the provisions in Directive 2008/98/EC designed to increase the separate collection of waste and reduce the generation of mixed municipal waste, shipments of mixed municipal waste to another Member State should be subject to particular scrutiny. Furthermore, In order to support the achievements of targets to	(17) In order to support the implementation of the provisions in Directive 2008/98/EC designed to increase the separate collection of waste and reduce the generation of mixed municipal waste, shipments of mixed municipal waste to another Member State should be subject to particular scrutiny. Furthermore, In order to support the achievements of targets to

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>increase recycling and reduce disposal of waste set out in Directive 2008/98/EC and Council Directive 1999/31/EC¹, shipments of waste for disposal in another Member State should be generally prohibited. Shipments of waste for disposal should be allowed only in exceptional cases. In those cases, Member States should take into account the principles of proximity and self-sufficiency at Union and national levels, in accordance with Directive 2008/98/EC, and in particular Article 16 of that Directive, as well as the priority for recovery. Member States should also be able to ensure that the waste management facilities covered by Directive 2010/75/EU of the European Parliament and of the Council² apply best available techniques as defined in that Directive in compliance with the permit of the facility, and that the waste is treated in accordance with human health and environmental protection requirements in relation to disposal operations established in Union legislation.</p> <p><small>1. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).</small></p>		<p>increase recycling and reduce disposal of waste set out in Directive 2008/98/EC and Council Directive 1999/31/EC¹, <u>all</u> shipments of waste <u>destined</u> for disposal in another Member State should be generally prohibited. Shipments of waste <u>destined</u> for disposal should be allowed only in exceptional cases, <u>where certain conditions are fulfilled; in relation to the conditions related to technical feasibility and economical viability, the Commission should develop guidelines on criteria specifying these conditions</u>. In those cases, Member States should take into account the principles of proximity and self-sufficiency at Union and national levels, in accordance with Directive 2008/98/EC, and in particular Article 16 of that Directive, as well as the priority for recovery. Member States should also be able to ensure that the waste <u>management disposal</u> facilities covered by Directive 2010/75/EU of the European Parliament and of the Council² apply best available techniques as defined in that Directive in compliance with the permit of the</p>	<p>increase recycling and reduce disposal of waste set out in Directive 2008/98/EC and Council Directive 1999/31/EC¹, <u>all</u> shipments of waste <u>destined</u> for disposal in another Member State should be generally prohibited. Shipments of waste <u>destined</u> for disposal should be allowed only in exceptional cases, <u>where certain conditions are fulfilled; in relation to the conditions related to technical feasibility and economical viability, the Commission should develop guidelines on criteria specifying these conditions</u>. In those cases, Member States should take into account the principles of proximity and self-sufficiency at Union and national levels, in accordance with Directive 2008/98/EC, and in particular Article 16 of that Directive, as well as the priority for recovery. Member States should also be able to ensure that the waste <u>management disposal</u> facilities covered by Directive 2010/75/EU of the European Parliament and of the Council² apply best available techniques as defined in that Directive in compliance with the permit of the</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>2. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).</p>		<p>facility, and that the waste is treated in accordance with human health and environmental protection requirements in relation to disposal operations established in Union legislation.</p> <p><u>Furthermore, in order to support the implementation of the provisions in Directive 2008/98/EC designed to increase the separate collection of waste and reduce the generation of mixed municipal waste, shipments of mixed municipal waste to another Member State should be subject to particular scrutiny, and shipments of such waste for disposal should be prohibited. In line with the waste hierarchy and the principles of proximity and self-sufficiency Member States should ensure that such waste is prevented in the first place, and collected and sorted in the second, with a view to separate those different fractions for recovery and only consider disposal for those residues that have no other potential than to be disposed of.</u></p> <p>1. <u>[1]</u> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).</p> <p>2. <u>[2]</u> Directive 2010/75/EU of the</p>	<p>facility, and that the waste is treated in accordance with human health and environmental protection requirements in relation to disposal operations established in Union legislation.</p> <p><u>Furthermore, in order to support the implementation of the provisions in Directive 2008/98/EC designed to increase the separate collection of waste and reduce the generation of mixed municipal waste, shipments of mixed municipal waste to another Member State should be subject to particular scrutiny, shipments of such waste for recovery should be subject to the procedure of prior written notification and consent and shipments of such waste for disposal should be prohibited. This should cover also mixed municipal waste that has been subject to a waste treatment operation that has not substantially altered its properties, such as for example refuse derived fuel processed from mixed municipal waste, classified under the waste code 19 12 10 in the list of waste referred to in Article 7 of Directive 2008/98/EC. In line</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p>European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).</p>	<p><u>with the waste hierarchy and the principles of proximity and self-sufficiency Member States should ensure that such waste is prevented in the first place, and collected and sorted in the second, with a view to separate those different fractions for recovery and only consider disposal for those residues that have no other potential than to be disposed of.</u></p> <p>1. <u>[1]</u> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).</p> <p>2. <u>[2]</u> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).</p>
Recital 18				
28	<p>(18) In the case of shipments of waste listed in Annex III, Annex IIIA or Annex IIIB of this Regulation destined for recovery operations, it is appropriate to ensure a minimum level of supervision and control by requiring such shipments to be accompanied by certain information on the persons and countries involved in the</p>		<p>(18) In the case of shipments of waste listed in Annex III, Annex IIIA or Annex IIIB of this Regulation destined for recovery operations, it is appropriate to ensure a minimum level of supervision and control by requiring such shipments to be accompanied by certain information on the persons and countries involved in the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	shipments, the description and quantities of the waste concerned, the type of recovery operation for which the waste is shipped and the details of the facilities which will recover the waste.		shipments, the description and quantities of the waste concerned, the type of recovery operation for which the waste is shipped and the details of the facilities which will recover the waste.	
Recital 18a				
28a			<u><i>(18a) Laboratory analysis and experimental treatment trials are often a necessary tool to assess the nature of the waste and its suitability for recovery and disposal operation. Sound and innovative waste management operations are key to ensure the environmental sound management of waste and to establish circular economy business models in the Union. The shipment of waste to such laboratory analysis and experimental treatment trials should be facilitated by not subjecting it to all the applicable procedures. Moreover, to deliver accurate results a sufficiently significant amount of waste should be allowed to ship for the purpose of laboratory analysis and experimental treatment trials for shipments within the Union, also</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>because there are waste management standards and practices that are more developed in the Union compared to most third countries.</i></u>	
Recital 19				
29	(19) It is necessary to set the grounds for Member States to object to shipments of waste destined for recovery. In the case of such shipments, Member States should be able to ensure that the waste management facilities covered by Directive 2010/75/EU apply best available techniques as set out in that Directive in compliance with the permit of the facility. Member States should also be able to ensure that waste is treated in accordance with human health and environmental protection requirements in relation to recovery operations established in Union legislation and that, taking account of Article 16 of Directive 2008/98/EC, waste is treated in accordance with waste management plans established pursuant to that Directive with the purpose of ensuring the implementation of legally binding		(19) It is necessary to set the grounds for Member States to object to shipments of waste destined for recovery. In the case of such shipments, Member States should be able to ensure that the waste management <u>recovery</u> facilities covered by Directive 2010/75/EU apply best available techniques as set out in that Directive in compliance with the permit of the facility. Member States should also be able to ensure that waste is treated in accordance with human health and environmental protection requirements in relation to recovery operations established in Union legislation and that, taking account of Article 16 of Directive 2008/98/EC, waste is treated in accordance with waste management plans established pursuant to that Directive with the purpose of ensuring the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	recovery or recycling obligations established in Union legislation.		implementation of legally binding recovery or recycling obligations established in Union legislation. <u>A recipient Member State should hence be able to object to shipments of waste, including shipments of mixed municipal waste, if they foresee that this waste will not be treated in an environmentally sound manner.</u>	
Recital 20				
30	(20) It is necessary to provide for procedural steps and safeguards, when a notifier wishes to ship waste subject to the procedure of prior written notification and consent, in the interests of legal certainty and to ensure uniform application of this Regulation and the proper functioning of the internal market. It is also necessary, in line with Article 6(11) of the Basel Convention, to ensure that the costs arising from situations where the shipment of waste subject to the prior written notification and consent cannot be completed or is illegal, are borne by the relevant operators. To this end, the notifier should establish a financial guarantee or equivalent	(20) It is necessary to provide for procedural steps and safeguards, when a notifier wishes to ship waste subject to the procedure of prior written notification and consent , in the interests of legal certainty and to ensure uniform application of this Regulation and the proper functioning of the internal market, <u>contributing to long-term competitiveness of the Union</u> . It is also necessary, in line with Article 6(11) of the Basel Convention, to ensure that the costs arising from situations where the shipment of waste subject to the prior written notification and consent cannot be completed or is illegal, are borne by the relevant operators. To this end, the notifier	(20) It is necessary to provide for procedural steps and safeguards, when a notifier wishes to ship waste subject to the procedure of prior written notification and consent, in the interests of legal certainty and to ensure uniform application of this Regulation and the proper functioning of the internal market. It is also necessary, in line with Article 6(11) of the Basel Convention, to ensure that the costs arising from situations where the shipment of waste subject to the prior written notification and consent cannot be completed or is illegal, are borne by the relevant operators. To this end, the notifier should establish a financial guarantee or equivalent	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	insurance for each shipment of such waste.	should establish a financial guarantee or equivalent insurance for each shipment of such waste.	insurance for each shipment of such waste.	
Recital 21				
31	(21) In order to reduce the administrative burden for both public and private operators involved in shipments to facilities recognised as ‘pre-consented’, it is necessary to set out the conditions under which the status of ‘pre-consented’ can be granted, to ensure their mutual recognition by all Member States and harmonise the requirements for shipping waste to these facilities.		(21) In order to reduce the administrative burden for both public and private operators involved in shipments to facilities recognised as ‘pre-consented’, it is necessary to set out the conditions under which the status of ‘pre-consented’ can be granted, to ensure their mutual recognition by all Member States and harmonise the requirements for shipping waste to these facilities.	
Recital 22				
32	(22) In order to reduce delays in the processing of notifications for the shipment of waste and facilitate the exchange of information between the relevant authorities, it is necessary that the issuance and exchange of information and data, which relates to individual shipments of waste within the Union, be made via electronic means. It is also necessary to	(22) In order to reduce delays in the processing of notifications for the shipment of waste and facilitate the exchange of information between the relevant authorities <u>and the economic operators</u> , it is necessary <u>imperative</u> that the issuance and exchange of information and data, which relates to individual shipments of waste within the Union, be made via	(22) In order to reduce delays <u>make the exchange of information according to the Regulation more efficient, in particular</u> in the processing of notifications <u>and information under Article 18 of this Regulation</u> for the shipment of waste and facilitate the exchange of information between the relevant authorities <u>and economic operators</u> , it is necessary that the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>empower the Commission to lay out the procedural and operational requirements for the practical implementation of the systems ensuring this electronic submission and exchange of information (such as interconnectivity, architecture and security). It is also necessary to provide sufficient time for competent authorities in the Member States and economic operators to prepare for the shift from a paper based approach, as laid down in Regulation (EC) 1013/2006, to an approach to exchange information and documents electronically. This new obligation should therefore become applicable 24 months after the date of application of this Regulation.</p>	<p>electronic means. <u>The central system and the national system should be interlinked and fully operational. To facilitate the reduction of delays, it is crucial that those systems allow document sharing and contain a fully searchable database of information related to shipments of waste.</u> It is also necessary to empower the Commission to lay out the procedural and operational requirements for the practical implementation of the systems ensuring this electronic submission and exchange of information (such as interconnectivity, architecture and security). It is also necessary to provide sufficient time for competent authorities in the Member States and economic operators to prepare for the shift from a paper based approach, as laid down in Regulation (EC) 1013/2006 <u>No 1013/2006</u>, to an approach to exchange information and documents electronically. This new obligation should therefore become applicable 24 months after the date of <u>application entry into force</u> of this Regulation, <u>before which access to the central system, in its final version should be</u></p>	<p>issuance <u>submission</u> and exchange of information and data, which relates to individual shipments of waste within the Union, be made via electronic means. It is also necessary to empower the Commission to lay out the procedural and operational requirements for the practical implementation of the systems ensuring this electronic submission and exchange of information (such as interconnectivity, architecture and security). It is also necessary to provide sufficient time for competent authorities in the Member States and economic operators to prepare for the shift from a paper based approach, as laid down in Regulation (EC) 1013/2006, to an approach to exchange information and documents electronically. This new obligation should therefore become applicable 24 months after the date of application <u>entry into force</u> of this Regulation.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u>granted to relevant authorities for the purpose of testing and learning.</u>		
Recital 22a				
32a		<u>(22a) Competent authorities should ensure that there are alternative procedures as safeguards in the electronic system. In the event of a temporary failure of the central system, data should remain protected and accessible, and procedures related to shipments should be carried out without unnecessary delays.</u>		
Recital 23				
33	(23) Economic operators involved in the transport of waste should be allowed to use the environment as established in Regulation (EU) No 2020/1056 of the European Parliament and of the Council ¹ for the exchange of the information required under this Regulation during the transport of the waste, and interoperability of the systems provided for in this Regulation and the environment for the exchange		(23) Economic operators involved in the transport of waste should be allowed to use the environment as established in Regulation (EU) No 2020/1056 of the European Parliament and of the Council ¹ for the exchange of the information required under this Regulation during the transport of the waste, and interoperability of the systems provided for in this Regulation and the environment for the exchange	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>of electronic freight transport information should be ensured.</p> <p>1. Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).</p>		<p>of electronic freight transport information should be ensured.</p> <p>1. Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).</p>	
Recital 24				
34	<p>(24) In order to facilitate the work carried out by customs in the implementation of this Regulation, it is necessary that the central system operated by the Commission that allows for the electronic submission and exchange of information and documents becomes interoperable with the European Union Single Window Environment for Customs, currently being developed at the Union level¹, when all required technical work to ensure this operability is completed.</p> <p>1. Proposal by the Commission for a Regulation of the European Parliament and the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013, COM(2020) 673 final.</p>		<p>(24) In order to facilitate the work carried out by customs in the implementation of this Regulation, it is necessary that the central system operated by the Commission that allows for the electronic submission and exchange of information and documents becomes interoperable with the European Union Single Window Environment for Customs, currently being developed at the Union level¹, when all required technical work to ensure this operability is completed.</p> <p>1. Proposal by the Commission for a Regulation of the European Parliament and the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013, COM(2020) 673 final.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Recital 25				
35	(25) Competent authorities in third countries should be able to issue and exchange the information and documents for the procedural requirements under this Regulation, via electronic means through the system operated at the Union level, if they so wish and if they comply with the requirements to exchange data via this system.		(25) Competent authorities in third countries should be able to issue and exchange the information and documents for the procedural requirements under this Regulation, via electronic means through the system operated at the Union level, if they so wish and if they comply with the requirements to exchange data via this system.	
Recital 26				
36	(26) In order to ensure traceability of shipments of waste and not to impair the environmentally sound management of waste shipped across borders, it should be prohibited to mix waste with other waste from the start of the shipment to the receipt of the waste in recovery or disposal operation.		(26) In order to ensure traceability of shipments of waste and not to impair the environmentally sound management of waste shipped across borders, it should be prohibited to mix waste with other waste from the start of the shipment to the receipt of the waste in recovery or disposal operation <u>facility</u> .	
Recital 27				
37	(27) To facilitate the enforcement of the obligations laid down in this Regulation, it is important that		(27) To facilitate the enforcement of the obligations laid down in this Regulation, it is important that	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	economic operators and competent authorities keep documents and information required for the shipment of waste for a minimum period of five years from the date when a shipments starts.		economic operators and competent authorities keep documents and information required for the shipment of waste for a minimum period of five years from the date when a shipments starts <u>certificate of the completion of the recovery or disposal has been provided</u> .	
Recital 28				
38	<p>(28) Member States should be required to ensure that, in accordance with the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (Aarhus Convention)¹, the relevant competent authorities make publicly available by appropriate means information on notifications of shipments they have consented to, as well as on shipments of waste subject to the general information requirements of this Regulation, where such information is not confidential under national or Union legislation.</p> <p>¹ OJ L 124, 17.5.2005, p. 4.</p>		<p>(28) Member States should be required to ensure that, in accordance with the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (Aarhus Convention)¹, the relevant competent authorities make publicly available by appropriate means information on notifications of shipments they have consented to, as well as on shipments of waste subject to the general information requirements of this Regulation, where such information is not confidential under national <u>legislation</u> or Union legislation, <u>including Regulation (EU) 2016/679</u>².</p>	<p><u>(28) In order to facilitate public access to information concerning shipments of waste, the Commission should be required to publish and regularly update certain data on notifications of shipments that have been consented or objected to by the competent authorities, as well as on shipments of waste subject to the general information requirements of this Regulation. For this purpose, the Commission should use, to the extent possible, the electronic system for the exchange of data on waste shipments. The publication of such information by the Commission should be without prejudice to the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p>1. [1] OJ L 124, 17.5.2005, p. 4.</p> <p>2. [2] <i>Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) OJ L 119, 4.5.2016, p. 1–88.</i></p>	<p>Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (Aarhus Convention)[1] and Directive 2003/4/EC of the European Parliament and of the Council[2] and the obligations of competent authorities of Member States in this field, and any further requests on access to other information concerning waste shipments should be addressed in accordance with that legislation</p> <p>[1] OJ L 124, 17.5.2005, p. 4. [2] Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC, OJ L 41, 14.2.2003, p. 26–32.</p>
Recital 29				
39	(29) In order to implement the requirements set out in Article 9(2), (3) and (4) of the Basel Convention, an obligation should be laid down to the effect that waste from a shipment that cannot be completed as intended is to be taken back to the country of dispatch or recovered or disposed		(29) In order to implement the requirements set out in Article 9(2), (3) and (4) of the Basel Convention, an obligation should be laid down to the effect that waste from a shipment that cannot be completed as intended is to be taken back to the country of dispatch, and where needed stored	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>of in an alternative way. It should also be compulsory for the person whose action is the cause of an illegal shipment to take back the waste involved or make alternative arrangements for its recovery or disposal, and to bear the costs arising from the take-back operations. Failing that, the competent authorities of dispatch or destination, as appropriate, should cooperate to ensure the environmentally sound management of the waste concerned.</p>		<p><u>safely</u>, or recovered or disposed of in an alternative way. It should also be compulsory for the person whose action is the cause of an illegal shipment to take back the waste involved or make alternative arrangements for its recovery or disposal, and to bear the costs arising from the take-back operations. Failing that <u>If this is impracticable, meaning that this person does not have the possibility to fulfil these obligations in a reasonable time</u>, the competent authorities of dispatch or destination, as appropriate, should cooperate <u>and take action</u> to ensure the environmentally sound management of the waste concerned. <u>In case there is no clarity on the person to whom the responsibility of an illegal shipment can be imputed to, the competent authorities concerned are to cooperate to ensure that the waste in question is taken back, recovered or disposed of. In order to reduce the environmental effects of shipments following from the obligation to take back waste in illegal shipments and allow, where appropriate, a more</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>efficient procedure in situations with illegal shipments, it should be possible for the competent authorities of dispatch, transit and destination to agree in certain cases that the waste in an illegal shipment may be recovered or disposed of in an alternative way outside the country of dispatch, instead of taking it back. This should however only apply to shipments within the Union.</u>	
Recital 30				
40	(30) With a view to ensuring that competent authorities are able to correctly process the documents submitted to them relating to the shipment of waste, it is necessary to lay out an obligation for the notifier to provide an authorised translation of these documents in a language acceptable to these authorities, if they so request.	(30) With a view to ensuring that competent authorities are able to correctly process the documents submitted to them relating to the shipment of waste, it is necessary to lay out an obligation for the notifier to provide <u>while avoiding an undue administrative burden, the notifier should provide notifications, information, documentation or other communications in the official language of the Member State of the competent authorities concerned or in English.</u> An authorised translation of these documents in a language acceptable to these authorities,	(30) With a view to ensuring that competent authorities are able to correctly process the documents submitted to them relating to the shipment of waste, it is necessary to lay out an obligation for the notifier to provide an authorised translation of these documents in a language acceptable to these authorities, if they so request.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u>should be provided if the competent authorities</u> if they so request, <u>but only in duly justified cases</u> .		
Recital 31				
41	(31) In order to avoid disruptions of shipments of waste or goods, due to a disagreement between competent authorities on the status of these waste or goods, it is necessary to set out a procedure to resolve such disagreements. It is important in that regard that competent authorities base their decisions on the provisions relating to the determination of by-products and to the end-of-waste status of Directive 2008/98/EC. It is also necessary to lay out a procedure to resolve disagreements between competent authorities as to whether waste should be subject or not to the notification procedure. To ensure a better harmonisation across the Union of the conditions under which waste should be subject to the notification procedure, the Commission should also be empowered to adopt implementing acts establishing criteria for the classification of	(31) In order to avoid disruptions of shipments of waste or goods, due to a disagreement between competent authorities on the status of these waste or goods, it is necessary to set out a procedure to resolve such disagreements. It is important in that regard that competent authorities base their decisions on the provisions relating to the determination of by-products and to the end-of-waste status of Directive 2008/98/EC. It is also necessary to lay out a procedure to resolve disagreements between competent authorities as to whether <u>establish criteria for the classification of specific waste in the Annexes to this Regulation and to lay out a procedure to resolve disagreements between competent authorities as to whether</u> waste should be subject or not to the notification procedure. To ensure a better harmonisation across the Union of the conditions	(31) In order to avoid disruptions of shipments of waste or goods <u>objects or substances</u> , due to a disagreement between competent authorities on the status of these <u>being</u> waste or goods <u>non-waste</u> , it is necessary to set out a procedure to resolve such disagreements. It is important in that regard that competent authorities base their decisions on the provisions relating to the determination of by-products and to the end-of-waste status of Directive 2008/98/EC. <u>Uniform conditions are needed for the Member States to decide whether an object or a substance should be considered as a used good or waste. Furthermore, Member States should take measures aiming to ensure that objects or substances intended to be shipped to another country as used goods fulfil such conditions in accordance with Union law.</u> It is also necessary to lay out a	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>specific waste in the relevant Annexes to this Regulation, which will determine whether or not it is subject to the notification procedure. In addition, in order to avoid that waste are falsely declared as used goods and to provide legal clarity, the Commission should be empowered to adopt implementing acts establishing criteria to distinguish between used goods and waste, for specific commodities for which such distinction is important, especially for their export from the Union.</p>	<p>under which waste should be subject to the notification procedure, the Commission should also be empowered to adopt implementing acts establishing criteria for the classification of specific waste in the relevant Annexes to this Regulation, which will determine whether or not it is subject to the notification procedure. In addition, in order <u>to provide legal certainty and</u> to avoid that waste are falsely declared as used goods and to provide legal clarity, the Commission should be empowered to adopt implementing acts establishing, it is necessary to establish criteria to distinguish between used goods and waste, for specific commodities for which such distinction is important, especially for their export from the Union.</p>	<p>procedure to resolve disagreements between competent authorities as to whether waste should be subject or not to the notification procedure. To ensure a better harmonisation across the Union of the conditions under which waste, <u>including waste from composite materials which may be difficult to recycle,</u> should be subject to the notification procedure, the Commission should also be empowered to adopt implementing acts establishing criteria for the classification of specific waste in the relevant Annexes to this Regulation, which will determine whether or not it is subject to the notification procedure. In addition, in order to avoid that waste are falsely declared as used goods and to provide legal clarity, the Commission should be empowered to adopt implementing acts establishing criteria to distinguish between used goods and waste, for specific commodities for which such distinction is important, especially for their export from the Union.</p>	
Recital 32				
42				

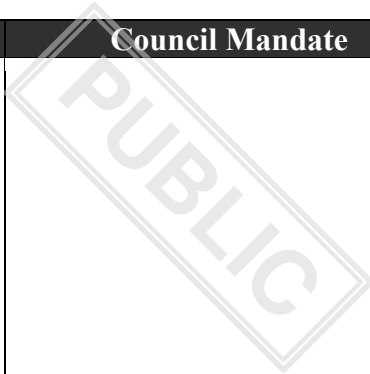
	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(32) To allow administrations to limit public expenditures linked to the handling of procedures for the shipment of waste and to the enforcement of this Regulation, it is necessary to foresee the possibility that appropriate and proportionate administrative costs linked to these procedures, as well as to supervision, analyses and inspections, be charged to the notifier.		(32) To allow administrations to limit public expenditures linked to the handling of procedures for the shipment of waste and to the enforcement of this Regulation, it is necessary to foresee the possibility that appropriate and proportionate administrative costs linked to these procedures, as well as to supervision, analyses and inspections, be charged to the notifier <u>and, where relevant, the person who arranges the shipment.</u>	
Recital 33				
43	(33) In order to reduce administrative burdens and in exceptional circumstances, linked to specific geographical or demographical situations, Member States may conclude bilateral agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two Member States concerned. It should also be possible for a Member State to conclude such agreements with a country that is		(33) In order to reduce administrative burdens and in exceptional circumstances, linked to specific geographical or demographical situations, Member States may conclude bilateral agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two Member States concerned. It should also be possible for a Member State to conclude such agreements with a country that is	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	party to the Agreement on the European Economic Area, as well in a situation where waste is shipped from and treated in the country of dispatch but transits through another Member State.		party to the Agreement on the European Economic Area <u>members of the EFTA (European Free Trade Association)</u> , as well in a situation where waste is shipped from and treated in the country of dispatch but transits through another Member State.	
Recital 33a				
43a			<u>(33a) Although the supervision and control of transports of waste within a Member State is a matter for that Member State, national systems concerning transports of waste should take account of the need for coherence with the Union system for shipments of waste in order to ensure a high level of protection of the environment and human health.</u>	
Recital 34				
44	(34) It is necessary, in order to protect the environment of the countries concerned, to clarify the scope of the prohibition of exports laid down in accordance with the Basel Convention from the Union of any waste destined for disposal		(34) It is necessary, in order to protect the environment of the countries concerned, to clarify the scope of the prohibition of exports laid down in accordance with the Basel Convention from the Union of any waste destined for disposal	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	in a third country other than an EFTA (European Free Trade Association) country.		in a third country other than an EFTA (European Free Trade Association) country.	
Recital 35				
45	(35) Countries that are Parties to the Agreement on the European Economic Area may adopt the control procedures provided for shipments within the Union. In such cases, shipments between the Union and these countries should be subject to the same rules as shipments within the Union.		(35) Countries that are Parties to the Agreement on the European Economic Area may adopt the control procedures provided for shipments within the Union. In such cases, shipments between the Union and these countries should be subject to the same rules as shipments within the Union.	
Recital 36				
46	(36) To protect the environment of the countries concerned, it is necessary to clarify the scope of the prohibition of exports of hazardous waste destined for recovery in third countries to which the OECD Decision does not apply, in accordance with the Basel Convention. In particular, it is necessary to clarify the list of waste to which that prohibition applies and to ensure that it also includes the waste listed in Annex II to the Basel Convention, namely	(36) To protect the environment of the countries concerned, it is necessary to clarify the scope of the prohibition of exports of hazardous waste destined for recovery in third countries to which the OECD Decision does not apply, in accordance with the Basel Convention. In particular, it is necessary to clarify the list of waste to which that prohibition applies and to ensure that it also includes the waste listed in Annex II to the Basel Convention, namely	(36) To protect the environment of the countries concerned, it is necessary to clarify the scope of the prohibition of exports of hazardous waste destined for recovery in third countries to which the OECD Decision does not apply, in accordance with the Basel Convention. In particular, it is necessary to clarify the list of waste to which that prohibition applies and to ensure that it also includes the waste listed in Annex II to the Basel Convention, namely	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	waste collected from households, residues from the incineration of household waste and hard-to-recycle plastic waste.	waste collected from households, residues from the incineration of household waste and hard-to-recycle, <u>contaminated or mixed</u> plastic waste.	waste collected from households, residues from the incineration of household waste and hard-to-recycle <u>certain</u> plastic waste.	
Recital 36a				
46a		<u>(36a) The Union should thoroughly rethink the management of its plastic waste, starting with prevention and ensuring that such waste is collected, reused and recycled.</u>		
Recital 36a				
46b			<u>(36a) To ensure environmentally sound management of wastes containing or contaminated with persistent organic pollutants (POPs), such wastes should not be allowed for export from the Union to countries that are not members of the OECD, when containing or contaminated with POPs meeting or exceeding a concentration limit specified in Annex IV to Regulation (EU) 2019/1021.</u>	
Recital 36b				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
46c		<p><u>(36b) Plastic waste poses particular challenges. There is a wide diversity of polymers, and they often contain hazardous additives and numerous contaminants. Measuring the levels of hazardous additives and of contaminants for export control purposes would require costly testing. Recycling levels for plastic waste are low, and the recycling of plastic waste can create large amounts of residual waste. Some major shipping companies are committed to stopping the transport of plastic waste to help curb pollution. In light of various problems created by plastic waste management in third countries, the Union should gradually phase out the export of all kinds of plastic waste outside of the Union and EFTA countries.</u></p>		
Recital 36c				
46d		<p><u>(36c) To ensure there is effective enforcement of the phase-out of export of plastic waste outside of the Union and EFTA countries, it is necessary to carry out regular monitoring and inspection at</u></p>		



	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>checkpoints, including to prevent any circumvention of the phase-out requirement by false claims that it is not waste.</i></u>		
Recital 36d				
46e		<u><i>(36d) To promote plastics recycling in the Union, a market for products containing recycled plastic should be supported. The Commission should assess the introduction of targets on recycled content, particularly, but no limited to, for products made out of plastic, and, where appropriate, submit a legislative proposal accordingly.</i></u>		
Recital 37				
47	(37) It is necessary to establish strict rules concerning the export for recovery of non-hazardous waste to third countries to which the OECD Decision does not apply, in order to ensure that this waste does not create damages to environment and public health in these countries. Under these rules, export from the Union should be allowed only to countries included		(37) It is necessary to establish strict rules concerning the export for recovery of non-hazardous waste to third countries to which the OECD Decision does not apply, in order to ensure that this waste does not create damages to <u>the</u> environment and public <u>human</u> health in these countries. Under these rules, export from the Union should be allowed only to	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>in a list drawn up and to be updated by the Commission, when these countries have submitted a request to the Commission stating their willingness to receive certain non-hazardous waste from the Union and demonstrating their ability to manage such waste in an environmentally sound manner, on the basis of criteria laid down in this Regulation. Exports to countries other than those included in that list should be prohibited. To ensure sufficient time for the transition to this new regime, a transitional period of three years after the general date of application of this Regulation should be foreseen.</p>		<p>countries included in a list drawn up and to be updated by the Commission, when these countries have submitted a request to the Commission stating their willingness to receive certain non-hazardous waste<u>wastes or mixtures of non-hazardous wastes</u> from the Union and demonstrating their ability to manage such waste in an environmentally sound manner, on the basis of criteria laid down in this Regulation. Exports to countries other than those included in that list should be prohibited. To ensure sufficient time for the transition to this new regime, a transitional period of three years after the general date of application of this Regulation should be foreseen. <u>In particular when establishing and updating the list of countries to which the OECD Decision does not apply and to which export of non-hazardous waste from the Union for recovery are authorised, the principle of equality in Union law should be applied and its application monitored.</u></p>	
Recital 37a				
47a				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<i><u>(37a) It is necessary to ensure that the shipment of waste that is necessary for building strong value chains is facilitated within the internal market, while ensuring that adequate controls are in place. Strengthening key value chains will accelerate the development of our resilience and enhance the Union's strategic autonomy.</u></i>		
Recital 38				
48	(38) Countries to which the OECD decision applies are subject to the rules and recommendations laid down by the OECD on the shipment and management of waste, and have generally higher standards for the management of waste than countries to which the OECD decision does not apply. It is however important that the export from the Union of non-hazardous waste for recovery does not create damages to environment and public health in countries to which the OECD decision applies. It is therefore necessary to establish a mechanism to monitor shipments of non-hazardous waste to such countries. In cases where	(38) Countries to which the OECD decision applies are subject to the rules and recommendations laid down by the OECD on the shipment and management of waste, and have generally higher standards for the management of waste than countries to which the OECD decision does not apply. It is however important that the export from the Union of non-hazardous waste for recovery does not create damages to environment and public health in countries to which the OECD decision applies. It is therefore necessary to establish a mechanism to monitor shipments of non-hazardous waste to such countries. In cases where	(38) Countries to which the OECD Decision applies are subject to the rules and recommendations laid down by the OECD on the shipment and management of waste, and have generally higher standards for the management of waste than countries to which the OECD Decision does not apply. It is however important that the export from the Union of non-hazardous waste for recovery does not create damages to <i>the</i> environment and <i>public</i> human health in countries to which the OECD Decision applies. It is therefore necessary to establish a mechanism to monitor shipments of non-hazardous waste to such	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>the export of non-hazardous waste from the Union to the country concerned has considerably increased within a short period of time and there is a lack of information available demonstrating the ability of the country concerned to recover this waste in an environmentally sound manner, the Commission should enter into a dialogue with the country concerned and, if the information is not sufficient to prove that the waste is recovered in an environmentally sound manner, be empowered to suspend such exports.</p>	<p>the export of non-hazardous waste from the Union to <u>there is a lack of information available demonstrating the ability of</u> the country concerned has considerably increased within a short period of time and there is a lack of <u>to recover this waste in an environmentally sound manner, as well as information about the negative impacts of the management of domestic waste in the country concerned</u> information available demonstrating the ability of the country concerned to recover this waste in an environmentally sound manner, the Commission should enter into a dialogue with the country concerned and, if the information is not sufficient to prove that the waste is recovered in an environmentally sound manner, be empowered to suspend such exports.</p>	<p>countries. In cases where the export of non-hazardous waste from the Union to the country concerned has considerably increased within a short period of time and <u>there is a lack of information available</u> insufficient evidence demonstrating the ability of the country concerned to recover this waste in an environmentally sound manner, the Commission should enter into a dialogue with the country concerned and, if the information is not sufficient to prove that the waste is recovered in an environmentally sound manner, be empowered to suspend such exports <u>exports. The Commission should ensure that the principle of equality is applied throughout the waste shipment process towards third countries to which the OECD Decision applies.</u></p>	
Recital 39				
49	<p>(39) The necessary steps should be taken to ensure that, in accordance with Directive 2008/98/EC and other Union legislation on waste, waste shipped within the Union</p>		<p>(39) The necessary steps should be taken to ensure that, in accordance with Directive 2008/98/EC and other Union legislation on waste, waste shipped within the Union</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>and waste imported into the Union is managed, throughout the period of shipment and including recovery or disposal in the country of destination, without endangering human health and without using processes or methods which could harm the environment. It is also necessary to ensure that waste exported from the Union is managed in an environmentally sound manner throughout the period of shipment and including recovery or disposal in the third country of destination. To this end, an obligation should be introduced for exporters of waste to ensure that the facility which receives the waste in the third country of destination is made subject to an independent third party audit, prior to exporting waste to the facility in question. The purpose of this audit is to verify compliance of the facility in question with specific criteria laid down in this Regulation, designed to ensure that the waste will be managed in an environmentally sound manner. Where such audit concludes that the criteria laid down in this Regulation is not fulfilled by the facility in question, the exporter</p>		<p>and waste imported into the Union is managed, throughout the period of shipment and including recovery or disposal in the country of destination, without endangering human health and without using processes or methods which could harm the environment. – It is also necessary to ensure that waste exported from the Union is managed in an environmentally sound manner throughout the period of shipment and including recovery or disposal in the third country of destination. To this end, an obligation should be introduced for exporters of waste to ensure that the facility which receives the waste in the third country of destination is made subject to an <u>audit by an</u> independent <u>and accredited</u> third party <u>audit with appropriate qualifications</u>, prior to exporting waste to the facility in question. The purpose of this audit is to verify compliance of the facility in question with specific criteria laid down in this Regulation, designed to ensure that the waste will be managed in an environmentally sound manner. Where such audit concludes that the criteria laid down in this</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>should not be entitled to export waste to this facility. This obligation should apply with regard to facilities located in all third countries, including those that are member of the OECD. The OECD Decision states that waste exported to another OECD country “shall be destined for recovery operations within a recovery facility which will recover the wastes in an environmentally sound manner according to national laws, regulations and practices to which the facility is subject”. The OECD Decision does not contain any element or criterion specifying how to implement this requirement as regards the “environmentally sound management” of waste. In the absence of common criteria defining the conditions under which waste shall be recovered in the relevant facilities, it is necessary to address the risk that waste exported from the EU to countries belonging to the OECD is mismanaged in specific facilities, and hence facilities located in these countries should be subject to the audit requirements foreseen in this Regulation.</p>		<p>Regulation is <u>are</u> not fulfilled by the facility in question, the exporter should not be entitled to export waste to this facility.</p> <p><u><i>The Commission should lay out specific criteria for accreditation, independency and appropriate qualifications for third party audits in order to ensure uniformity and a high level of quality of third party audits. When establishing such criteria, relevant Union legislation such as Regulation 1221/2009 should be taken into account and relevant international standards, such as ISO 19011, may be recognized as being broadly equivalent with those criteria, if appropriate. The This obligation on audits should apply with regard to facilities located in all third countries, including those that are member of the OECD. The OECD Decision states that waste exported to another OECD country "shall be destined for recovery operations within a recovery facility which will recover the wastes in an environmentally sound manner according to national laws, regulations and practices to which</i></u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p>the facility is subject shall be destined for recovery operations within a recovery facility which will recover the wastes in an environmentally sound manner according to national laws, regulations and practices to which the facility is subject". The OECD Decision does not contain any element or criterion specifying how to implement this requirement as regards the "environmentally sound management" of waste. In the absence of common criteria defining the conditions under which waste is to shall be recovered in the relevant facilities, it is necessary to address the risk that waste exported from the EU to countries belonging to the OECD is mismanaged in specific facilities, and hence facilities located in these countries should be subject to the audit requirements foreseen in this Regulation.</p>	
Recital 39a				
49a			<p><u>(39a) A register should be established and maintained by the Commission that contains information on facilities that have been subject to an audit. Such a</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>register should provide information that facilitates the preparation of sound shipments by notifiers or persons who arrange a shipment intending to export waste from the Union, but is not intended to demonstrate compliance with conditions and obligations outlined in this Regulation. The register should facilitate for exporters of waste but does not take away the responsibility of the exporter of waste to demonstrate such compliance.</i></u>	
Recital 40				
50	(40) Considering the right of each Party to the Basel Convention, pursuant to Article 4(1) thereof, to prohibit the import of hazardous waste or of waste listed in Annex II to that Convention, imports into the Union of waste for disposal should be permitted where the exporting country is a Party to that Convention. Imports into the Union of waste for recovery should be permitted where the exporting country is one to which the OECD Decision applies or is a Party to the Basel Convention. In other cases,		(40) Considering the right of each Party to the Basel Convention, pursuant to Article 4(1) thereof, to prohibit the import of hazardous waste or of waste listed in Annex II to that Convention, imports into the Union of waste for disposal should be permitted where the exporting country is a Party to that Convention. Imports into the Union of waste for recovery should be permitted where the exporting country is one to which the OECD Decision applies or is a Party to the Basel Convention. In other cases,	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	imports should be allowed only if the exporting country is bound by a bilateral or multilateral agreement or arrangement compatible with Union legislation and in accordance with Article 11 of the Basel Convention, except when this is not possible during situations of crisis, peacemaking, peacekeeping or war.		imports should be allowed only if the exporting country is bound by a bilateral or multilateral agreement or arrangement compatible with Union legislation and in accordance with Article 11 of the Basel Convention, except when this is not possible during situations of crisis, peacemaking, peacekeeping or war.	
Recital 41				
51	<p>(41) This Regulation should reflect the rules regarding exports and imports of waste to and from the overseas countries and territories laid down in Council Decision 2013/755/EU¹.</p> <p>¹ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (‘Overseas Association Decision’); OJ L 344, 19.12.2013, p. 1–118.</p>		<p>(41) This Regulation should reflect the rules regarding exports and imports of waste to and from the overseas countries and territories laid down in Council Decision 2013/755/EU¹.</p> <p>¹ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (‘Overseas Association Decision’); OJ L 344, 19.12.2013, p. 1–118.</p>	
Recital 42				
52	(42) In the specific cases of shipments taking place within the Union with transit via third countries, specific provisions		(42) In the specific cases of shipments taking place within the Union with transit via third countries, specific provisions	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	pertaining to the consent procedure by third countries should apply. It is also necessary to adopt specific provisions pertaining to the procedures applying to the transit of waste through the Union from and to third countries.		pertaining to the consent procedure by third countries should apply. It is also necessary to adopt specific provisions pertaining to the procedures applying to the transit of waste through the Union from and to third countries.	
Recital 43				
53	(43) For environmental reasons and in view of the particular status of the Antarctic, this Regulation shall explicitly prohibit the export of waste to this territory.		(43) For environmental reasons and in view of the particular status of the Antarctic, this Regulation shall explicitly prohibit the export of waste to this territory.	
Recital 44				
54	(44) To ensure harmonised implementation and enforcement of this Regulation, it is necessary to lay out obligations for Member States to carry out inspections of the shipments of waste. Adequate planning of inspections of shipments of waste is also necessary to establish the capacity needed for inspections and to effectively prevent illegal shipments. Regulation (EC) No 1013/2006 required Member States to ensure that inspection plans for		(44) To ensure harmonised implementation and enforcement of this Regulation, it is necessary to lay out obligations for Member States to carry out inspections of the shipments of waste. Adequate planning of inspections of shipments of waste is also necessary to establish the capacity needed for inspections and to effectively prevent illegal shipments. Regulation (EC) No 1013/2006 required Member States to ensure that inspection plans for	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	waste shipments be established by 1 January 2017. To facilitate more consistent application of the provisions related to inspection plans and to ensure harmonised approach for inspections across the Union, Member States should notify their inspection plans to the Commission, which should be tasked to review these plans and, where appropriate, issue recommendations for improvements.		waste shipments be established by 1 January 2017. To facilitate more consistent application of the provisions related to inspection plans and to ensure harmonised approach for inspections across the Union, Member States should notify their inspection plans to the Commission, which should be tasked to review these plans and, where appropriate, issue recommendations for improvements.	
Recital 45				
55	(45) Diverging rules exist in the Member States as regards the power of, and possibility for, authorities involved in inspections in Member States to require evidence to ascertain the legality of shipments. Such evidence could concern, inter alia, whether the substance or object is waste, whether the waste has been correctly classified, and whether the waste will be shipped to facilities managing waste in an environmentally sound manner in accordance with this Regulation. This Regulation should therefore provide the possibility for		(45) Diverging rules exist in the Member States as regards the power of, and possibility for, authorities involved in inspections in Member States to require evidence to ascertain the legality of shipments. Such evidence could concern, inter alia, whether the substance or object is waste, whether the waste has been correctly classified, and whether the waste will be shipped to facilities managing waste in an environmentally sound manner in accordance with this Regulation. This Regulation should therefore provide the possibility for	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>authorities involved in inspections in Member States to require such evidence. Such evidence may be requested on the basis of general provisions or on a case-by-case basis. Where such evidence is not made available or is considered to be insufficient, the carriage of the substance or object concerned, or the shipment of waste concerned should be considered as an illegal shipment and should be dealt with in accordance with the relevant provisions of this Regulation.</p>		<p>authorities involved in inspections in Member States to require such evidence. Such evidence may be requested on the basis of general provisions or on a case-by-case basis. Where such evidence is not made available or is considered to be insufficient, the carriage of the substance or object concerned, or the shipment of waste concerned should be considered as an illegal shipment and should be dealt with in accordance with the relevant provisions of this Regulation.</p>	
Recital 46				
56	<p>(46) Member States should lay down rules on administrative penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. The evaluation of Regulation (EC) No 1013/2006 found that one of the shortcomings is that national rules on penalties differ significantly across the Union. Therefore, to facilitate more consistent application of penalties, common non-exhaustive criteria should be</p>		<p>(46) Member States should lay down rules on administrative penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. The evaluation of Regulation (EC) No 1013/2006 found that one of the shortcomings is that national rules on penalties differ significantly across the Union. Therefore, to facilitate more consistent application of penalties, common non-exhaustive criteria should be</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>established for determining the types and levels of penalties to be imposed in case of infringements of this Regulation. These criteria should include, inter alia, the nature and gravity of the infringement and the economic benefits derived from and the environmental damage caused by the infringement, insofar as these can be determined. Furthermore, in addition to the administrative penalties required under this Regulation, Member States should ensure that illegal shipment of waste constitutes a criminal offence in serious cases, in accordance with the provisions laid down in Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008¹.</p> <p>¹. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law(OJ L 328, 6.12.2008, p. 28)..</p>		<p>established for determining the types and levels of penalties to be imposed in case of infringements of this Regulation. These criteria should include, inter alia, the nature and gravity of the infringement and the economic benefits derived from and the environmental damage caused by the infringement, insofar as these can be determined. Furthermore, in addition to the administrative penalties required under this Regulation, Member States should ensure that illegal shipment of waste constitutes a criminal offence in serious cases, in accordance with the provisions laid down in Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008¹.</p> <p><u>Member States should lay down rules on penalties applicable to infringements of this Regulation and should ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. Member States may lay down rules for administrative as well as criminal penalties for the same infringements. In any case, the imposition of criminal and</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u><i>administrative penalties should not lead to a breach of the right not to be tried or punished twice in criminal proceedings for the same criminal offence (ne bis in idem) as interpreted by the Court of Justice.</i></u>²</p> <p>1. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law(OJ L 328, 6.12.2008, p. 28).:-</p> <p><u><i>2. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law(OJ L 328, 6.12.2008, p. 28)..</i></u></p>	
Recital 47				
57	(47) Experience with the application of Regulation (EC) No 1013/2006 showed that the involvement of multiple actors at the national level creates challenges to coordination and cooperation in relation to enforcement. Therefore, Member States should ensure that all relevant authorities involved in enforcement of this Regulation have effective mechanisms to enable them to cooperate and		(47) Experience with the application of Regulation (EC) No 1013/2006 showed that the involvement of multiple actors at the national level creates challenges to coordination and cooperation in relation to enforcement. Therefore, Member States should ensure that all relevant authorities involved in enforcement of this Regulation have effective mechanisms to enable them to cooperate and	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	coordinate domestically concerning the development and implementation of enforcement policies and activities to address illegal shipments of waste, including for the establishment and implementation of the inspection plans.		coordinate domestically concerning the development and implementation of enforcement policies and activities to address illegal shipments of waste, including for the establishment and implementation of the inspection plans.	
Recital 48				
58	(48) It is necessary for Member States to cooperate, bilaterally and multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments of waste. To further improve coordination and cooperation across the Union, a dedicated enforcement group should be established with the participation of designated representatives of the Member States and of the Commission, as well as representatives of other relevant institutions, bodies, offices, agencies or networks. This enforcement group should meet regularly. It should be a forum, inter alia, for sharing information and intelligence on trends in illegal shipments and for exchanging views on enforcement activities,		(48) It is necessary for Member States to cooperate, bilaterally and multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments of waste. To further improve coordination and cooperation across the Union, a dedicated enforcement group should be established with the participation of designated representatives of the Member States and of the Commission, as well as representatives of other relevant institutions, bodies, offices, agencies or networks. This enforcement group should meet regularly. It should be a forum, inter alia, for sharing information <u>relevant for the prevention and detection of illegal shipments, including information</u> and	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	including best practices.		intelligence on trends in illegal shipments and for exchanging views <u>experience and knowledge</u> on enforcement activities , including best practices.	
Recital 49				
59	(49) To support and complement the enforcement activities of the Member States, the Commission should be empowered to carry out investigative and coordinating actions in respect of illegal shipments, which might have serious adverse effects on human health or the environment. In carrying out these activities, the Commission should act in full respect of procedural guarantees. The Commission may consider, as a matter of its internal organisation, entrusting certain enforcement actions foreseen by this Regulation to the European Anti-Fraud Office (OLAF), which possesses relevant expertise in that regard.	(49) To support and complement the enforcement activities of the Member States, the Commission should be empowered to carry out investigative and coordinating actions in respect of illegal shipments, which might have serious adverse effects on human health or the environment. In carrying out these activities, the Commission should act in full respect of procedural guarantees. The Commission may consider, as a matter of its internal organisation, entrusting certain enforcement actions foreseen by this Regulation to the European Anti-Fraud Office (OLAF), which possesses relevant expertise in that regard. <u>If competent authorities in the Member States of dispatch and destination are notified of an illegal shipment of waste, they should consider how they could increase their control measures</u>	(49) To support and complement the enforcement activities of the Member States, the Commission should be empowered to carry out <u>investigative inspections</u> and coordinating actions in respect of illegal shipments, which <u>are of a complex nature and</u> might have serious adverse effects on human health or the environment <u>and where the investigation needed has a cross-border dimension involving at least two countries</u> . In carrying out these activities <u>inspections</u> , the Commission should act in full respect of procedural guarantees <u>and in close collaboration with the relevant authorities in the Member States, ensuring not to negatively impact any ongoing prosecuting, legal or administrative procedure concerning the same illegal shipment in the Member State</u> . The Commission may consider, as	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<p><u><i>for similar shipments to identify illegal shipments of waste at an early stage.</i></u></p>	<p>a matter of its internal organisation, entrusting certain enforcement actions foreseen by this Regulation to the European Anti-Fraud Office (OLAF), which possesses relevant expertise in that regard. <u><i>The inspection and mutual assistance coordinating action should be without prejudice to the primary responsibility of the Member States to ensure and enforce compliance with this Regulation; and should not affect the continued application of the powers conferred onto the Commission or the European Anti-Fraud Office (OLAF), respectively, in other legal acts, in particular in Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council¹, Council Regulation 515/97², or Council Regulation 2185/96³.</i></u></p> <p><u><i>1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1)</i></u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>2. Council Regulation 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82 of 22.3.1997, p. 1).</u></p> <p><u>3. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities(OJ L 292 of 15.11.1996, p. 2).</u></p>	
Recital 50				
60	(50) Member States should provide the Commission with information concerning the implementation of this Regulation, both through the reports submitted to the Secretariat of the Basel Convention and on the basis of a separate questionnaire. The Commission should produce a report every four years on the implementation of this Regulation, based on the information provided by the Member States as well as on other information, gathered in particular through ad hoc reports by the Commission and the	(50) Member States should provide the Commission with information concerning the implementation of this Regulation, both through the reports submitted to the Secretariat of the Basel Convention and on the basis of a separate questionnaire. The Commission should produce a report every four <u>three</u> years on the implementation of this Regulation, based on the information provided by the Member States as well as on other information, gathered in particular through ad hoc reports by the Commission and the	(50) Member States should provide the Commission with information concerning the implementation of this Regulation, both through the reports submitted to the Secretariat of the Basel Convention and on the basis of a separate questionnaire. The <u>purpose of the reporting should be analysing trends in relation to shipments of waste and data relevant for fighting against illegal shipments, such as data on illegal shipments and on inspections.</u> The Commission should produce a report every four	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	European Environment Agency on the shipments of plastic waste and other specific waste streams that are a source of concern.	European Environment Agency on the shipments of plastic waste and other specific waste streams that are a source of concern. <u>The central system for electronic submission and exchange of information and documents should be designed in such a way that data can be extracted from the system for the purpose of those reports.</u>	years on the implementation of this Regulation, based on the information provided by the Member States as well as on other information, gathered in particular through ad hoc reports by the Commission and the European Environment Agency on the shipments of plastic waste and other specific waste streams that are a source of concern.	
Recital 51				
61	(51) Efficient international cooperation regarding control of shipments of waste is instrumental in ensuring that shipments of waste are controlled and monitored on an appropriate level. Information exchange, shared responsibility and cooperative efforts between the Union and its Member States and third countries should be promoted with a view to ensuring sound management of waste.		(51) Efficient international cooperation regarding control of shipments of waste is instrumental in ensuring that shipments of waste are controlled and monitored on an appropriate level. Information exchange, shared responsibility and cooperative efforts between the Union and its Member States and third countries should be promoted with a view to ensuring sound management of waste.	
Recital 52				
62	(52) In order to facilitate the exchange of information and cooperation for the implementation	(52) In order to facilitate the exchange of information and cooperation for the <u>harmonised</u>	(52) In order to facilitate the exchange of information and cooperation for the implementation	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	of this Regulation, Member States should designate competent authorities and correspondents and notify them to the Commission, which should make this information publicly available.	implementation of this Regulation, Member States should designate competent authorities and correspondents and notify them to the Commission, which should make this information publicly available.	of this Regulation, Member States should designate competent authorities and correspondents and notify them to the Commission, which should make this information publicly available. <i><u>Member States should also identify the authority or authorities and the members of their permanent staff responsible for the cooperation between Member States.</u></i>	
Recital 53				
63	(53) Member States should be entitled, for the purpose of ensuring the control of waste shipments, to designate specific customs offices of entry and exit for shipments of waste entering and leaving the Union and notify them to the Commission, which should make this information publicly available.		(53) Member States should be entitled, for the purpose of ensuring the control of waste shipments, to designate specific customs offices of entry and exit for shipments of waste entering and leaving the Union and notify them to the Commission, which should make this information publicly available.	
Recital 54				
64	(54) In order to supplement or amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the	(54) In order to supplement or amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the	(54) In order to supplement or amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>Functioning of the European Union should be delegated to the Commission in respect of Articles 37(13), 40(8) and Article 72 of this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹ OJ L 123, 12.5.2016, p. 1.</p>	<p>Functioning of the European Union should be delegated to the Commission in respect of Articles 37(13), 40(8)<u>14(3), 28(4), 38(1), 42(4)</u> and Article 72<u>75</u> of this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹ OJ L 123, 12.5.2016, p. 1.</p>	<p>Functioning of the European Union should be delegated to the Commission in respect of Articles 37<u>14(3), 15(5a), 26(131a), 40(8) and Article 72<u>28(4), 36(5), 43(2a) and 75</u> of this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</u></p> <p>¹ OJ L 123, 12.5.2016, p. 1.</p>	
Recital 54a				
64a			<u>(54a) As a replacement of the regular meetings of</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>correspondents and for the consultations with experts and correspondents of the Member States and, where appropriate, representatives of other stakeholders and organisations, in the preparation of delegated acts and for the examination of questions raised by the implementation of this Regulation, a group of experts should be established by the Commission, in accordance with Commission Decision C(2016) 3301 final, establishing horizontal rules on the creation and operation of Commission expert groups.</u>	
Recital 55				
65	(55) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt measures on a harmonised method for calculating the financial guarantee or equivalent insurance, to clarify the classification of waste under this Regulation (including the establishment of contamination level threshold for certain waste)	(55) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt measures on <u>a simple, risk-based and</u> harmonised method for calculating the financial guarantee or equivalent insurance, to clarify the classification of waste under this. <u>Those powers should be exercised in accordance with</u> Regulation	(55) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt measures on a harmonised method for calculating the financial guarantee or equivalent insurance, to clarify the classification of waste under this Regulation (including the establishment of contamination level threshold for certain waste)	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>and to clarify for certain types of commodities the distinction between used goods and waste when shipped transboundary. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>(including the establishment of contamination level threshold for certain waste) and to clarify for certain types of commodities the distinction between used goods and waste when shipped transboundary. Those powers <u>EU No 182/2011 of the European Parliament and of the Council¹. If the Commission determines that a harmonised calculation method for the financial guarantee or equivalent insurance is appropriate, it should consider how the central system could be utilised to enable innovative methods for determining financial guarantees. should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</u></p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>and to clarify for certain types of commodities the distinction between used goods and waste when shipped transboundary. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	
Recital 55a				
65a		<u>(55a) To further facilitate</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>harmonisation of the internal market and practices between Member States in relation to shipments of waste, the Commission should investigate whether further standardisation of contracts is possible in accordance with the principle of subsidiarity.</i></u>		
Recital 56				
66	(56) Regulation (EU) 2020/1056 establishes a legal framework for the electronic communication of regulatory information between the economic operators concerned and competent authorities in relation to the transport of goods on the territory of the Union and covers parts of this Regulation in its provisions. In order to ensure consistency between the instruments, it is necessary to amend Regulation (EU) 2020/1056.		(56) Regulation (EU) 2020/1056 establishes a legal framework for the electronic communication of regulatory information between the economic operators concerned and competent authorities in relation to the transport of goods on the territory of the Union and covers parts of this Regulation in its provisions. In order to ensure consistency between the instruments, it is necessary to amend Regulation (EU) 2020/1056. <u><i>In order to avoid that before the date of application of the mandatory electronic data interchange according to this Regulation no implementing rules are adopted pursuant to Regulation (EU) 2020/1056 in relation to the definition,</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>accessing and processing in electronic format of information requirements pursuant to this Regulation, the amendment to Regulation (EU) 2020/1056 should apply retroactively as of the date of application of this Regulation.</u>	
Recital 57				
67	(57) It is necessary to provide for sufficient time for economic operators to comply with their new obligations under this Regulation, and for Member States and the Commission to set up the administrative infrastructure necessary for its application. The application of several provisions of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Most provisions of this Regulation will become applicable two months after its entry into force, while the provisions linked to the obligations set out in Article 26 to issue and exchange documents electronically will become applicable two years after this date, and some provisions relating to the export of waste will		(57) It is necessary to provide for sufficient time for economic operators to comply with their new obligations under this Regulation, and for Member States and the Commission to set up the administrative infrastructure necessary for its application. The application of several provisions of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Most provisions of this Regulation will become applicable two <u>24</u> months after its entry into force, while <u>including</u> the provisions linked to the obligations set out in Article 26 to issue and exchange documents electronically will become applicable two years after this date, and <u>while</u> some provisions	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	become applicable three years after this date. In order to avoid any regulatory gap, it is necessary to ensure that some provisions of Regulation (EC) No 1013/2006 remain in force, until the date when the provisions of this regulation with a delayed application becomes applicable.		relating to the export of waste will become applicable three years after this date <u>36 months after entry into force of this Regulation</u> . In order to avoid any regulatory gap, it is necessary to ensure that some provisions of Regulation (EC) No 1013/2006 remain in force, until the date when the provisions of this regulation with a delayed application becomes applicable.	
Recital 58				
68	(58) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but can rather, by reason of the need for harmonization, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,		(58) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but can rather, by reason of the need for harmonization, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective <u>those objectives</u> ,	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal	
Formula					
69	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:		
Title I					
6	70	Title I General Provisions	Title I General Provisions	Title I General Provisions Text Origin: Commission Proposal	
Article 1					
6	71	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter Text Origin: Commission Proposal	
Article 1, first paragraph					
6	72	This Regulation lays down measures to protect the environment and human health by preventing or reducing the adverse impacts which may result from the shipment of waste. It establishes procedures and control regimes for the shipment of waste, depending on the origin, destination and route	This Regulation lays down measures <u>to</u> to protect the environment and human health by preventing or reducing the adverse impacts which may result from the shipment of waste <u>including in third countries</u> . It establishes procedures and control regimes for the shipment of waste, depending	This Regulation lays down measures to protect the environment and human health <u>and to contribute to climate neutrality</u> by preventing or reducing the adverse impacts which may result from the shipment of waste <u>and the treatment of the waste at its destination</u> . It establishes	This Regulation lays down measures to protect the environment and human health <u>and to contribute to climate neutrality and achieving circular economy and zero pollution</u> by preventing or reducing the adverse impacts which may result from the shipment of waste <u>and the</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.	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. <u><i>It seeks to contribute to achieving a circular economy, resource efficiency, climate neutrality and zero pollution ambition for a toxic-free environment by applying the principles of proximity and self-sufficiency as laid down in Directive 2008/98/EC. It also seeks to reduce the administrative burden by harmonising the shipment of waste rules within the Union and by digitalising the exchange of information concerning shipments of waste.</i></u>	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.	<u><i>treatment of the waste at its destination.</i></u> It 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.
Article 2				
6	73	Article 2 Scope	Article 2 Scope	Article 2 Scope Text Origin: Commission Proposal
Article 2(1)				
6	74	1. This Regulation shall apply to:	1. This Regulation shall apply to:	1. This Regulation shall apply to: Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Proposal
Article 2(1), point (a)				
6	75 (a) shipments of waste between Member States, with or without transit through third countries;		(a) shipments of waste between Member States, with or without transit through third countries;	(a) shipments of waste between Member States, with or without transit through third countries; Text Origin: Commission Proposal
Article 2(1), point (b)				
6	76 (b) shipments of waste imported into the Union from third countries;		(b) shipments of waste imported into the Union from third countries;	(b) shipments of waste imported into the Union from third countries; Text Origin: Commission Proposal
Article 2(1), point (c)				
6	77 (c) shipments of waste exported from the Union to third countries;		(c) shipments of waste exported from the Union to third countries;	(c) shipments of waste exported from the Union to third countries; Text Origin: Commission Proposal
Article 2(1), point (d)				
6	78 (d) shipments of waste in transit through the Union on the way to or from third countries.		(d) shipments of waste in transit through the Union on the way to or from third countries.	(d) shipments of waste in transit through the Union on the way to or from third countries.

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Commission Proposal
Article 2(2)				
6	79	2. This Regulation shall not apply to:	2. This Regulation shall not apply to:	2. This Regulation shall not apply to: Text Origin: Commission Proposal
Article 2(2), point (a)				
6	80	(a) the offloading to shore of waste, including waste water and residues, generated by the normal operation of ships and offshore platforms, provided that such waste is subject to the requirements of the International Convention for the Prevention of Pollution from Ships or other binding international instruments;	(a) the offloading to shore of waste, including waste water and residues, generated by the normal operation of ships and offshore platforms <u>until such waste is offloaded in order to be recovered or disposed of</u> , provided that such waste is subject to the requirements of <u>Directive (EU) No 2019/883¹</u> , the International Convention for the Prevention of Pollution from Ships, <u>the International Convention for the Control and Management of Ships' Ballast Water and Sediments</u> or other <u>relevant</u> binding international instruments; <u>1. Directive (EU) 2019/883 of the</u>	(a) the offloading to shore of waste, including waste water and residues, generated by the normal operation of ships and offshore platforms <u>until such waste is offloaded in order to be recovered or disposed of</u> , provided that such waste is subject to the requirements of <u>Directive (EU) No 2019/883¹</u> , the International Convention for the Prevention of Pollution from Ships, <u>the International Convention for the Control and Management of Ships' Ballast Water and Sediments</u> or other <u>relevant</u> binding international instruments; <u>1. Directive (EU) 2019/883 of the</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116)</u>	<u>European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116)</u> Text Origin: Council Mandate
Article 2(2), point (b)				
81	(b) waste generated on board vehicles, trains, aeroplanes and ships, until the first stop, station, airport or harbour in the Union where the vehicle, train, aeroplane or ship respectively stays for a duration long enough to allow for the offloading of the waste in order to be recovered or disposed of;		(b) waste generated on board vehicles, trains, aeroplanes and ships, until the first stop, station, airport or harbour in the Union where the vehicle, train, aeroplane or ship respectively stays for a duration long enough to allow for the offloading of the waste <u>such waste is offloaded</u> , in order to be recovered or disposed of;	(b) waste generated on board vehicles, trains, aeroplanes and ships, until the first stop, station, airport or harbour in the Union where the vehicle, train, aeroplane or ship respectively stays for a duration long enough to allow for the offloading of the waste <u>such waste is offloaded</u> , in order to be recovered or disposed of; Text Origin: Council Mandate
Article 2(2), point (c)				
82	(c) shipments of radioactive waste as defined in Article 5 of Council Directive 2006/117/Euratom ¹ ; ¹ Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel (OJ L 337, 5.12.2006, p.		(c) shipments of radioactive waste as defined in Article 5 of Council Directive 2006/117/Euratom ¹ ; ¹ Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel (OJ L 337, 5.12.2006, p.	(c) shipments of radioactive waste as defined in Article 5 of Council Directive 2006/117/Euratom ¹ ; ¹ Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel (OJ L 337, 5.12.2006, p.

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	21).		21).	21). Text Origin: Commission Proposal
Article 2(2), point (d)				
83	<p>(d) shipments of animal by-products and derived products as defined in Article 3(1) and (2) of Regulation (EC) No 1069/2009, respectively, except animal by-products or derived products mixed or contaminated with any waste listed as hazardous in the Annex to Commission Decision 2000/532/EC¹;</p> <p>1. Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).</p>		<p>(d) shipments of animal by-products and derived products as defined in Article 3(1) and (2) of Regulation (EC) No 1069/2009, respectively, except animal by-products <u>by products</u> or derived products mixed or contaminated with any waste listed as hazardous in the Annex to Commission Decision 2000/532/EC <u>list of waste referred to in Article 7 of Directive 2008/98/EC</u>;</p> <p>1. Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).</p>	<p>(d) shipments of animal by-products and derived products as defined in Article 3(1) and (2) of Regulation (EC) No 1069/2009, respectively, except animal by-products <u>by products</u> or derived products mixed or contaminated with any waste listed as hazardous in the Annex to Commission Decision 2000/532/EC <u>list of waste referred to in Article 7 of Directive 2008/98/EC</u>;</p> <p>1. Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).</p> <p>Text Origin: Council Mandate</p>
Article 2(2), point (e)				
84				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(e) shipments of the waste referred to in Article 2(1), point (e), and Article 2(2), points (a), (d) and (e), of Directive 2008/98/EC, where such shipments are already covered by other Union legislation;		(e) shipments of the waste referred to in Article 2(1), point (e), and Article 2(2), points (a), (d) and (e), of Directive 2008/98/EC, <u>waters</u> where such shipments are already covered by <u>Directive 91/271/EEC¹</u> or other <u>relevant</u> Union legislation; <u>1. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40).</u>	(e) shipments of the waste referred to in Article 2(1), point (e), and Article 2(2), points (a), (d) and (e), of Directive 2008/98/EC, <u>waters</u> where such shipments are already covered by <u>Directive 91/271/EEC¹</u> or other <u>relevant</u> Union legislation; <u>1. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40).</u> Text Origin: Council Mandate
Article 2(2), point (ea)				
6	84a		<u>(ea) shipments of substances that are destined for use as feed materials as defined in point (g) of Article 3(2) of Regulation (EC) No 767/2009 of the European Parliament and of the Council and that do not consist of or contain animal by-products;</u>	<u>(ea) shipments of substances that are destined for use as feed materials as defined in point (g) of Article 3(2) of Regulation (EC) No 767/2009 of the European Parliament and of the Council and that do not consist of or contain animal by-products;</u> Text Origin: Council Mandate
Article 2(2), point (f)				
6	85	(f) shipments of waste from the Antarctic into the Union which are in accordance with the	(f) shipments of waste from the Antarctic into the Union which are in accordance with the	(f) shipments of waste from the Antarctic into the Union which are in accordance with the

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>requirements of the Protocol on Environmental Protection to the Antarctic Treaty¹;</p> <p>1. Protocol on Environmental Protection to the Antarctic Treaty of 1991.</p>		<p>requirements of the Protocol on Environmental Protection to the Antarctic Treaty¹;</p> <p>1. Protocol on Environmental Protection to the Antarctic Treaty of 1991.</p>	<p>requirements of the Protocol on Environmental Protection to the Antarctic Treaty¹;</p> <p>1. Protocol on Environmental Protection to the Antarctic Treaty of 1991.</p> <p><small>Text Origin: Commission Proposal</small></p>
Article 2(2), point (g)				
6	<p>86</p> <p>(g) shipments of CO2 for the purposes of geological storage in accordance with Directive 2009/31/EC of the European Parliament and of the Council¹;</p> <p>1. Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).</p>		<p>(g) shipments of CO2 for the purposes of geological storage in accordance with Directive 2009/31/EC of the European Parliament and of the Council¹;</p> <p>1. Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).</p>	<p>(g) shipments of CO2 for the purposes of geological storage in accordance with Directive 2009/31/EC of the European Parliament and of the Council¹;</p> <p>1. Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).</p> <p><small>Text Origin: Commission Proposal</small></p>
Article 2(2), point (h)				
Y	<p>87</p> <p>(h) ships flying the flag of a Member State falling within the</p>		<p>(h) ships flying the flag of a Member State falling within the</p>	<p>(h) ships flying the flag of a Member State falling within the</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	scope of Regulation (EU) No 1257/2013, with the exception of ships becoming waste in an area under the national jurisdiction of a Member State, to which Article 36, Title VII and Title VIII apply;		scope of Regulation (EU) No 1257/2013, with the exception of ships becoming waste in an area under the national jurisdiction of a Member State, to which Article 36, Title VII and Title VIII apply; - <u>which are considered as hazardous waste, are located in an area under the national jurisdiction of a Member State and are exported from the Union for recovery, to which only Article 36, 45, 46 and Title VII apply; or</u> - <u>which are considered as waste, are located in an area under the national jurisdiction of a Member State and destined for disposal.</u>	scope of Regulation (EU) No 1257/2013, with the exception of ships becoming waste in an area under the national jurisdiction of a Member State, to which Article 36, Title VII and Title VIII apply; - <u>which are considered as hazardous waste, are located in an area under the national jurisdiction of a Member State and are exported from the Union for recovery, to which only Article 36, 45, 46 and Title VII apply; or</u> - <u>which are considered as waste, are located in an area under the national jurisdiction of a Member State and destined for disposal.</u> Text Origin: Council Mandate
Article 2(3)				
y	88 3. For imports of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping operations where such waste is shipped, by those armed forces or relief organisations concerned or on their behalf, directly or indirectly to the country of destination, only Article 48(6) shall		3. For imports of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping operations where such waste is shipped, by those armed forces or relief organisations concerned or on their behalf, directly or indirectly to the country of destination, only Article 48(6)	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	apply.		<u>Articles 48(6) and 50(5)</u> shall apply.	
Article 2(4)				
g	89 4. Shipments of waste from the Antarctic to third countries, which transit through the Union, shall be subject to Articles 36 and 56.		4. <u>For</u> shipments of waste from the Antarctic to third countries, which transit through the Union, shall be subject to Articles 36 and 56 <u>shall apply</u> .	4. <u>For</u> shipments of waste from the Antarctic to third countries, which transit through the Union, shall be subject to Articles 36 and 56 <u>shall apply</u> . Text Origin: Council Mandate
Article 2(5)				
y	90 5. For shipments of waste exclusively within a Member State, only Article 33 shall apply.		5. For shipments <u>transports</u> of waste exclusively within a Member State, only Article 33 shall apply.	
Article 3				
g	91 Article 3 Definitions		Article 3 Definitions	Article 3 Definitions Text Origin: Commission Proposal
Article 3, first paragraph				
g	92 For the purposes of this Regulation, the following		For the purposes of this Regulation, the following	For the purposes of this Regulation, the following

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	definitions apply:		definitions apply:	definitions apply: Text Origin: Commission Proposal
Article 3, first paragraph, point (1)				
93	(1) ‘mixture of wastes’ means waste that results from an intentional or unintentional mixing of two or more different wastes, which are listed in different entries in Annexes III, IIIB and IV, or, where applicable, in different indents or sub-indentations of such entries. Waste shipped in a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes;		(1) ‘mixture of wastes’ means waste that results from an intentional or unintentional mixing of two or more different wastes, which are listed in different entries in Annexes III, IIIB and IV, or, where applicable, in different indents or sub-indentations of such entries. Waste shipped in a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes;	(1) ‘mixture of wastes’ means waste that results from an intentional or unintentional mixing of two or more different wastes, which are listed in different entries in Annexes III, IIIB and IV, or, where applicable, in different indents or sub-indentations of such entries. Waste shipped in a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes; Text Origin: Council Mandate
Article 3, first paragraph, point (1a)				
93a			<u>(a) listed in different entries in Annexes III, IIIA, IIIB and IV, or, where applicable, in different indents or sub-indentations of such entries, or</u>	<u>(a) listed in different entries in Annexes III, IIIA, IIIB and IV, or, where applicable, in different indents or sub-indentations of such entries, or</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
Article 3, first paragraph, point (1b)				
Y	93b		<u>(b) not classified under one single entry in Annexes III, IIIA, IIIB or IV.</u>	<u>(b) not classified under one single entry in Annexes III, IIIA, IIIB or IV.</u> Text Origin: Council Mandate
Article 3, first paragraph, point (1c)				
Y	93c		<u>Waste shipped in a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes;</u>	<u>Waste shipped in a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (2)				
G	94	(2) ‘interim disposal’ means any of the disposal operations under D 13 to D 15 referred to in Annex I to Directive 2008/98/EC;	(2) ‘interim disposal’ means any of the disposal operations under D 13 to D 15 <u>D8, D9, D13, D14 and D15</u> referred to in Annex I to Directive 2008/98/EC;	(2) ‘interim disposal’ means any of the disposal operations under D 13 to D 15 <u>D8, D9, D13, D14 and D15</u> referred to in Annex I to Directive 2008/98/EC;
Article 3, first paragraph, point (3)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
g	95 (3) ‘interim recovery’ means any of the recovery operations under R 12 and R 13 referred to in Annex II to Directive 2008/98/EC;		(3) ‘interim recovery’ means any of the recovery operations under R 12 and R 13 referred to in Annex II to Directive 2008/98/EC;	(3) ‘interim recovery’ means any of the recovery operations under R 12 and R 13 referred to in Annex II to Directive 2008/98/EC; Text Origin: Commission Proposal
Article 3, first paragraph, point (4)				
y	96 (4) ‘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;	(4) ‘environmentally sound management’ means taking all practicable steps to ensure that waste is managed in a manner that will protect human health, <u>the climate</u> and the environment against adverse effects which may result from such waste, <u>and the treatment thereof</u> ;	(4) ‘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;	(4) ‘environmentally sound management’ means taking all practicable steps to ensure that waste is managed in a manner that will protect human health, <u>the climate</u> and the environment against adverse effects which may result from such waste; Text Origin: EP Mandate
Article 3, first paragraph, point (5)				
g	97 (5) ‘consignee’ means the person or undertaking under the national jurisdiction of the country of destination to whom or to which the waste is shipped for recovery or disposal;		(5) ‘consignee’ means the person or undertaking under the national jurisdiction of the country of destination to whom or to which the waste is shipped for recovery or disposal;	(5) ‘consignee’ means the person or undertaking under the national jurisdiction of the country of destination to whom or to which the waste is shipped for recovery or disposal; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 3, first paragraph, point (6)				
98	(6) 'notifier' means:		(6) 'notifier' means:	(6) 'notifier' means: <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (6)(a)				
99	(a) in the case of a shipment originating from a Member State, any natural or legal person under the national jurisdiction of that Member State who plans or carries out a shipment of waste and to whom the duty to notify is assigned, and who is listed below:		(a) in the case of a shipment originating from a Member State, any natural or legal person under the national jurisdiction of that Member State who plans or carries out a shipment of waste <u>referred to in Article 4(1) or (2) or who has had a shipment of waste carried out</u> and to whom the duty to notify is assigned, and who is listed below:	(a) in the case of a shipment originating from a Member State, any natural or legal person under the national jurisdiction of that Member State who plans or carries out a shipment of waste <u>referred to in Article 4(1) or (2) or who has had a shipment of waste carried out</u> and to whom the duty to notify is assigned, and who is listed below: <small>Text Origin: Council Mandate</small>
Article 3, first paragraph, point (6)(a)(i)				
100	(i) the original waste producer;		(i) the original waste producer;	(i) the original waste producer; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (6)(a)(ii)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
101	(ii) the new waste producer who carries out operations prior to shipment,		(ii) the new waste producer who carries out operations prior to shipment; <u>resulting in a change in the nature or composition of the waste;</u>	(ii) the new waste producer who carries out operations prior to shipment; <u>resulting in a change in the nature or composition of the waste;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (6)(a)(iii)				
102	(iii) a collector who, from various small quantities of the same type of waste collected from a variety of sources, has assembled the shipment which is to start from a single notified location;		(iii) a collector who, from various small quantities of the same type of waste collected from a variety of sources, has assembled the shipment which is to start from a single notified location;	(iii) a collector who, from various small quantities of the same type of waste collected from a variety of sources, has assembled the shipment which is to start from a single notified location; Text Origin: Commission Proposal
Article 3, first paragraph, point (6)(a)(iv)				
103	(iv) a dealer or a broker acting on behalf of any of the categories specified in points (i), (ii) or (iii);		(iv) a dealer or a broker acting on behalf of any of the categories specified in points (i), (ii) or (iii);	(iv) a dealer or a broker acting on behalf of any of the categories specified in points (i), (ii) or (iii); Text Origin: Commission Proposal
Article 3, first paragraph, point (6)(a)(v)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	104	(v) where all of the persons specified above, are unknown or insolvent, the waste holder;	(v) where all of the persons specified above, are unknown or insolvent, the waste holder;	(v) where all of the persons specified above, are unknown or insolvent, the waste holder; Text Origin: Commission Proposal
Article 3, first paragraph, point (6)(b)				
6	105	(b) in the case of import into, or transit through, the Union of waste that does not originate in a Member State, any of the following natural or legal persons under the national jurisdiction of the country of dispatch who plans or carries out a shipment of waste or intends to have, or who has had, a shipment of waste carried out:	(b) in the case of import into, or transit through, the Union of waste that does not originate in a Member State, any of the following natural or legal persons under the national jurisdiction of the country of dispatch who plans or carries out a shipment of waste or intends to have, or who has had, a shipment of waste carried out:	(b) in the case of import into, or transit through, the Union of waste that does not originate in a Member State, any of the following natural or legal persons under the national jurisdiction of the country of dispatch who plans or carries out a shipment of waste or intends to have, or who has had, a shipment of waste carried out: Text Origin: Commission Proposal
Article 3, first paragraph, point (6)(b)(i)				
6	106	(i) the person designated by the law of the country of dispatch;	(i) the person designated by the law of the country of dispatch;	(i) the person designated by the law of the country of dispatch; Text Origin: Commission Proposal
Article 3, first paragraph, point (6)(b)(ii)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	107	(ii) in the absence of a person designated by the law of the country of dispatch, the waste holder at the time the export took place;	(ii) in the absence of a person designated by the law of the country of dispatch, the waste holder at the time the export took place;	(ii) in the absence of a person designated by the law of the country of dispatch, the waste holder at the time the export took place; Text Origin: Commission Proposal
Article 3, first paragraph, point (6)(b)(iia)				
Y	107a		<u>(6a) 'person who arranges the shipment' means any natural or legal person under the national jurisdiction of the country of dispatch who plans or carries out a shipment of waste referred to in Article 4(3) or (4), or who has had a shipment of waste carried out, and who is listed below:</u>	<u>(6a) 'person who arranges the shipment' means any natural or legal person under the national jurisdiction of the country of dispatch who plans or carries out a shipment of waste referred to in Article 4(3) or (4), or who has had a shipment of waste carried out, and who is listed below:</u> Text Origin: Council Mandate
Article 3, first paragraph, point (6)(b)(iib)				
Y	107b		<u>(i) the original waste producer;</u>	<u>(i) the original waste producer;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (6)(b)(iic)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
107c			<u>(ii) the new waste producer who carries out operations prior to shipment resulting in a change in the nature or composition of the waste;</u>	<u>(ii) the new waste producer who carries out operations prior to shipment resulting in a change in the nature or composition of the waste;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (6)(b)(iid)				
107d			<u>(iii) a collector who, from various small quantities of the same type of waste collected from a variety of sources, has assembled the shipment which is to start from a single location;</u>	<u>(iii) a collector who, from various small quantities of the same type of waste collected from a variety of sources, has assembled the shipment which is to start from a single location;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (6)(b)(iie)				
107e			<u>(iv) a dealer or a broker acting on behalf of any of the categories specified in points (i), (ii) or (iii);</u>	<u>(iv) a dealer or a broker acting on behalf of any of the categories specified in points (i), (ii) or (iii);</u> Text Origin: Council Mandate
Article 3, first paragraph, point (6)(b)(iif)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
107f			<u>(v) where all of the persons specified under points (i) to (iv) are unknown or insolvent, the waste holder;</u>	<u>(v) where all of the persons specified under points (i) to (iv) are unknown or insolvent, the waste holder;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (7)				
108	(7) ‘collector’ means any natural or legal person carrying out waste collection as defined in Article 3, point (10), of Directive 2008/98/EC.		(7) ‘collector’ means any natural or legal person carrying out waste collection as defined in Article 3, point (10), of Directive 2008/98/EC.	(7) ‘collector’ means any natural or legal person carrying out waste collection as defined in Article 3, point (10), of Directive 2008/98/EC. Text Origin: Commission Proposal
Article 3, first paragraph, point (8)				
109	(8) ‘competent authority’ means:		(8) ‘competent authority’ means:	(8) ‘competent authority’ means: Text Origin: Commission Proposal
Article 3, first paragraph, point (8)(a)				
110	(a) in the case of a Member State, the body designated by the Member State concerned in		(a) in the case of a Member State, the body designated by the Member State concerned in	(a) in the case of a Member State, the body designated by the Member State concerned in

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	accordance with Article 71;		accordance with Article 71;	accordance with Article 71; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (8)(b)				
6	111 (b) in the case of a third country that is a Party to the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal ('the Basel Convention'); the body designated by that country as the competent authority for the purposes of the Basel Convention in accordance with Article 5 thereof;		(b) in the case of a third country that is a Party to the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal ('the Basel Convention'); the body designated by that country as the competent authority for the purposes of the Basel Convention in accordance with Article 5 thereof;	(b) in the case of a third country that is a Party to the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal ('the Basel Convention'); the body designated by that country as the competent authority for the purposes of the Basel Convention in accordance with Article 5 thereof; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (8)(c)				
6	112 (c) in the case of any country not referred to in either point (a) or point (b), the body that has been designated as the competent authority by the country or region concerned or, in the absence of such designation, the regulatory authority for the country or region, as appropriate, which has		(c) in the case of any country not referred to in either point (a) or point (b), the body that has been designated as the competent authority by the country or region concerned or, in the absence of such designation, the regulatory authority for the country or region, as appropriate, which has	(c) in the case of any country not referred to in either point (a) or point (b), the body that has been designated as the competent authority by the country or region concerned or, in the absence of such designation, the regulatory authority for the country or region, as appropriate, which has

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	jurisdiction over shipments of waste for recovery or disposal, or transit, as the case may be;		jurisdiction over shipments of waste for recovery or disposal, or transit, as the case may be;	jurisdiction over shipments of waste for recovery or disposal, or transit, as the case may be; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (9)				
6	113 (9) ‘competent authority of dispatch’ means the competent authority for the area from which the shipment is planned to be initiated or is initiated;		(9) ‘competent authority of dispatch’ means the competent authority for the area from which the shipment is planned to be initiated or is initiated;	(9) ‘competent authority of dispatch’ means the competent authority for the area from which the shipment is planned to be initiated or is initiated; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (10)				
6	114 (10) ‘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 recovery or disposal in an area not under the national jurisdiction of any country;		(10) ‘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 recovery or disposal in an area not under the national jurisdiction of any country;	(10) ‘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 recovery or disposal in an area not under the national jurisdiction of any country; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (11)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	115 (11) ‘competent authority of transit’ means the competent authority for any country, other than the country of the competent authority of dispatch and the competent authority of destination, through which the shipment is planned or takes place;		(11) ‘competent authority of transit’ means the competent authority for any country, other than the country of the competent authority of dispatch and the competent authority of destination, through which the shipment is planned or takes place;	(11) ‘competent authority of transit’ means the competent authority for any country, other than the country of the competent authority of dispatch and the competent authority of destination, through which the shipment is planned or takes place; Text Origin: Commission Proposal
Article 3, first paragraph, point (12)				
6	116 (12) ‘country of dispatch’ means any country from which a shipment of waste is planned to be initiated or is initiated;		(12) ‘country of dispatch’ means any country from which a shipment of waste is planned to be initiated or is initiated;	(12) ‘country of dispatch’ means any country from which a shipment of waste is planned to be initiated or is initiated; Text Origin: Commission Proposal
Article 3, first paragraph, point (13)				
6	117 (13) ‘country of destination’ means any country to which a shipment of waste is planned or takes place for recovery or disposal therein, or for the purpose of loading prior to recovery or disposal in an area not under the national jurisdiction of any		(13) ‘country of destination’ means any country to which a shipment of waste is planned or takes place for recovery or disposal therein, or for the purpose of loading prior to recovery or disposal in an area not under the national jurisdiction of any	(13) ‘country of destination’ means any country to which a shipment of waste is planned or takes place for recovery or disposal therein, or for the purpose of loading prior to recovery or disposal in an area not under the national jurisdiction of any

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	country;		country;	country; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (14)				
6	118 (14) ‘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;		(14) ‘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;	(14) ‘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; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (15)				
6	119 (15) ‘area under the national jurisdiction of a country’ means any land or marine area within which a state exercises administrative and regulatory responsibility in accordance with international law as regards the protection of human health or the environment;		(15) ‘area under the national jurisdiction of a country’ means any land or marine area within which a state exercises administrative and regulatory responsibility in accordance with international law as regards the protection of human health or the environment;	(15) ‘area under the national jurisdiction of a country’ means any land or marine area within which a state exercises administrative and regulatory responsibility in accordance with international law as regards the protection of human health or the environment; <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (16)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	120	(16) ‘overseas countries and territories’ means the overseas countries and territories listed in Annex II to the Treaty;	(16) ‘overseas countries and territories’ means the overseas countries and territories listed in Annex II to the Treaty;	(16) ‘overseas countries and territories’ means the overseas countries and territories listed in Annex II to the Treaty; Text Origin: Commission Proposal
Article 3, first paragraph, point (17)				
6	121	(17) ‘customs office of export’ means customs office of export as defined in Article 1, point (16), of Commission Delegated Regulation (EU) 2015/2446 ¹ ; 1. Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).	(17) ‘customs office of export’ means customs office of export as defined in Article 1, point (16), of Commission Delegated Regulation (EU) 2015/2446 ¹ ; 1. Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).	(17) ‘customs office of export’ means customs office of export as defined in Article 1, point (16), of Commission Delegated Regulation (EU) 2015/2446 ¹ ; 1. Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1). Text Origin: Commission Proposal
Article 3, first paragraph, point (18)				
6	122	(18) ‘customs office of exit’ means customs office of exit as determined in accordance with Article 329 of Commission	(18) ‘customs office of exit’ means customs office of exit as determined in accordance with Article 329 of Commission	(18) ‘customs office of exit’ means customs office of exit as determined in accordance with Article 329 of Commission

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>Implementing Regulation (EU) 2015/2447¹;</p> <p>1. Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).</p>		<p>Implementing Regulation (EU) 2015/2447¹;</p> <p>1. Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).</p>	<p>Implementing Regulation (EU) 2015/2447¹;</p> <p>1. Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).</p> <p>Text Origin: Commission Proposal</p>
Article 3, first paragraph, point (19)				
6	<p>123</p> <p>(19) ‘customs office of entry’ means customs office of first entry as defined in Article 1, point (15), of Delegated Regulation (EU) 2015/2446 ;</p>		<p>(19) ‘customs office of entry’ means customs office of first entry as defined in Article 1, point (15), of Delegated Regulation (EU) 2015/2446 ;</p>	<p>(19) ‘customs office of entry’ means customs office of first entry as defined in Article 1, point (15), of Delegated Regulation (EU) 2015/2446 ;</p> <p>Text Origin: Commission Proposal</p>
Article 3, first paragraph, point (20)				
6	<p>124</p> <p>(20) ‘import’ means any entry of waste into the Union but excluding transit through the Union;</p>		<p>(20) ‘import’ means any entry of waste into the Union but excluding transit through the Union;</p>	<p>(20) ‘import’ means any entry of waste into the Union but excluding transit through the Union;</p> <p>Text Origin: Commission Proposal</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 3, first paragraph, point (21)				
6	125	(21) 'export' means any exit of waste from the Union but excluding transit through the Union;	(21) 'export' means any exit of waste from the Union but excluding transit through the Union;	(21) 'export' means any exit of waste from the Union but excluding transit through the Union; Text Origin: Commission Proposal
Article 3, first paragraph, point (22)				
6	126	(22) 'transit' means a shipment of waste or a planned shipment of waste through one or more countries other than the country of dispatch or destination;	(22) 'transit' means a shipment of waste or a planned shipment of waste through one or more countries other than the country of dispatch or destination;	(22) 'transit' means a shipment of waste or a planned shipment of waste through one or more countries other than the country of dispatch or destination; Text Origin: Commission Proposal
Article 3, first paragraph, point (23)				
6	127	(23) 'transport' means the carriage of waste by road, rail, air, sea or inland waterways;	(23) 'transport' means the carriage of waste by road, rail, air, sea or inland waterways;	(23) 'transport' means the carriage of waste by road, rail, air, sea or inland waterways; Text Origin: Commission Proposal
Article 3, first paragraph, point (24)				
7	128			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(24) ‘shipment’ means the transport of waste destined for recovery or disposal from the point of loading until the waste is recovered or disposed of in the country of destination, which is planned to take place, or takes place:		(24) ‘shipment’ means the transport of waste destined for recovery or disposal from the point of loading until the waste is recovered or disposed of <u>location from which the transport starts until the receipt of the waste by the facility that carries out the disposal or recovery operation</u> in the country of destination, which is planned to take place, or takes place:	(24) ‘shipment’ means the transport of waste destined for recovery or disposal from the point of loading until the waste is recovered or disposed of <u>location from which the transport starts until the receipt of the waste by the facility that carries out the disposal or recovery operation</u> in the country of destination, which is planned to take place, or takes place: Text Origin: Council Mandate
Article 3, first paragraph, point (24)(a)				
6	129 (a) between a country and another country;		(a) between a country and another country;	(a) between a country and another country; Text Origin: Commission Proposal
Article 3, first paragraph, point (24)(b)				
6	130 (b) between a country and overseas countries and territories or other areas, under that country's protection;		(b) between a country and overseas countries and territories or other areas, under that country's protection;	(b) between a country and overseas countries and territories or other areas, under that country's protection; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 3, first paragraph, point (24)(c)			
6	131 (c) between a country and any geographic area which is not part of any country under international law;		(c) between a country and any geographic area which is not part of any country under international law;	(c) between a country and any geographic area which is not part of any country under international law; Text Origin: Commission Proposal
	Article 3, first paragraph, point (24)(d)			
6	132 (d) between a country and the Antarctic;		(d) between a country and the Antarctic;	(d) between a country and the Antarctic; Text Origin: Commission Proposal
	Article 3, first paragraph, point (24)(e)			
6	133 (e) from one country through any of the areas referred to in points (a) to (d);		(e) from one country through any of the areas referred to in points (a) to (d);	(e) from one country through any of the areas referred to in points (a) to (d); Text Origin: Commission Proposal
	Article 3, first paragraph, point (24)(f)			
6	134 (f) within a country through any of		(f) within a country through any of	(f) within a country through any of

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the areas referred to in points (a) to (d) and which originates in and ends in the same country; or		the areas referred to in points (a) to (d) and which originates in and ends in the same country; or	the areas referred to in points (a) to (d) and which originates in and ends in the same country; or Text Origin: Commission Proposal
Article 3, first paragraph, point (24)(g)				
6	135 (g) from a geographic area not under the national jurisdiction of any country, to a country;		(g) from a geographic area not under the national jurisdiction of any country, to a country;	(g) from a geographic area not under the national jurisdiction of any country, to a country; Text Origin: Commission Proposal
Article 3, first paragraph, point (25)				
6	136 (25) 'illegal shipment' means any shipment of waste effected:		(25) 'illegal shipment' means any shipment of waste effected:	(25) 'illegal shipment' means any shipment of waste effected: Text Origin: Commission Proposal
Article 3, first paragraph, point (25)(a)				
6	137 (a) without notification to the competent authorities concerned pursuant to this Regulation;		(a) without notification to the <u>all</u> competent authorities concerned pursuant to this Regulation;	(a) without notification to the competent authorities concerned pursuant to this Regulation; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 3, first paragraph, point (25)(b)				
6	138	(b) without the consent of the competent authorities concerned pursuant to this Regulation;	(b) without the consent of the <u>all</u> competent authorities concerned pursuant to this Regulation;	(b) without the consent of the competent authorities concerned pursuant to this Regulation; Text Origin: Commission Proposal
Article 3, first paragraph, point (25)(c)				
6	139	(c) with consent obtained from the competent authorities concerned pursuant to this Regulation through falsification, misrepresentation or fraud;	(c) with consent obtained from the competent authorities concerned pursuant to this Regulation through falsification, misrepresentation or fraud;	(c) with consent obtained from the competent authorities concerned pursuant to this Regulation through falsification, misrepresentation or fraud; Text Origin: Commission Proposal
Article 3, first paragraph, point (25)(d)				
Y	140	(d) in a way which is not in accordance with the information contained in the notification or movement documents;	(d) in a way which is not in accordance with the information contained in the notification <u>document or contained in or to be provided in the</u> or movement documents <u>document, except in case of minor discrepancies such as clerical errors</u> ;	
Article 3, first paragraph, point (25)(e)				

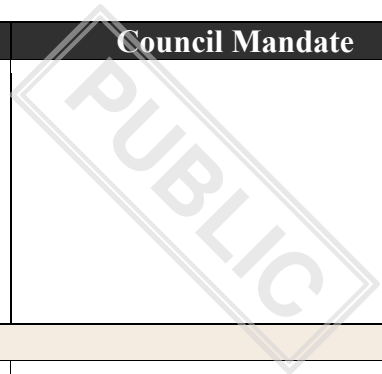
	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
G	141	(e) in a way which results in recovery or disposal in contravention of Union or international rules;	(e) in a way which results in recovery or disposal in contravention of Union or international rules;	(e) in a way which results in recovery or disposal in contravention of Union or international rules; Text Origin: Commission Proposal
Article 3, first paragraph, point (25)(f)				
Y	142	(f) contrary to Articles 11, 34, 36, 37, 42, 44, 45, 46 or 47;	(f) contrary to Articles 11 <u>4(1)</u> , <u>4(2a)</u> , 34, 36, 37, 42, 44 <u>43</u> , 45, 46 or 47;	
Article 3, first paragraph, point (25)(g)				
Y	143	(g) in a way which, in relation to shipments of waste as referred to in Article 4(3) and (5), results in any of the following:	(g) in a way which, in relation to shipments of waste as referred to in Article 4(3) and (5) , results in any of the following: <u>(4), is not in accordance with the contract requirements referred to in Article 18(7) or with the information contained or to be provided in the document set out in Annex VII, except in case of minor discrepancies such as clerical errors, or where Article 18(1a) is not complied with;</u>	
Article 3, first paragraph, point (25)(g)(i)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
y	144 (i) the waste not being listed in Annex III, Annex IIIA or Annex IIIB,		<i>deleted</i>	
<i>Article 3, first paragraph, point (25)(g)(ii)</i>				
y	145 (ii) non-compliance with Article 4(5),		<i>deleted</i>	
<i>Article 3, first paragraph, point (25)(g)(iii)</i>				
y	146 (iii) non-compliance with Article 18;		<i>deleted</i>	
<i>Article 3, first paragraph, point (26)</i>				
g	147 (26) ‘inspection’ means an action undertaken by an authority to ascertain whether an establishment, an undertaking, a broker, a dealer, a shipment of waste or the related recovery or disposal complies with the requirements set out in this Regulation;		(26) ‘inspection’ means any <u>any</u> action undertaken by an authority to ascertain whether an establishment, an undertaking, a broker, a dealer, a shipment of waste or the related recovery or disposal complies <u>compliance</u> with the requirements set out in this Regulation;	(26) ‘inspection’ means any <u>any</u> action undertaken by an authority to ascertain whether an establishment, an undertaking, a broker, a dealer, a shipment of waste or the related recovery or disposal complies <u>compliance</u> with the requirements set out in this Regulation; Text Origin: Council Mandate
<i>Article 3, first paragraph, point (27)</i>				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
G	148	(27) 'waste hierarchy' means waste hierarchy as referred to in Article 4 of Directive 2008/98/EC.	(27) 'waste hierarchy' means waste hierarchy as referred to in Article 4 of Directive 2008/98/EC.	(27) 'waste hierarchy' means waste hierarchy as referred to in Article 4 of Directive 2008/98/EC. Text Origin: Commission Proposal
Article 3, first paragraph, point (27a)				
Y	148a		<u>(28) 'routing' means the point of exit from and the point of entry into each country concerned, including customs offices of entry, exit and export;</u>	
Article 3, first paragraph, point (27b)				
Y	148b		<u>(29) 'route' means the itinerary between the location where the shipment starts in the country of dispatch, via the point of exit from and the point of entry into each country concerned, to the treatment facility in the country of destination.</u>	
Article 3, second paragraph				
Y	149	In addition, the definitions of 'waste', 'hazardous waste',	In addition, the definitions of 'waste', 'hazardous waste',	In addition, the definitions of 'waste', 'hazardous waste', <u>waste</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	'treatment', 'disposal', 'recovery', 'preparing for re-use', 're-use', 'recycling', 'waste producer', 'waste holder', 'dealer' and 'broker' laid down in Article 3, points (1), (2), (14), (19), (15), (16), (13), (17), (5), (6), (7) and (8) respectively of Directive 2008/98/EC shall apply.	'treatment', 'disposal', ' <u>recovery</u> ', ' <u>material</u> recovery', 'preparing for re-use', 're-use', 'recycling', 'waste producer', 'waste holder', 'dealer' and 'broker' laid down in Article 3, points (1), (2), (14), (19), (15), (<u>15a</u>), (16), (13), (17), (5), (6), (7) and (8) respectively of Directive 2008/98/EC shall apply.	<u>management</u> ', 'treatment', 'disposal', 'recovery', 'preparing for re-use', 're-use', 'recycling', 'waste producer', 'waste holder', 'dealer' and 'broker' laid down in Article 3, points (1), (2), (<u>9</u>), (14), (19), (15), (16), (13), (17), (5), (6), (7) and (8) respectively of Directive 2008/98/EC shall apply.	
Title II				
6	150	Title II Shipments within the Union with or without transit through third countries	Title II Shipments within the Union with or without transit through third countries	Title II Shipments within the Union with or without transit through third countries Text Origin: Commission Proposal
Article 4				
6	151	Article 4 Overall procedural framework	Article 4 Overall procedural framework	Article 4 Overall procedural framework Text Origin: Commission Proposal
Article 4(1)				
6	152	1. Shipments of all wastes destined for disposal are	1. Shipments of all wastes destined for disposal are prohibited, except	1. Shipments of all wastes destined for disposal are prohibited, except

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	prohibited, except if explicitly authorised in accordance with Article 11. In order to obtain authorisation in accordance with Article 11 for a shipment of waste destined for disposal, the procedure of prior written notification and consent laid down in Chapter 1 shall apply.		if explicitly authorised <u>a consent is given</u> in accordance with Article 11. In order to obtain <u>a consent authorisation</u> in accordance with Article 11 for a shipment of waste destined for disposal, the procedure of prior written notification and consent laid down in Chapter 1 shall apply.	if explicitly authorised <u>a consent is given</u> in accordance with Article 11. In order to obtain <u>a consent authorisation</u> in accordance with Article 11 for a shipment of waste destined for disposal, the procedure of prior written notification and consent laid down in Chapter 1 shall apply. Text Origin: Council Mandate
Article 4(2)				
6	153 2. Shipments of the following wastes destined for recovery operations shall also be subject to the procedure of prior written notification and consent laid down in Chapter 1:		2. Shipments of the following wastes destined for recovery operations shall also be subject to the procedure of prior written notification and consent laid down in Chapter 1:	2. Shipments of the following wastes destined for recovery operations shall also be subject to the procedure of prior written notification and consent laid down in Chapter 1: Text Origin: Council Mandate
Article 4(2), point (a)				
6	154 (a) wastes listed in Annex IV;		(a) wastes listed in Annex IV;	(a) wastes listed in Annex IV; Text Origin: Commission Proposal
Article 4(2), point (aa)				
6	154a			



	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u>(aa) Waste that contains or is contaminated with a substance listed in Annex IV of Regulation (EU) 2019/1021 on persistent organic pollutants if not listed elsewhere;</u>		<u>(aa) Deleted</u>
Article 4(2), point (b)				
6	155	(b) wastes not classified under one single entry in either Annex III, Annex IIIB or Annex IV;	(b) wastes not classified under one single entry in either Annex III, Annex IIIB or Annex IV;	(b) wastes not classified under one single entry in either Annex III, Annex IIIB or Annex IV; Text Origin: Commission Proposal
Article 4(2), point (c)				
6	156	(c) mixtures of wastes, unless listed in Annex IIIA.	(c) mixtures of wastes, unless listed in Annex IIIA.	(c) mixtures of wastes, unless listed in Annex IIIA. Text Origin: Commission Proposal
Article 4(2), point (d)				
6	156a		<u>(d) waste listed in Annex III or Annex IIIB and mixtures of wastes listed in Annex IIIA contaminated by other materials to an extent which:</u> <u>- increases the risks associated</u>	<u>(d) waste listed in Annex III or Annex IIIB and mixtures of wastes listed in Annex IIIA contaminated by other materials to an extent which:</u> <u>- increases the risks associated</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account the of list of waste referred to in Article 7 of Directive 2008/98/EC as well as the hazardous properties listed in Annex III to that Directive; or</u> <u>- prevents the recovery of the wastes in an environmentally sound manner.</u></p>	<p><u>with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account the of list of waste referred to in Article 7 of Directive 2008/98/EC as well as the hazardous properties listed in Annex III to that Directive; or</u> <u>- prevents the recovery of the wastes in an environmentally sound manner.</u></p> <p>Text Origin: Council Mandate</p>
Article 4(2), point (e)				
156b			<p><u>(e) wastes or mixtures of wastes containing or contaminated with persistent organic pollutants (POPs) within the meaning of Regulation (EU) 2019/1021 in quantities meeting or exceeding a concentration limit indicated in Annex IV to that Regulation, which are not to be classified as hazardous wastes.</u></p>	<p><u>(e) wastes or mixtures of wastes containing or contaminated with persistent organic pollutants (POPs) within the meaning of Regulation (EU) 2019/1021 in quantities meeting or exceeding a concentration limit indicated in Annex IV to that Regulation, which are not to be classified as hazardous wastes.</u></p> <p>Text Origin: Council Mandate</p>
Article 4(2a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
y	156c		<u>(2a) Paragraph 2 shall apply to shipments of mixed municipal waste collected from private households, from other waste producers or from both, as well as to mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties, where such waste is destined for recovery operations. Shipments of such waste destined for disposal shall be prohibited.</u>	<u>(2a) Paragraph 2 shall apply to shipments of mixed municipal waste collected from private households, from other waste producers or from both, as well as to mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties, including refuse-derived fuels processed from mixed municipal waste, where such waste is destined for recovery operations. Shipments of such waste destined for disposal shall be prohibited.</u>
Article 4(3)				
g	157	3. Shipments of the following wastes destined for recovery shall be subject to the general information requirements laid down in Article 18, if the amount of waste shipped exceeds 20 kg:	3. Shipments of the following wastes destined for recovery shall be subject to the general information requirements laid down in Article 18, if the amount of waste shipped exceeds 20 kg:	3. Shipments of the following wastes destined for recovery shall be subject to the general information requirements laid down in Article 18, if the amount of waste shipped exceeds 20 kg: Text Origin: Commission Proposal
Article 4(3), point (a)				
g	158	(a) waste listed in Annex III or	(a) waste listed in Annex III or	(a) waste listed in Annex III or

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Annex IIIB;		Annex IIIB;	Annex IIIB; <small>Text Origin: Commission Proposal</small>
Article 4(3), point (b)				
6	159 (b) mixtures of waste, provided that the composition of those mixtures does not impair their environmentally sound recovery and provided that such mixtures are listed in Annex IIIA.		(b) mixtures of waste, provided that the composition of those mixtures does not impair their environmentally sound recovery and provided that such mixtures are listed in Annex IIIA.	(b) mixtures of waste, provided that the composition of those mixtures does not impair their environmentally sound recovery and provided that such mixtures are listed in Annex IIIA. <small>Text Origin: Commission Proposal</small>
Article 4(4)				
R	160 4. Shipments of waste explicitly destined for laboratory analysis or experimental treatment trials to assess either its physical or chemical characteristics or to determine its suitability for recovery or disposal operations shall be subject to the general information requirements laid down in Article 18 where all of the following conditions are fulfilled:		4. <u>By way of derogation from Article 4(1) and (2)</u> , shipments of waste explicitly destined for laboratory analysis or experimental treatment trials to assess either its physical or chemical characteristics or to determine its suitability for recovery or disposal operations shall be subject to the general information requirements laid down in Article 18 where all of the following conditions are fulfilled:	
Article 4(4), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
R	161	(a) the amount of waste does not exceed the quantity reasonably needed to perform the analysis or trial in each particular case;	<i>deleted</i>	
Article 4(4), point (b)				
R	162	(b) the amount of waste does not exceed 150 kg or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier.	(b) the amount of waste does not exceed 150 kg <u>for laboratory analysis, 2000 kg for experimental treatment-trials</u> or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier.	(b) the amount of waste does not exceed <u>the quantity reasonably needed to perform the analysis or trial in each particular case, but not more than</u> 150 kg or any higher amount agreed on a case-by-case basis by the competent authorities concerned and the notifier <u>of dispatch and destination and the person who arranges the shipment;</u>
Article 4(4), point (ba)				
R	162a			<u>(ba) in case an amount higher than 150 kg is requested by a person who arranges the shipment, the person who arranges the shipment shall provide the information contained in Annex VII to the competent authorities of dispatch and destination together with a motivated explanation that such a</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>higher amount is needed to perform the analysis or trial.</u>	
Article 4(5)				
6	163 5. Paragraph 2 shall apply to shipments of mixed municipal waste collected from private households, from other waste producers or from both, as well as to mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties, where such waste is destined for recovery operations. Shipments of such waste destined for disposal shall be prohibited.	5. Paragraph 2 shall apply to shipments of mixed municipal waste collected from private households, from other waste producers or from both, as well as to mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties, <u>for example refuse- derived fuels,</u> where such waste is destined for recovery operations. Shipments of such waste destined for disposal shall be prohibited.	deleted	5. Paragraph 2 shall apply to shipments of mixed municipal waste collected from private households, from other waste producers or from both, as well as to mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties, where such waste is destined for recovery operations. Shipments of such waste destined for disposal shall be prohibited. <u>deleted</u>
Chapter 1				
6	164 Chapter 1 Prior written notification and consent		Chapter 1 Prior written notification and consent	Chapter 1 Prior written notification and consent Text Origin: Commission Proposal
Article 5				
6	165			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 5 Notification		Article 5 Notification	Article 5 Notification Text Origin: Commission Proposal
Article 5(1), first subparagraph				
6	166 1. Only notifiers that have received a permit or are registered in accordance with Chapter IV of Directive 2008/98/EC may submit a prior written notification ('notification').	1. Only notifiers that have received a permit or are or are registered in accordance with Chapter IV of Directive 2008/98/EC <u>or operators of experimental treatment trials or laboratories</u> may submit a prior written notification ('notification').	deleted	1. Only notifiers that have received a permit or are registered in accordance with Chapter IV of Directive 2008/98/EC may submit a prior written notification ('notification') deleted Text Origin: Council Mandate
Article 5(1), second subparagraph				
6	167 Where those notifiers intend to ship waste referred to in Article 4(1) or (2), they shall submit a notification to all competent authorities concerned.		Where those notifiers intend a <u>notifier intends</u> to ship waste referred to in Article 4(1), (2), or (2a) or (2) , they shall submit a notification to all competent authorities concerned.	Where those notifiers intend a <u>notifier intends</u> to ship waste referred to in Article 4(1), (2), or (2a) or (2) , they shall submit a notification to all competent authorities concerned. Text Origin: Council Mandate
Article 5(1), third subparagraph				
6	167a		<u>A notifier referred to in Article 3, points (6)(a)(ii), (iii) and (iv) may</u>	<u>A notifier referred to in Article 3, points (6)(a)(ii), (iii) and (iv) may</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>only submit a prior written notification ('notification') when they have obtained a permit or are registered in accordance with Chapter IV of Directive 2008/98/EC.</u>	<u>only submit a prior written notification ('notification') when they have obtained a permit or are registered in accordance with Chapter IV of Directive 2008/98/EC.</u> Text Origin: Council Mandate
Article 5(1), fourth subparagraph				
g	168 Where those notifiers submit a general notification for several shipments as referred to in Article 13, they shall also comply with the requirements laid down in that Article.		Where those notifiers submit a <u>notifier submits</u> a general notification for several shipments as referred to in Article 13, they shall also comply with the requirements laid down in that Article.	Where those notifiers submit a <u>notifier submits</u> a general notification for several shipments as referred to in Article 13, they shall also comply with the requirements laid down in that Article. Text Origin: Council Mandate
Article 5(1), fifth subparagraph				
y	169 Where a shipment is destined to a pre-consented facility pursuant to Article 14, the procedural requirements in paragraphs 6, 8 and 9 of that Article shall apply.		Where a shipment is destined to a pre-consented facility pursuant to Article 14, the procedural requirements in paragraphs 6, 8 and 9 <u>12, 14, and 16</u> of that Article shall apply.	
Article 5(1), sixth subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
169a			<u>Where a shipment is destined for an interim recovery operation or an interim disposal operation, Article 15 shall also apply.</u>	<u>Where a shipment is destined for an interim recovery operation or an interim disposal operation, Article 15 shall also apply.</u> Text Origin: Council Mandate
Article 5(2), first subparagraph				
170	2. The notification shall include the following documents:		2. The notification shall include the following documents:	2. The notification shall include the following documents: Text Origin: Commission Proposal
Article 5(2), first subparagraph, point (a)				
171	(a) the notification document set out in Annex IA ('the notification document');		(a) the notification document set out in Annex IA ('the notification document');	(a) the notification document set out in Annex IA ('the notification document'); Text Origin: Commission Proposal
Article 5(2), first subparagraph, point (b)				
172	(b) the movement document set out in Annex IB ('the movement document').		(b) the movement document set out in Annex IB ('the movement document').	(b) the movement document set out in Annex IB ('the movement document'). Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 5(2), second subparagraph			
y	173 The notifier shall provide the information in the notification document and, when available, the information in the movement document.		The notifier shall provide the information in the notification document and, when available <u>where relevant</u> , the information in the movement document.	
	Article 5(2), third subparagraph			
g	174 When the notifier is not the original waste producer referred to in Article 3, point (6)(a)(i), the notifier shall ensure that the original waste producer or one of the persons indicated in Article 3, points (6)(a)(ii) or (iii), also signs the notification document.	When the notifier is not the original waste producer referred to in Article 3, point (6)(a)(i), the notifier shall ensure that the original waste producer or one of the persons indicated in Article 3, points (6)(a)(ii), (iii) or (iv-or (iii)) , also signs the notification document. <u>A dealer or a broker shall ensure they have a written authorisation from one of the persons referred to in Article 3, points (6)(a)(i), (ii) or (iii), to act on their behalf, and that written authorisation shall be included in the notification.</u>	When the notifier is not the original waste producer referred to in Article 3, point (6)(a)(i), the notifier shall ensure that the original waste producer or one of the persons indicated in Article 3, points (6)(a)(ii) or (iii) , <u>(iii) or (v)</u> , <u>where practicable</u> , also signs the notification document.	When the notifier is not the original waste producer referred to in Article 3, point (6)(a)(i), the notifier shall ensure that the original waste producer or one of the persons indicated in Article 3, points (6)(a)(ii) or (iii) , <u>(iii) or (v)</u> , <u>where practicable</u> , also signs the notification document. <u>A dealer or a broker shall ensure they have a written authorisation from one of the persons referred to in Article 3, points (6)(a)(i), (ii) or (iii), to act on their behalf, and that written authorisation shall be included in the notification.</u> Text Origin: Council Mandate
	Article 5(3)			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Y	175		3. The notification document or annex thereto, shall contain the information and documentation as listed in Part 1 of Annex II. The movement document or an annex thereto, shall contain the information and documentation referred to in Part 2 of Annex II, when available <u>to the extent possible at the time of notification.</u>	
Article 5(3a)				
Y	175a		<u>3a. The Commission shall, by [OP: Please insert the date of eighteen months following the date of entry into force of this Regulation], adopt an implementing act setting out detailed operational instructions on how to complete the notification and movement documents in Annex IA and IB and adapt it to the implementation of Article 26. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).</u>	
Article 5(3b)				
Y	175b			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>3b. Where requested by any of the competent authorities concerned, the notifier shall provide information and documentation in accordance with paragraph 3 and additional information and documentation as set out in Part 3 of Annex II to all competent authorities concerned. The competent authority which made the request shall inform the other competent authorities concerned of that request.</u></p>	<p><u>3b. Where requested by any of the competent authorities concerned, the notifier shall provide information and documentation in accordance with paragraph 3 and additional information and documentation as set out in Part 3 of Annex II to all competent authorities concerned. The competent authority which made the request shall inform the other competent authorities concerned of that request.</u></p> <p>Text Origin: Council Mandate</p>
Article 5(4)				
y	176	4. A notification shall be considered properly carried out when the competent authority of dispatch is satisfied that the notification document and movement document have been completed in accordance with paragraph 3.	4. A notification shall be considered properly carried out when the competent authority of dispatch is satisfied that the notification document and movement document have been completed in accordance with paragraph 3 <u>paragraphs 3 and 3a.</u>	
Article 5(5), first subparagraph				
g	177	5. Where requested by any of the		5. Where requested by any of the

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	competent authorities concerned, the notifier shall supply additional information and documentation. A list of additional information and documentation that may be requested is set out in Part 3 of Annex II.		<i>deleted</i>	<i>competent authorities concerned, the notifier shall supply additional information and documentation. A list of additional information and documentation that may be requested is set out in Part 3 of Annex II.</i> deleted
Article 5(5), second subparagraph				
y	178 A notification shall be considered properly completed when the competent authority of destination is satisfied that the notification document and the movement document that have been properly carried out in accordance with paragraph 3, have been completed with any additional information and documentation as listed in Part 3 of Annex II.		A notification shall be considered properly completed when <u>all</u> the competent authority of destination <u>is authorities concerned are</u> satisfied that the notification document and the movement document that have been properly carried out <u>completed</u> in accordance with paragraph 3, have been completed with any additional <u>paragraphs 3 and 3b or when all</u> information and documentation as listed in Part 3 of Annex II <u>that has been requested by them in accordance with paragraph 3b has been received</u> .	
Article 5(6)				
g	179 6. Evidence of the contract concluded in accordance with		6. Evidence <u>A copy</u> of the contract concluded in accordance with	6. Evidence <u>A copy</u> of the contract concluded in accordance with

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 6 or a declaration certifying its existence in accordance with Annex IA shall be provided to the competent authorities concerned at the time of notification.		Article 6 ⁶ and a declaration certifying its existence in accordance with Annex IA shall be provided to the competent authorities concerned at the time of notification.	Article 6 or ^{and} a declaration certifying its existence in accordance with Annex IA shall be provided to the competent authorities concerned at the time of notification. Text Origin: Council Mandate
Article 5(7), first subparagraph				
180	7. A declaration that a financial guarantee or equivalent insurance has been established in accordance with Article 7 shall be provided by the notifier through completion of the appropriate part of the notification document.		7. A declaration that a financial guarantee or equivalent insurance has been established in accordance with Article 7 shall be provided by the notifier through completion of the appropriate part of the notification document.	7. A declaration that a financial guarantee or equivalent insurance has been established in accordance with Article 7 shall be provided by the notifier through completion of the appropriate part of the notification document. Text Origin: Commission Proposal
Article 5(7), second subparagraph				
181	The financial guarantee or equivalent insurance as referred to in Article 7 or, if the competent authorities concerned so allow, a declaration certifying its existence in accordance with Annex IA shall be provided to the competent authorities concerned as part of the notification document at the time		The financial guarantee or equivalent insurance as referred to in Article 7 or, if the competent authorities concerned so allow, a declaration certifying its existence in accordance with Annex IA shall be provided to the competent authorities concerned as part of the notification document at the time	The financial guarantee or equivalent insurance as referred to in Article 7 or, if the competent authorities concerned so allow, a declaration certifying its existence in accordance with Annex IA shall be provided to the competent authorities concerned as part of the notification document at the time

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	of notification.		of notification.	of notification. <small>Text Origin: Commission Proposal</small>
Article 5(7), third subparagraph				
y	182 By way of derogation from the first subparagraph, the evidence referred to in that subparagraph may, where the concerned competent authorities so allow, be provided after the notification is submitted, but at the latest before the shipment starts.		By way of derogation from the first <u>second</u> subparagraph, the evidence <u>documentation</u> referred to in that subparagraph may, where the concerned competent authorities so allow, be provided after the notification is submitted, but at the latest before the shipment starts. <u>at the time of completion of the movement document according to Article 16(2)</u>	
Article 5(8), first subparagraph				
g	183 8. The notification shall cover the shipment of waste from its initial place of dispatch and including its interim and non-interim recovery or disposal.		8. The notification shall cover the shipment of waste from its initial place of dispatch and including <u>the location from which it starts and shall include</u> its interim and non-interim recovery or disposal.	8. The notification shall cover the shipment of waste from its initial place of dispatch and including <u>the location from which it starts and shall include</u> its interim and non-interim recovery or disposal. <small>Text Origin: Council Mandate</small>
Article 5(8), second subparagraph				
g	184			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Where subsequent interim or non-interim recovery or disposal operations take place in a country other than the first country of destination, the non-interim operation and its destination shall be indicated in the notification and Article 15(6) shall apply.		Where subsequent interim or non-interim recovery or disposal operations take place in a country other than the first country of destination, the non-interim operation and its destination shall be indicated in the notification and Article 15(6) shall apply.	Where subsequent interim or non-interim recovery or disposal operations take place in a country other than the first country of destination, the non-interim operation and its destination shall be indicated in the notification and Article 15(6) shall apply. Text Origin: Commission Proposal
Article 5(8), third subparagraph				
185	Only one waste identification code shall be covered for each notification. Where wastes are not classified under one single entry in Annex III, Annex IIIB or Annex IV, also only one waste identification code shall be covered for each notification.		<u>8a.</u> Only one waste identification code <u>code</u> as mentioned in <u>Annex III, Annex IIIA, Annex IIIB or Annex IV</u> shall be covered for <u>each specified in the notification and movement document.</u> Where <u>When</u> wastes are not classified under one single entry in <u>either Annex III, Annex IIIB or Annex IV,</u> also only one waste identification code <u>from the list of waste referred to in Article 7 of Directive 2008/98/EC</u> shall be <u>specified in the notification and movement document, except for:</u> - <u>waste not classified under one single entry in either Annex III, Annex IIIB or Annex IV which may be specified using</u>	<u>8a.</u> Only one waste identification code <u>code</u> as mentioned in <u>Annex III, Annex IIIA, Annex IIIB or Annex IV</u> shall be covered for <u>each specified in the notification and movement document.</u> Where <u>When</u> wastes are not classified under one single entry in <u>either Annex III, Annex IIIB or Annex IV,</u> also only one waste identification code <u>from the list of waste referred to in Article 7 of Directive 2008/98/EC</u> shall be <u>specified in the notification and movement document, except for:</u> - <u>waste not classified under one single entry in either Annex III, Annex IIIB or Annex IV which may be specified using</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>more than one waste identification code from the list of waste referred to in Article 7 of Directive 2008/98/EC, where all waste covered for each by the notification, has essentially similar physical and chemical characteristics, but is not a mixture of wastes, or</u></p>	<p><u>more than one waste identification code from the list of waste referred to in Article 7 of Directive 2008/98/EC, where all waste covered for each by the notification, has essentially similar physical and chemical characteristics, but is not a mixture of wastes, or</u></p> <p>Text Origin: Council Mandate</p>
Article 5(8), fourth subparagraph				
186	<p>Where mixtures of wastes are not classified under one single entry in Annex III, Annex IIIB or Annex IV but they are listed in Annex IIIA, the code for each fraction of the waste shall be specified in order of importance.</p>		<p>Where - mixtures of wastes are not classified under one single entry in <u>either</u> Annex III, Annex <u>IIIA, Annex IIIB</u> or Annex IV, <u>for which the waste identification code from the list of waste referred to in Article 7 of Directive 2008/98/EC and the waste identification code from either</u> but they are listed in Annex <u>IIIA, the code III, IIIB or IV</u> for each fraction of the waste shall be specified in order of importance in the notification and movement document, or where these are not available for all fractions, the waste identification code from the list of waste referred to in Article 7 of Directive 2008/98/EC for the mixture as well as for each fraction</p>	<p>Where - mixtures of wastes are not classified under one single entry in <u>either</u> Annex III, Annex <u>IIIA, Annex IIIB</u> or Annex IV, <u>for which the waste identification code from the list of waste referred to in Article 7 of Directive 2008/98/EC and the waste identification code from either</u> but they are listed in Annex <u>IIIA, the code III, IIIB or IV</u> for each fraction of the waste shall be specified in order of importance in the notification and movement document, or where these are not available for all fractions, the waste identification code from the list of waste referred to in Article 7 of Directive 2008/98/EC for the mixture as well as for each fraction</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			of the waste shall be specified in order of importance. <u>in the notification and movement document</u> ,	of the waste shall be specified in order of importance <u>in the notification and movement document</u> . Text Origin: Council Mandate
Article 5(8a)				
6	186a		<u>8b. Waste or mixtures of waste specified in accordance with paragraph 8a first subparagraph may be further specified by providing the relevant waste identification codes from the list of waste referred to in Article 7 of Directive 2008/98/EC and other relevant identification codes.</u>	<u>8b. Waste or mixtures of waste specified in accordance with paragraph 8a first subparagraph may be further specified by providing the relevant waste identification codes from the list of waste referred to in Article 7 of Directive 2008/98/EC and other relevant identification codes.</u> Text Origin: Council Mandate
Article 6				
6	187	Article 6 Contract	Article 6 Contract	Article 6 Contract Text Origin: Commission Proposal
Article 6(1)				
6	188	1. All shipments of waste for	1. All shipments of waste for	1. All shipments of waste for

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	which notification is required shall be subject to the requirement of the conclusion of a contract between the notifier and the consignee for the recovery or disposal of the notified waste.		which notification is required shall be subject to the requirement of the conclusion of a contract between the notifier and the consignee for the recovery or disposal of the notified waste. <u><i>If the consignee is not the operator of the facility for the recovery or disposal of the notified waste, the contract shall also be signed by the operator of the facility.</i></u>	which notification is required shall be subject to the requirement of the conclusion of a contract between the notifier and the consignee for the recovery or disposal of the notified waste. <u><i>If the consignee is not the operator of the facility for the recovery or disposal of the notified waste, the contract shall also be signed by the operator of the facility.</i></u> Text Origin: Council Mandate
Article 6(2) first subparagraph				
6	189 2. The contract shall be concluded and effective at the time of notification and for the duration of the shipment until a certificate is issued in accordance with Article 15(5), Article 16(4), or, where appropriate, Article 15(4).		2. The contract shall be concluded and effective at the time of notification and for the duration of the shipment until a certificate is issued in accordance with Article 15(5), Article 16(4), or, where appropriate, Article 15(4).	2. The contract shall be concluded and effective at the time of notification and for the duration of the shipment until a certificate is issued in accordance with Article 15(5), Article 16(4), or, where appropriate, Article 15(4). Text Origin: Commission Proposal
Article 6(2) second paragraph				
6	189a		<u><i>The contract shall be consistent with the corresponding notification document and the movement document and at least</i></u>	<u><i>The contract shall be consistent with the corresponding notification document and the movement document and at least</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>contain information on the notifier, the consignee and the facility together with an identification of persons representing each party, notification number, the designation and composition of the waste, the waste identification, the quantity of waste covered by the contract, the recovery or disposal operation and the period of validity of the contract.</u>	<u>contain information on the notifier, the consignee and the facility together with an identification of persons representing each party, notification number, the designation and composition of the waste, the waste identification, the quantity of waste covered by the contract, the recovery or disposal operation and the period of validity of the contract.</u> Text Origin: Council Mandate
Article 6(3)				
G	190	3. The contract shall include obligations:	3. The contract shall include obligations:	3. The contract shall include obligations: Text Origin: Commission Proposal
Article 6(3), point (a)				
Y	191	(a) on the notifier to take the waste back if the shipment or the recovery or disposal has not been completed as intended or if it has been effected as an illegal shipment, in accordance with Article 22 and Article 24(2);	(a) on the notifier to take the waste back <u>or ensure its recovery or disposal in an alternative way</u> if the shipment or the recovery or disposal has not been completed as intended or if it has been effected as an illegal shipment, in accordance with Article 22 and	(a) on the notifier to take the waste back <u>or, where applicable, ensure its recovery or disposal in an alternative way</u> if the shipment or the recovery or disposal has not been completed as intended or if it has been effected as an illegal shipment, in accordance with

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			Article 24(2);	Article 22 and Article 24(2);
Article 6(3), point (b)				
6	192 (b) on the consignee to recover or dispose of the waste if it has been effected as an illegal shipment, in accordance with Article 24(4);		(b) on the consignee to recover or dispose of the waste if it has been effected as an illegal shipment, in accordance with Article 24(4);	(b) on the consignee to recover or dispose of the waste if it has been effected as an illegal shipment, in accordance with Article 24(4); Text Origin: Commission Proposal
Article 6(3), point (c)				
6	193 (c) on the facility where the waste is recovered or disposed of, to provide, in accordance with Article 16(4), a certificate that the waste has been recovered or disposed of, in accordance with the notification and the conditions specified therein and the requirements of this Regulation.		(c) on the facility where the waste is recovered or disposed of, to provide, in accordance with Article 16(4), a certificate that the waste has been recovered or disposed of, in accordance with the notification and the conditions specified therein and the requirements of this Regulation.	(c) on the facility where the waste is recovered or disposed of, to provide, in accordance with Article 16(4), a certificate that the waste has been recovered or disposed of, in accordance with the notification and the conditions specified therein and the requirements of this Regulation. Text Origin: Commission Proposal
Article 6(4)				
6	194 4. Where the waste shipped is destined for interim recovery or interim disposal operations, the		4. Where the waste shipped is destined for interim recovery or interim disposal operations, the	4. Where the waste shipped is destined for interim recovery or interim disposal operations, the

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	contract shall include the following additional obligations:		contract shall include the following additional obligations:	contract shall include the following additional obligations: Text Origin: Commission Proposal
Article 6(4), point (a)				
y	195 (a) on the consignee to provide, in accordance with Article 15(4) and, where appropriate, Article 15(5), the certificate(s) from the facility or facilities carrying out the non-interim recovery or disposal operation(s), that all waste received in accordance with the notification and the conditions specified therein and the requirements of this Regulation, has been recovered or disposed of, specifying where possible the quantity and type of waste covered by each certificate;		(a) on the consignee <u>facility</u> to provide, in accordance with Article 15(4) and, where appropriate, Article 15(5), the certificate(s) from the facility or facilities carrying out the non-interim recovery or disposal operation(s), that all waste received in accordance with the notification and the conditions specified therein and the requirements of this Regulation, has been recovered or disposed of, specifying where possible the quantity and type of waste covered by each certificate;	(a) on the consignee <u>facility</u> to provide <u>the certificate</u> , in accordance with Article 15(4) and, where appropriate, Article 15(5), the certificate(s) from the facility or facilities carrying out the non-interim recovery or disposal operation(s), that all waste received in accordance with the notification and the conditions specified therein and the requirements of this Regulation, has been recovered or disposed of, specifying where possible the quantity and type of waste covered by each certificate;
Article 6(4), point (b)				
6	196 (b) on the consignee to submit, where applicable, a notification to the initial competent authority of the initial country of dispatch in accordance with Article 15(6), point (b).		(b) on the consignee to submit, where applicable, a notification to the initial competent authority of the initial country of dispatch in accordance with Article 15(6) , point (b) <u>15(7)</u> .	(b) on the consignee to submit, where applicable, a notification to the initial competent authority of the initial country of dispatch in accordance with Article 15(6) , point (b) <u>15(7)</u> .

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
Article 6(5)				
6	197	5. Where the waste is shipped between two establishments under the control of the same legal entity, the contract referred to in paragraph 1 may be replaced by a declaration by that legal entity. That declaration shall cover the obligations referred to in paragraph 3.	5. Where the waste is shipped between two establishments under the control of the same legal entity, the contract referred to in paragraph 1 may be replaced by a declaration by that legal entity. That declaration shall cover the obligations referred to in paragraph 3.	5. Where the waste is shipped between two establishments under the control of the same legal entity, the contract referred to in paragraph 1 may be replaced by a declaration by that legal entity. That declaration shall cover the obligations referred to in paragraph 3. Text Origin: Commission Proposal
Article 7				
6	198	Article 7 Financial guarantee or equivalent insurance	Article 7 Financial guarantee or equivalent insurance	Article 7 Financial guarantee or equivalent insurance Text Origin: Commission Proposal
Article 7(1)				
6	199	1. All shipments of waste for which notification is required shall be subject to the requirement of a	1. All shipments of waste for which notification is required shall be subject to the requirement of a	1. All shipments of waste for which notification is required shall be subject to the requirement of a

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	financial guarantee or equivalent insurance, covering all the following costs:		financial guarantee or equivalent insurance, covering all the following costs:	financial guarantee or equivalent insurance, covering all the following costs: <small>Text Origin: Commission Proposal</small>
Article 7(1), point (a)				
6	200 (a) costs of transport;		(a) costs of transport;	(a) costs of transport; <small>Text Origin: Commission Proposal</small>
Article 7(1), point (b)				
6	201 (b) costs of recovery or disposal, including any necessary interim operation;		(b) costs of recovery or disposal, including any necessary interim operation;	(b) costs of recovery or disposal, including any necessary interim operation; <small>Text Origin: Commission Proposal</small>
Article 7(1), point (c)				
6	202 (c) costs of storage for 90 days.		(c) costs of storage for 90 days.	(c) costs of storage for 90 days. <small>Text Origin: Commission Proposal</small>
Article 7(2)				
6	203			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	2. The financial guarantee or equivalent insurance shall cover costs arising in the context of all the following cases:		2. The financial guarantee or equivalent insurance shall cover costs arising in the context of all the following cases:	2. The financial guarantee or equivalent insurance shall cover costs arising in the context of all the following cases: Text Origin: Commission Proposal
Article 7(2), point (a)				
6	204 (a) cases where a shipment or the recovery or disposal cannot be completed as intended, as referred to in Article 22;		(a) cases where a shipment or the recovery or disposal cannot be completed as intended, as referred to in Article 22;	(a) cases where a shipment or the recovery or disposal cannot be completed as intended, as referred to in Article 22; Text Origin: Commission Proposal
Article 7(2), point (b)				
6	205 (b) cases where a shipment or the recovery or disposal is illegal, as referred to in Article 24.		(b) cases where a shipment or the recovery or disposal is illegal, as referred to in Article 24.	(b) cases where a shipment or the recovery or disposal is illegal, as referred to in Article 24. Text Origin: Commission Proposal
Article 7(3)				
Y	206 3. The financial guarantee or equivalent insurance shall be established by the notifier or by		3. The financial guarantee or equivalent insurance shall be established by the notifier or by	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	another natural or legal person on its behalf and shall be effective at the time of the notification or, if the competent authority which approves the financial guarantee or equivalent insurance so allows, at the latest when the shipment starts. The financial guarantee or equivalent insurance shall apply to the notified shipment at the latest when the shipment starts.		another natural or legal person on its behalf and shall be effective at the time of the notification or, if the competent authority which approves the financial guarantee or equivalent insurance so allows, at the latest when the shipment starts <u>at the time of completion of the movement document according to Article 16(2)</u> . The financial guarantee or equivalent insurance shall apply to the notified shipment at the latest when the shipment starts.	
Article 7(4), first subparagraph				
g	207 4. The competent authority of dispatch shall approve the financial guarantee or equivalent insurance, including the form, wording and amount of the cover.		4. The competent authority of dispatch shall approve the financial guarantee or equivalent insurance, including the form, wording and amount of the cover.	4. The competent authority of dispatch shall approve the financial guarantee or equivalent insurance, including the form, wording and amount of the cover. Text Origin: Commission Proposal
Article 7(4), second subparagraph				
y	208 In cases of import into the Union, the competent authority of destination in the Union shall also review the amount of the cover		<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	and, if necessary, approve an additional financial guarantee or equivalent insurance.			
Article 7(5), first subparagraph				
6	209 5. The financial guarantee or equivalent insurance shall be valid for and cover a notified shipment and completion of recovery or disposal of the notified waste.		5. The financial guarantee or equivalent insurance shall be valid for and cover a notified shipment and completion of recovery or disposal of the notified waste.	5. The financial guarantee or equivalent insurance shall be valid for and cover a notified shipment and completion of recovery or disposal of the notified waste. Text Origin: Commission Proposal
Article 7(5), second subparagraph				
6	210 The financial guarantee or equivalent insurance shall be released when the competent authority concerned has received the certificate referred to in Article 16(4) or, where appropriate, the certificate referred to in Article 15(5) as regards interim recovery operations or disposal operations.		The financial guarantee or equivalent insurance shall be released when the competent authority concerned has that has <u>approved it has</u> received the certificate referred to in Article 16(4) or, where appropriate, the certificate referred to in Article 15(5) as regards interim recovery operations or <u>interim</u> disposal operations.	The financial guarantee or equivalent insurance shall be released when the competent authority concerned has that has <u>approved it has</u> received the certificate referred to in Article 16(4) or, where appropriate, the certificate referred to in Article 15(5) as regards interim recovery operations or <u>interim</u> disposal operations. Text Origin: Council Mandate
Article 7(6)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
211	<p>6. By way of derogation from paragraph 5, where the waste shipped is destined for interim recovery operations or disposal operations and a further recovery operation or disposal operation takes place in the country of destination, the financial guarantee or equivalent insurance may be released when the waste leaves the interim facility and the competent authority concerned has received the certificate referred to in Article 16(4). In that case, any further shipment to a recovery or disposal facility shall be covered by a new financial guarantee or equivalent insurance unless the competent authority of destination is satisfied that such a financial guarantee or equivalent insurance is not required. In those circumstances, the competent authority of destination shall be responsible for obligations arising in the case of take-back where the shipment or the further recovery or disposal operation cannot be completed as intended, as referred to in Article 22, or in the case of an illegal shipment, as referred to in Article 24.</p>	<p>6. By way of derogation from paragraph 5, where the waste shipped is destined for interim recovery operations or disposal operations and a further recovery operation or disposal operation takes place in the country of destination, the financial guarantee or equivalent insurance may be released when the waste leaves the interim facility and the competent authority concerned has received the certificate referred to in Article 16(4). In that case, any further shipment to a recovery or disposal facility shall be covered by a new financial guarantee or equivalent insurance unless the <u>shipment is between two facilities controlled by the same legal entity or the</u> competent authority of destination is satisfied that such a financial guarantee or equivalent insurance is not required. In those circumstances, the competent authority of destination shall be responsible for obligations arising in the case of take-back where the shipment or the further recovery or disposal operation cannot be completed as intended, as referred to in Article 22, or in the case of an</p>	<p>6. By way of derogation from paragraph 5, where the waste shipped is destined for interim recovery operations or <u>interim</u> disposal operations and a further recovery operation or disposal operation takes place in the country of destination, the financial guarantee or equivalent insurance may be released when the waste leaves the interim facility and <u>competent authorities of dispatch and destination may agree that the financial guarantee or equivalent insurance shall be released when</u> the competent authority concerned has received the certificate referred to in Article 16(4)<u>15(4)</u>. In that case, <u>the competent authorities which decide to release the financial guarantee or equivalent insurance shall immediately inform the other competent authorities concerned of their decision and</u> any further shipment to a recovery or disposal facility shall be covered by a new financial guarantee or equivalent insurance unless the competent authority of destination is satisfied that such a financial guarantee or equivalent insurance is not required. In those</p>	<p>6. By way of derogation from paragraph 5, where the waste shipped is destined for interim recovery operations or <u>interim</u> disposal operations and a further recovery operation or disposal operation takes place in the country of destination, the financial guarantee or equivalent insurance may be released when the waste leaves the interim facility and <u>competent authorities of dispatch and destination may agree that the financial guarantee or equivalent insurance shall be released when</u> the competent authority concerned has received the certificate referred to in Article 16(4)<u>15(4)</u>. In that case, <u>the competent authorities which decide to release the financial guarantee or equivalent insurance shall immediately inform the other competent authorities concerned of their decision and</u> any further shipment to a recovery or disposal facility shall be covered by a new financial guarantee or equivalent insurance unless the competent authority of destination is satisfied that such a financial guarantee or equivalent insurance is not required. In those</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		illegal shipment, as referred to in Article 24.	circumstances, the competent authority of destination shall be responsible for obligations arising in the case of take-back where the shipment or the further recovery or disposal operation cannot be completed as intended, as referred to in Article 22, or in the case of an illegal shipment, as referred to in Article 24.	circumstances, the competent authority of destination shall be responsible for obligations arising in the case of take-back where the shipment or the further recovery or disposal operation cannot be completed as intended, as referred to in Article 22, or in the case of an illegal shipment, as referred to in Article 24. <small>Text Origin: Council Mandate</small>
Article 7(7)				
6	212	7. The competent authority within the Union which has approved the financial guarantee or equivalent insurance shall have access to that guarantee or insurance and shall make use of the funding, including for the purpose of payments to other authorities concerned, in order to meet the obligations arising in accordance with Articles 23 and 25.	7. The competent authority within the Union which has approved the financial guarantee or equivalent insurance shall have access to that guarantee or insurance and shall make use of the funding, including for the purpose of payments to other authorities concerned, in order to meet the obligations arising in accordance with Articles 23 and 25.	7. The competent authority within the Union which has approved the financial guarantee or equivalent insurance shall have access to that guarantee or insurance and shall make use of the funding, including for the purpose of payments to other authorities concerned, in order to meet the obligations arising in accordance with Articles 23 and 25. <small>Text Origin: Commission Proposal</small>
Article 7(8)				
γ	213			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	8. In the case of a general notification pursuant to Article 13, a financial guarantee or equivalent insurance covering parts of the general notification may be established, instead of one covering the entire general notification. In such cases, the financial guarantee or equivalent insurance shall apply to the notified shipment which it covers at the latest at the start of that shipment.		8. In the case of a general notification pursuant to Article 13, a financial guarantee or equivalent insurance covering parts of the general notification may be established, instead of one covering the entire general notification. In such cases, the financial guarantee or equivalent insurance shall apply to the notified shipment which it covers at the latest at the start of that shipment <u>time of completion of the movement document according to Article 16(2)</u> .	
Article 7(9)				
214	9. The financial guarantee or equivalent insurance referred to in the paragraph1 shall be released when the competent authority concerned has received the certificate referred to in Article 16(4) or, where appropriate, in Article 15(5) as regards interim recovery or disposal operations for the relevant waste. Paragraph 6 shall apply mutatis mutandis.		9. The financial guarantee or equivalent insurance referred to in the paragraph1 <u>paragraph 8</u> shall be released when the competent authority concerned that has <u>approved it</u> has received the certificate referred to in Article 16(4) or, where appropriate, in Article 15(5) as regards interim recovery or <u>interim</u> disposal operations for the relevant waste. Paragraph 6 shall apply <u>mutatis mutandis</u> mutatis mutandis .	9. The financial guarantee or equivalent insurance referred to in the paragraph1 <u>paragraph 8</u> shall be released when the competent authority concerned that has <u>approved it</u> has received the certificate referred to in Article 16(4) or, where appropriate, in Article 15(5) as regards interim recovery or <u>interim</u> disposal operations for the relevant waste. Paragraph 6 shall apply <u>mutatis mutandis</u> mutatis mutandis . Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 7(10), first subparagraph				
215	10. The Commission shall, at the latest by [OP: Please insert date of two years after the date of entry into force of this Regulation], assess the feasibility of establishing a harmonised calculation method for determining the amount of financial guarantees or equivalent insurances and, if appropriate, adopt an implementing act to establish such a harmonised calculation method. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).	10. The Commission shall, at the latest by [OP: Please insert date of two years after the date of entry into force of this Regulation], assess the feasibility of establishing a <u>simple, risk-based and</u> harmonised calculation method for determining the amount of financial guarantees or equivalent insurances and, if appropriate, <u>by ... [insert the date three years after the date of entry into force of this Regulation]</u> adopt an implementing act to establish such a <u>simple, risk-based and</u> harmonised calculation method. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).	10. The Commission shall, at the latest by <u>[OP: Please insert date of two years after the date of entry into force of this Regulation]</u> [OP: Please insert date of two years after the date of entry into force of this Regulation] , assess the feasibility of establishing a harmonised calculation method for determining the amount of financial guarantees or equivalent insurances and, if appropriate, adopt an implementing act to establish such a harmonised calculation method. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).	
Article 7(10), second subparagraph				
216	In carrying out the assessment referred to in the first subparagraph the Commission shall take into account, inter alia, the relevant rules of the Member States relating to the calculation of the financial guarantee or equivalent insurance		In carrying out the assessment referred to in the first subparagraph the Commission shall take into account, inter alia, the relevant rules of the Member States relating to the calculation of the financial guarantee or equivalent insurance	In carrying out the assessment referred to in the first subparagraph the Commission shall take into account, inter alia, the relevant rules of the Member States relating to the calculation of the financial guarantee or equivalent insurance

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	as referred to in this Article.		as referred to in this Article.	as referred to in this Article. <small>Text Origin: Commission Proposal</small>
Article 8				
g	217 Article 8 Requests for information and documentation by the competent authorities concerned		Article 8 Requests for information and documentation by the competent authorities concerned	Article 8 Requests for information and documentation by the competent authorities concerned <small>Text Origin: Commission Proposal</small>
Article 8(1), first subparagraph				
y	218 1. If the notification is not properly carried out as referred to in Article 5(4), the competent authority of dispatch shall request information and documentation from the notifier in accordance with Article 5(3).		1. If the notification is not properly carried out as referred to in Article 5(4), the competent authority of dispatch shall request information and documentation from the notifier in accordance with Article 5(3) <u>and where applicable with Article 5(3b).</u>	
Article 8(1), second subparagraph				
y	219 The request for information and documentation referred to in the first subparagraph shall be sent to the notifier within three working		<u>1a</u> The request for information and documentation referred to in the first subparagraph <u>paragraph 1</u> shall be sent <u>submitted</u> to the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	days after submission of the notification.		notifier within three <u>as soon as possible, but no later than ten</u> working days after submission of the notification.	
Article 8(2)				
y	220		2. The notifier shall provide the information and documentation referred to in paragraph 1 within seven <u>as soon as possible, and no later than ten working</u> days after the request by the competent authority of dispatch. <u>If requested by the notifier, the competent authority of dispatch may extend this period by a reasonable time, if the notifier provides motivated reasons that this is necessary to be able to provide the requested information and documentation.</u>	
Article 8(3), first subparagraph				
y	221		3. Where the competent authority of dispatch considers that the notification is still not properly carried out as referred to in Article 5(3) after the requested information and documentation have been added to the notification, or where no information has been provided	Text Origin: Council Mandate
			3. Where the competent authority of dispatch considers that the notification is still not properly carried out as referred to in Article 5(3) after the requested <u>5(4), or additional</u> information and documentation have been added to the notification, or where no	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	by the notifier pursuant to paragraph 2, it shall decide that the notification is not valid and shall not be further processed.		information has been provided by the notifier pursuant to as referred to in Article 5(3b) is still required, it may as soon as possible, and no later than seven working days after the end of the period as mentioned in paragraph 2, it shall decide that the notification is not valid and repeat its request for information and documentation from the notifier . For such a request, paragraph 2 shall not be further processed <u>apply mutatis mutandis.</u>	
Article 8(3a)				
y	222 The competent authority of dispatch shall inform the notifier and the other competent authorities concerned of the decision referred to in the first subparagraph, within seven days after the requested information and documentation have been added to the notification or where no information has been provided by the notifier pursuant to paragraph 2.		<u>3a.</u> The competent authority of dispatch shall inform the notifier and the other competent authorities concerned of the decision referred to in the first subparagraph <u>may decide that the notification is not valid and shall not be further processed, if the information and documentation provided is not sufficient or where no information has been provided by the notifier,</u> within seven days after the requested information and documentation have been added to the notification or where no information has been provided by	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p>the notifier pursuant to the deadline set out in paragraph 2, or where applicable, paragraph 3. <u>The competent authority of dispatch shall inform the notifier and the other competent authorities concerned of that decision as soon as possible, but no later than seven working days after the end of the period as mentioned in paragraph 2, or, where applicable, paragraph 3.</u></p>	
Article 8(4), first subparagraph				
223	<p>4. Where the notification has been properly carried out, as referred to in Article 5(3), the competent authority of dispatch shall immediately inform the notifier and other competent authorities concerned thereof.</p>		<p>4. Where the <u>competent authority of dispatch considers that the notification has been properly carried out, as referred to in Article 5(3), the competent authority of dispatch shall immediately 5(4), it shall, as soon as possible, but no later than ten working days after submission of the properly carried out notification, or within seven working days after the end of the period as mentioned in paragraph 2, or, where applicable, paragraph 3, respectively</u> inform the notifier and other competent authorities concerned thereof.</p>	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 8(4), second subparagraph				
y	224	Where any of the competent authorities concerned considers that additional information and documentation is required to complete the notification as referred to in Article 5(4), it shall, within three working days after receipt of the information as referred to in the first subparagraph, request such information and documentation from the notifier and inform the other competent authorities of that request.		<u>4a.</u> Where <u>the competent authority of destination or any</u> any of the competent authorities concerned considers that additional <u>authority of transit</u> <u>consider that</u> information and documentation is required to complete the notification in <u>accordance with Article 5(3) or additional information and documentation</u> as referred to in Article 5(4) <u>5(3b) is required</u> , it shall, within three <u>as soon as possible, but no later than ten</u> working days after receipt of the information as referred to in the first subparagraph <u>paragraph 4</u> , request such information and documentation from the notifier and inform the other competent authorities of that request.
Article 8(5), first subparagraph				
y	225	5. The notifier shall provide the information and documentation referred to in paragraph 4 within seven days after the request by the competent authority concerned.		5. The notifier shall provide the information and documentation referred to in paragraph 4 <u>4a, as soon as possible, but no later than ten working</u> days after the request by the competent

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			authority concerned.	
Article 8(5), second subparagraph				
y	226	Where any of the competent authorities considers that the notification is still not completed, or the notifier does not provide the requested information, within the deadline set out in the first subparagraph, the competent authority concerned shall, within three working days after the expiry of the deadline set out in the first subparagraph, decide that the notification is not valid and shall not be further processed.	Where any of the competent authorities considers that the notification is still not completed, or the notifier does not provide the If requested information, within the deadline set out in the first subparagraph by the notifier, the competent authority concerned shall, within three working days after the expiry of the deadline set out in the first subparagraph, decide that the notification is not valid and shall not be further processed <u>may extend this period by a reasonable time, if the notifier provides motivated reasons that this is necessary to be able to provide the requested information and documentation.</u>	
Article 8(5a)				
y	226a		<u>5a. Where the competent authority of destination or any competent authority of transit consider that information and documentation in accordance with Article 5(3) or additional</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>information and documentation as referred to in Article 5(3b) is still required, the competent authority concerned may as soon as possible, but no later than seven working days after the end of the period as mentioned in paragraph 5, repeat its request for information and documentation from the notifier according to paragraph 4a. For such a request, paragraph 5 shall apply mutatis mutandis.</u>	
Article 8(5b) first subparagraph				
y	227		<u>5b. The competent authority of destination or any competent authority of transit may decide that the notification is not valid and shall not be further processed if the information and documentation provided is not sufficient or where no information has been provided by the notifier, within the deadline set out in paragraph 5, or, where applicable, paragraph 5a.</u>	y
Article 8(5b), second subparagraph				
y	227a	If no decision as referred to in the		y

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	second subparagraph has been taken within the deadline set, the notification shall be considered completed.		<i>deleted</i>	
Article 8(5b), third subparagraph				
y	227b		The <u>competent authority of destination or any concerned competent authority shall immediately of transit shall</u> inform the notifier and the other <u>competent authorities</u> concerned <u>competent authorities of that decision, as soon as possible, but no later than seven working days after the end</u> of the decision referred to in the second subparagraph <u>period as mentioned in paragraph 5, or, where applicable, paragraph 5a.</u>	
Article 8(5c)				
y	228		<u>5c. The competent authority of destination or any competent authority of transit shall inform the notifier and the other competent authorities concerned that it is satisfied with the properly carried out notification as soon as possible, and no later than three</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>working days after receipt of the information as referred to in paragraph 4 or that it is satisfied with the information and documentation as soon as possible, and no later than three working days after the requested information and documentation have been provided by the notifier pursuant to paragraph 5 and, where relevant, paragraph 5a.</u>	
Article 8(5d)				
y	228a		<u>5d. Where the notification has been properly completed, as referred to in Article 5(5), taking into account the information as referred to in paragraph 5c, the competent authority of destination shall immediately inform the notifier and the competent authority of dispatch and any competent authority of transit concerned.</u>	
Article 8(6), first subparagraph				
y	229	6. Where, within 30 days after the submission of the notification, the competent authority of dispatch has not acted in accordance with	6. Where, within 30 <u>working days starting from the day after</u> days <u>after</u> the submission of the notification <u>or the information and</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	paragraph 3 or paragraph 4, first subparagraph, it shall provide the notifier with a motivated explanation upon request.		<u>documentation has been provided in accordance with paragraphs 2 or 3</u> , the competent authority of dispatch has not acted in accordance with paragraph 3 or paragraph 4, first subparagraph, <u>paragraphs 1, 3a or 4</u> , it shall provide the notifier with a motivated explanation upon request.	
Article 8(6), second subparagraph				
y	230 Where, within 30 days after the submission of the notification, a competent authority has not acted under paragraph 4, second subparagraph, or paragraph 5, and has not consented to a shipment pursuant to Article 11(2) or has objected to a shipment pursuant to Article 12 for reasons relating to the notification not being complete as referred to in Article 5(4), it shall provide the notifier with a motivated explanation upon request.		Where, within 30 <u>working</u> days after the submission <u>end</u> of the notification, a competent authority has not acted under <u>period as mentioned in</u> paragraph 4, second subparagraph, or paragraph 5, <u>and has not consented to a shipment pursuant to Article 11(2) or has objected to a shipment pursuant to Article 12 for reasons relating to the notification not being complete as referred to in Article 5(4)</u> <u>4a, or after information and documentation has been provided in accordance with paragraphs 5 or 5a, the competent authority of destination or any competent authority of transit has not acted in accordance with paragraph 4a or</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>paragraphs 5a, 5b, 5c or 5d</u> , it shall provide the notifier with a motivated explanation upon request.	
Article 9				
g	231	Article 9 Consents by the competent authorities and time periods for transport, recovery or disposal	Article 9 <u>Consents by the competent authorities and time periods for shipment, recovery or disposal</u> Consents by the competent authorities and time periods for transport, recovery or disposal	Article 9 <u>Consents by the competent authorities and time periods for shipment, recovery or disposal</u> Consents by the competent authorities and time periods for transport, recovery or disposal Text Origin: Council Mandate
Article 9(1), first subparagraph				
y	232	1. The competent authorities of destination, dispatch and transit shall take, within 30 days after the submission of the notification, one of the following duly motivated decisions as regards the notified shipment:	1. 1. The competent authorities of destination, dispatch and transit shall take, within 30 days after the submission of <u>date on which the notifier has been informed in accordance with Article 8(5d) that the notification has been properly completed</u> , one of the following duly motivated decisions as regards the notified shipment:	
Article 9(1), first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	233	(a) consent without conditions;		(a) consent without conditions; Text Origin: Commission Proposal
Article 9(1), first subparagraph, point (b)				
6	234	(b) consent with conditions in accordance with Article 10;		(b) consent with conditions in accordance with Article 10; Text Origin: Commission Proposal
Article 9(1), first subparagraph, point (c)				
6	235	(c) objections in accordance with Article 12.	(c) objections in accordance with Article 12.	(c) objections in accordance with Article 12; Text Origin: Commission Proposal
Article 9(1), first subparagraph, point (d)				
6	235a		<u>(d) not to consent, where the conditions in accordance with Article 11 are not fulfilled.</u>	<u>(d) not to consent, where the conditions in accordance with Article 11 are not fulfilled.</u> Text Origin: Council Mandate
Article 9(1), second subparagraph				
6	235b			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>By way of derogation, a competent authority concerned may decide in accordance with points (c) or (d) of the first subparagraph before the date on which the notifier has been informed in accordance with Article 8(5d), once the notification has been properly carried out, as referred to in Article 5(4).</u>	<u>By way of derogation, a competent authority concerned may take a decision in accordance with points (c) or (d) of the first subparagraph before the date on which the notifier has been informed in accordance with Article 8(5d), once the notification has been properly carried out, as referred to in Article 5(4).</u> Text Origin: Council Mandate
Article 9(1), third subparagraph				
6	235c		<u>By way of derogation, the competent authority of dispatch may decide in accordance with points (c) or (d) of the first subparagraph after having received the notification and before having considered it properly carried out, if it is evident that the conditions in Article 11 are not fulfilled or that there are grounds for objection in accordance with Article 12.</u>	<u>By way of derogation, the competent authority of dispatch may take a decision in accordance with points (c) or (d) of the first subparagraph after having received the notification and before having considered it properly carried out, if it is evident that the conditions in Article 11 are not fulfilled or that there are grounds for objection in accordance with Article 12.</u> Text Origin: Council Mandate
Article 9(1), fourth subparagraph				
6	236			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>Tacit consent by the competent authorities of dispatch and transit may be assumed if no objection is lodged within the 30-day time limit referred to in the first subparagraph. That tacit consent shall be valid for the period referred to in the written consent given by the competent authority of destination.</p>		<p>Tacit consent by the competent authorities of dispatch and transit may be assumed if no objection is lodged within the 30-day time limit referred to in the first subparagraph. That tacit consent shall be valid for the period referred to in the written consent given by the competent authority of destination.</p> <p><small>Text Origin: Council Mandate</small></p>	<p>Tacit consent by the competent authorities of dispatch and transit may be assumed if no objection is lodged within the 30-day time limit referred to in the first subparagraph. That tacit consent shall be valid for the period referred to in the written consent given by the competent authority of destination.</p>
Article 9(2), first subparagraph				
237	<p>2. The competent authorities of destination, and, where appropriate, dispatch and transit, shall transmit their decision and the reasons thereof to the notifier within the 30-day time limit referred to in paragraph 1. That decision shall be available to all competent authorities concerned.</p>		<p><u>2-1a</u>. The competent authorities of <u>dispatch</u>, destination, and, where appropriate, dispatch and transit <u>appropriate transit</u>, shall transmit <u>submit</u> their decision and the reasons thereof <u>therefore</u> to the notifier within the 30-day time limit referred to in <u>the first subparagraph of</u> paragraph 1, <u>and inform the other competent authorities concerned of</u> that decision. The competent authority shall be available to immediately inform the notifier and the other competent authorities concerned <u>of decisions taken in accordance with the second and third subparagraphs</u></p>	<p>2. The competent authorities of <u>dispatch</u>, destination, and, where appropriate, dispatch and transit, shall transmit <u>submit</u> their decision and the reasons thereof <u>therefore</u> to the notifier within the 30-day time limit referred to in <u>the first subparagraph of</u> paragraph 1, <u>and inform the other competent authorities concerned of</u> that decision. The competent authority shall be available to immediately inform the notifier and the other competent authorities concerned <u>of decisions taken in accordance with the second and third subparagraphs of paragraph 1.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>of paragraph 1.</u>	Text Origin: Council Mandate
Article 9(2) second subparagraph				
G	237a		<u>Tacit consents referred to in the fourth subparagraph of paragraph 1 shall be valid for the period as indicated in the written consent in accordance with the first subparagraph given by the competent authority of destination.</u>	<u>Tacit consents referred to in the fourth subparagraph of paragraph 1 shall be valid for the period as indicated in the written consent in accordance with the first subparagraph given by the competent authority of destination.</u> Text Origin: Council Mandate
Article 9(2), third subparagraph				
Y	238	Where, within 30 days after submission of the notification, <u>the competent authority of destination is not able to take a decision under paragraph 1 within 30 days after submission of the notification</u> the competent authority of destination has not taken a decision under paragraph 1, it shall <u>inform the notifier within those 30 days and</u> provide the notifier with a motivated explanation upon request <u>unsolicited. A final</u>	Where, within 30 days after submission of the notification <u>the date on which the notifier,</u> the competent authority of destination <u>dispatch or a competent authority of transit concerned has been informed in accordance with Article 8(5d), any of the competent authorities concerned</u> has not taken a decision under <u>in accordance with the first subparagraph of</u> paragraph 1; it shall provide the notifier with a motivated explanation upon	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>decision by the competent authority shall be taken within 60 days of submission of the notification.</i></u>	request.	
Article 9(3)				
y	239 3. A written consent to a planned shipment shall expire on the later date as indicated in the notification document. It shall not cover a period of more than one calendar year or any shorter period as indicated in their decision by the competent authorities concerned.	3. A written consent to a planned shipment shall expire on the later date as indicated in the notification document. It shall not cover a period of more than one <u>two</u> calendar year or <u>years or</u> , any shorter period as indicated in their decision by the competent authorities concerned.	3. A written consent to a planned shipment shall expire on the <u>earliest date at the end of validity periods</u> later date as indicated in the notification document <u>by the competent authorities concerned</u> . It shall not cover a period of more than one calendar year, or any shorter period as indicated in their decision by the competent authorities concerned.	3. A written consent to a planned shipment shall expire on the <u>earliest date at the end of validity periods</u> later date as indicated in the notification document <u>by the competent authorities concerned</u> . It shall not cover a period of more than <u>[one]</u> one calendar year or any shorter period as indicated in their decision by the competent authorities concerned. Text Origin: Council Mandate
Article 9(4)				
y	240 4. The planned shipment may take place only after fulfilment of the requirements set out in Article 16(1), points (a) and (b), and during the period of validity of the tacit or written consent of all competent authorities concerned. A shipment shall have left the	4. The planned shipment may take place only after fulfilment of the requirements set out in Article 16(1), points (a) and (b) , and during the period of validity of the tacit or written consent of all competent authorities concerned. A shipment shall have left the	4. The planned shipment may take place only after fulfilment of the requirements set out in Article 16(1), points (a) and (b) <u>and (2)</u> , and during the period of validity of the tacit or written consent of all competent authorities concerned. A shipment <u>in accordance with</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	country of dispatch by the end of the period of validity of the tacit or written consents of all competent authorities concerned.	country of dispatch by the end of the period of validity of the tacit or written consents of all competent authorities concerned.	<u>paragraph 3 of this Article. The waste</u> shall have left the country of dispatch by <u>been received by the facility for recovery or disposal before</u> the end of the period of validity of the tacit or written consents <u>consent</u> of all competent authorities concerned.	
Article 9(5)				
6	241	5. The recovery or disposal of waste in relation to a planned shipment shall be completed no later than one calendar year after the receipt of the waste by the facility that recovers or disposes of the shipped waste, unless a shorter period is indicated by the competent authorities concerned in their decision.	5. The recovery or disposal of waste in relation to a planned shipment shall be completed no later than one calendar year after the receipt of the waste by the facility that recovers or disposes of the shipped waste, unless a shorter period is indicated by the competent authorities concerned in their decision.	5. The recovery or disposal of waste in relation to a planned shipment shall be completed no later than one calendar year after the receipt of the waste by the facility that recovers or disposes of the shipped waste, unless a shorter period is indicated by the competent authorities concerned in their decision. <u>Text Origin: Commission Proposal</u>
Article 9(6)				
6	242	6. The competent authorities concerned shall withdraw their tacit or written consent where they have knowledge of any of the following:	6. The competent authorities concerned shall withdraw their tacit or written consent where they have knowledge of any of the following:	6. The competent authorities concerned shall withdraw their tacit or written consent where they have knowledge of any of the following:

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Commission Proposal
Article 9(6), point (a)				
6	243 (a) the composition of the waste is not as notified;		(a) the composition of the waste is not as notified;	(a) the composition of the waste is not as notified; Text Origin: Commission Proposal
Article 9(6), point (b)				
6	244 (b) the conditions imposed on the shipment are not respected;		(b) the conditions imposed on the shipment are not respected;	(b) the conditions imposed on the shipment are not respected; Text Origin: Commission Proposal
Article 9(6), point (c)				
6	245 (c) the waste is not recovered or disposed of in compliance with the permit of the facility that performs the recovery operation or disposal operation;		(c) the waste is not recovered or disposed of in compliance with the permit of the facility that performs the recovery operation or disposal operation;	(c) the waste is not recovered or disposed of in compliance with the permit of the facility that performs the recovery operation or disposal operation; Text Origin: Commission Proposal
Article 9(6), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	246	(d) the waste is to be, or has been, shipped, recovered or disposed of in a way that is not in accordance with the information supplied on, or annexed to, the notification and movement documents.	(d) the waste is to be, or has been, shipped, recovered or disposed of in a way that is not in accordance with the information supplied on, or annexed to, the notification and movement documents.	(d) the waste is to be, or has been, shipped, recovered or disposed of in a way that is not in accordance with the information supplied on, or annexed to, the notification and movement documents. Text Origin: Commission Proposal
Article 9(6), point (e)				
6	246a		<u><i>(e) the termination of the financial guarantee;</i></u>	<u><i>(e) the termination of the financial guarantee;</i></u> Text Origin: Council Mandate
Article 9(6), point (f)				
6	246b		<u><i>(f) the termination of the contract;</i></u>	<u><i>(f) the termination of the contract;</i></u> Text Origin: Council Mandate
Article 9(6), point (g)				
6	246c		<u><i>(g) on the request by the notifier.</i></u>	<u><i>(g) on the request by the notifier.</i></u> Text Origin: Council Mandate
Article 9(7)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
y	247 7. Any withdrawal of consent shall be transmitted by means of official notice to the notifier, the competent authorities concerned and the consignee.	7. Any withdrawal of consent, <u>including the reason for such withdrawal</u> , shall be transmitted by means of official notice to the notifier, the competent authorities concerned and the consignee <u>and the Commission for the purpose of reporting</u> .	7. Any withdrawal of consent <u>The competent authority concerned</u> shall be transmitted by means of official notice to <u>inform</u> the notifier, the <u>other</u> competent authorities concerned and the consignee <u>of any withdrawal of consent</u> .	7. Any withdrawal of consent <u>The competent authority concerned</u> shall be transmitted by means of official notice to <u>inform</u> the notifier, the <u>other</u> competent authorities concerned and the consignee <u>of any withdrawal of consent, including the reason for such withdrawal</u> . Text Origin: Council Mandate
Article 9(8)				
y	247a		<u>8. When a consent by any of the competent authorities concerned is withdrawn in accordance with paragraph 6 the shipment or the treatment of waste shall, where applicable, not be allowed to continue and Articles 22 or 24 shall apply, as relevant.</u>	<u>8. When a consent by any of the competent authorities concerned is withdrawn in accordance with paragraph 6 the shipment or the treatment of waste shall, where applicable, not be allowed to continue and Articles 22 or 24 shall apply, as relevant.</u> Text Origin: Council Mandate
Article 10				
g	248 Article 10 Conditions for a shipment		Article 10 <u>Conditions for a shipment</u> Conditions for a shipment	Article 10 Conditions for a shipment

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Commission Proposal
Article 10(1)				
y	249 1. The competent authorities of dispatch, destination and transit may, within the 30-day time limit referred to in Article 9(1), lay down conditions for their consent to a notified shipment. Such conditions shall be based on one or more of the grounds listed in Article 12.		1. The competent authorities of dispatch, destination and transit may, within the 30-day time limit referred to in Article 9(1), lay down conditions for their consent to a notified shipment. Such conditions shall may be based on one or more <u>of the conditions listed in Article 11 or</u> of the grounds listed in Article 12.	1. The competent authorities of dispatch, destination and transit may, within the 30-day time limit referred to in Article 9(1), lay down conditions for their consent to a notified shipment. Such conditions <u>shall be duly motivated and shall</u> may be based on one or more <u>of the conditions listed in Article 11 or</u> of the grounds listed in Article 12.
Article 10(2)				
g	250 2. The competent authorities of dispatch, destination and transit may also, within the 30-day time limit referred to in Article 9(1), lay down conditions in respect of the transport of waste within their national jurisdiction. Such transport conditions shall not be more stringent than those laid down in respect of similar shipments occurring wholly within their national jurisdiction and shall		2. The competent authorities of dispatch, destination and transit may also, within the 30-day time limit referred to in Article 9(1), lay down conditions in respect of the transport of waste within their national jurisdiction. Such transport conditions shall not be more stringent than those laid down in respect of similar shipments occurring wholly within their national jurisdiction and shall	2. The competent authorities of dispatch, destination and transit may also, within the 30-day time limit referred to in Article 9(1), lay down conditions in respect of the transport of waste within their national jurisdiction. Such transport conditions shall not be more stringent than those laid down in respect of similar shipments occurring wholly within their national jurisdiction and shall

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	take due account of existing agreements, in particular relevant international agreements.		take due account of existing agreements, in particular relevant international agreements.	take due account of existing agreements, in particular relevant international agreements. Text Origin: Commission Proposal
Article 10(3)				
y	251 3. The competent authorities of dispatch, destination and transit may also, within the 30-day time limit referred to in Article 9(1), lay down a condition that their consent is to be considered withdrawn if the financial guarantee or equivalent insurance is not applicable at the latest when the notified shipment starts, as required by Article 7(3).		3. The competent authorities of dispatch, destination and transit may also, within the 30-day time limit referred to in Article 9(1), lay down a condition that their consent is to be considered withdrawn if the financial guarantee or equivalent insurance is not applicable at the latest when the notified shipment starts <u>at the time of completion of the movement document according to Article 16(2)</u> , as required by Article 7(3).	
Article 10(4)				
g	252 4. Conditions shall be specified in, or annexed to, the notification document by the competent authority that lays them down.		4. Conditions shall be specified in, or annexed to, the notification document by the competent authority that lays them down.	4. Conditions shall be specified in, or annexed to, the notification document by the competent authority that lays them down. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 10(5)				
253	5. The competent authority of destination may also, within the 30-day time limit referred to in Article 9(1), lay down a condition that the facility which receives the waste shall keep a regular record of inputs, outputs and/or balances for wastes and the related recovery operations or disposal operations as specified in the notification, and for the period of validity of the notification. Such records shall be signed by a person legally responsible for the facility and shall be sent to the competent authority of destination within one month of completion of the notified recovery operation or disposal operation.		5. The competent authority of destination may also, within the 30-day time limit referred to in Article 9(1), lay down a condition that the facility which receives the waste shall keep a regular record of inputs, outputs and/or balances for wastes and the related recovery operations or disposal operations as specified in the notification, and for the period of validity of the notification. Such records shall be signed by a person legally responsible for the facility and shall be sent <u>submitted</u> to the competent authority of destination within one month of completion of the notified recovery operation or disposal operation.	5. The competent authority of destination may also, within the 30-day time limit referred to in Article 9(1), lay down a condition that the facility which receives the waste shall keep a regular record of inputs, outputs and/or balances for wastes and the related recovery operations or disposal operations as specified in the notification, and for the period of validity of the notification. Such records shall be signed by a person legally responsible for the facility and shall be sent <u>submitted</u> to the competent authority of destination within one month of completion of the notified recovery operation or disposal operation. Text Origin: Council Mandate
Article 11				
254	Article 11 Prohibition of shipments of waste destined for disposal		Article 11 Prohibition of shipments <u>Article 11</u> <u>Shipments of waste destined for disposal</u> of waste destined for disposal	Article 11 Prohibition of <u>Conditions for shipments of waste destined for disposal</u> shipments of waste destined for disposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
Article 11(1)				
255	1. Where a notification is submitted regarding a planned shipment of waste destined for disposal in accordance with Article 5, the competent authorities of dispatch and of destination shall only give their written consent to that shipment, within the 30-day limit referred to in Article 9(1), if all the following conditions are fulfilled:		1. Where a notification is submitted regarding a planned shipment of waste destined for disposal in accordance with Article 5, the competent authorities of dispatch and of destination shall only give their written consent to that shipment, within the 30-day limit referred to in Article 9(1), if all the following conditions are fulfilled:	1. Where a notification is submitted regarding a planned shipment of waste destined for disposal in accordance with Article 5, the competent authorities of dispatch and of destination shall only give their written consent to that shipment, within the 30-day limit referred to in Article 9(1), if all the following conditions are fulfilled: Text Origin: Council Mandate
Article 11(1), point (a)				
256	(a) the notifier demonstrates that:		(a) the notifier demonstrates that:	(a) the notifier demonstrates that: Text Origin: Commission Proposal
Article 11(1), point (a)(i)				
257	(i) the waste cannot be recovered in a technically feasible and economically viable manner, or must be disposed of due to legal obligations in Union or	(i) the waste cannot be recovered in a technically feasible and , economically viable <u>and environmentally sound</u> manner, or must be disposed of due to legal	(i) the waste cannot be recovered in a technically feasible and economically viable manner, or must be disposed of due to legal obligations in Union or	(i) the waste cannot be recovered in a technically feasible and economically viable manner, or must be disposed of due to legal obligations in Union or

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	international law;	obligations in Union or international law ² ;	international law;	international law; Text Origin: Commission Proposal
Article 11(1), point (a)(ii)				
6	258 (ii) the waste cannot be disposed of in a technically feasible and economically viable manner in the country where it was generated;	(ii) the waste cannot be disposed of in a technically feasible, <i>economically viable and environmentally sound and economically viable</i> manner, in the country where it was generated;	(ii) the waste cannot be disposed of in a technically feasible and economically viable manner in the country where it was generated;	(ii) the waste cannot be disposed of in a technically feasible and economically viable manner in the country where it was generated; Text Origin: Commission Proposal
Article 11(1), point (a)(iii)				
Y	259 (iii) the planned shipment or disposal is in accordance with the waste hierarchy and the principles of proximity and self-sufficiency at Union and national levels as laid down in Directive 2008/98/EC;	(iii) the planned shipment or disposal is in accordance with the waste hierarchy and the principles of proximity and self-sufficiency at Union and national levels as laid down in Directive 2008/98/EC;	(iii) the planned shipment or disposal is in accordance with the waste hierarchy and the principles of proximity and self-sufficiency at Union and national levels as laid down in Directive 2008/98/EC;	(iii) the planned shipment or disposal is in accordance with <i>Article 56 and</i> the waste hierarchy and the principles of proximity and self-sufficiency at Union and national levels as laid down in Directive 2008/98/EC; Text Origin: Commission Proposal
Article 11(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
260	(b) the notifier or the consignee has previously not been convicted of illegal shipment or any other illegal act in relation to environmental protection;	(b) the notifier or the consignee has previously not been convicted of illegal shipment or any other illegal act in relation to environmental <u>or human health</u> protection;	(b) <u>the competent authorities concerned do not have information that</u> the notifier or the consignee has previously not have been convicted of illegal shipment or any other illegal act in relation to environmental protection <u>in a period of 5 years prior to the notification request</u> ;	(b) the notifier or the consignee has previously not competent <u>authorities concerned do not have information that the notifier or the consignee have</u> been convicted of illegal shipment or any other illegal act in relation to environmental <u>or human health</u> protection <u>in a period of 5 years prior to the notification request</u> ; Text Origin: Council Mandate
Article 11(1), point (c)				
261	(c) the notifier or the facility has not failed to comply with Articles 15 and 16 in connection with past shipments of waste;		(c) <u>the competent authorities concerned do not have information that</u> the notifier or the facility has not have not, in a period of 5 years prior to the notification request, repeatedly failed to comply with Articles 15 and 16 in connection with past shipments of waste;	(c) <u>the competent authorities concerned do not have information that</u> the notifier or the facility has not have not, in a period of 5 years prior to the notification request, repeatedly failed to comply with Articles 15 and 16 in connection with past shipments of waste; Text Origin: Council Mandate
Article 11(1), point (ca)				
261a			<u>(ca) the Member State of destination has not exercised its</u>	<u>(ca) the Member State of destination has not exercised its</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>right pursuant to Article 4(1) of the Basel Convention to prohibit the import of hazardous waste or of waste listed in Annex II to that Convention;</u>	<u>right pursuant to Article 4(1) of the Basel Convention to prohibit the import of hazardous waste or of waste listed in Annex II to that Convention;</u> Text Origin: Council Mandate
Article 11(1), point (cb)				
6	261b		<u>(cb) the planned shipment and disposal is in accordance with national legislation relating to environmental protection, public order, public safety or health protection in the Member State where the competent authority is located;</u>	<u>(cb) the planned shipment and disposal is in accordance with national legislation relating to environmental protection, public order, public safety or health protection in the Member State where the competent authority is located;</u> Text Origin: Council Mandate
Article 11(1), point (d)				
6	262	(d) the planned shipment or disposal does not conflict with obligations resulting from international conventions concluded by the Member State(s) concerned or the Union;	(d) the planned shipment or disposal does not conflict with obligations resulting from international conventions concluded by the Member State(s) concerned or the Union;	(d) the planned shipment or disposal does not conflict with obligations resulting from international conventions concluded by the Member State(s) concerned or the Union; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 11(1), point (e)				
263	(e) the waste concerned will be treated in accordance with legally binding environmental protection standards in relation to disposal operations established in Union legislation, and, if the facility is covered by Directive 2010/75/EU, it shall apply best available techniques as defined in Article 3(10) of that Directive in compliance with the permit of the facility;		(e) the waste concerned will be treated in accordance with legally binding environmental protection standards in relation to disposal operations established in Union legislation <u>and waste management plans drawn up pursuant to Article 28 of Directive 2008/98/EC</u> , and, if the facility is covered by Directive 2010/75/EU, it shall apply best available techniques as defined in Article 3(10) of that Directive in compliance with the permit of the facility;	(e) the waste concerned will be treated in accordance with legally binding environmental protection standards in relation to disposal operations established in Union legislation <u>and waste management plans drawn up pursuant to Article 28 of Directive 2008/98/EC</u> , and, if the facility is covered by Directive 2010/75/EU, it shall apply best available techniques as defined in Article 3(10) of that Directive in compliance with the permit of the facility; Text Origin: Council Mandate
Article 11(1), point (f)				
264	(f) the waste is not mixed municipal waste (waste code 20 03 01 or 20 03 99) collected from private households, from other waste producers or both, or mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties.		(f) the waste is not mixed municipal waste (waste code 20 03 01 or 20 03 99) collected from private households, from other waste producers or both, or mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties.	(f) the waste is not mixed municipal waste (waste code 20 03 01 or 20 03 99) collected from private households, from other waste producers or both, or mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 11(1a)				
6	264a		<p><u>1a. In the case where the notifier demonstrates that the waste concerned is produced in a Member State of dispatch in such a small quantity overall per year that the provision of new specialised disposal facilities within that Member State would not be economically viable, the conditions set out in paragraph 1, points (a)(ii) and (iii) shall not apply.</u></p>	<p><u>1a. In the case where the notifier demonstrates that the waste concerned is produced in a Member State of dispatch in such a small quantity overall per year that the provision of new specialised disposal facilities within that Member State would not be economically viable, the conditions set out in paragraph 1, points (a)(ii) and (iii) shall not apply.</u></p> <p>Text Origin: Council Mandate</p>
Article 11(2)				
6	265	<p>2. The competent authorities of transit shall only give their consent to that shipment, within the 30-day limit referred to in Article 9(1), if the conditions set out in paragraph 1, points (b), (c) and (d), of this Article are fulfilled.</p>	<p>2. The<u>Where a</u> competent authorities of authority of transit provides a shall only give their consent to that shipment, within the 30-day limit referred to in <u>in accordance with</u> Article 9(1); if only the conditions set out in paragraph 1, points (b), (c), <u>(cb)</u> and (d), of this Article are fulfilled <u>shall be considered</u>.</p>	<p>2. The<u>Where a</u> competent authorities authority of transit shall only give their <u>provides a</u> consent to that shipment, within the 30-day limit referred to in <u>in accordance with</u> Article 9(1); if only the conditions set out in paragraph 1, points (b), (c), <u>(cb)</u> and (d), of this Article are fulfilled <u>shall be considered</u>.</p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal	
	Article 11(3)				
y	266	3. Where the competent authorities concerned have not authorised a planned shipment of waste destined for disposal within the 30-day time limit referred to in Article 9(1), the notification of that shipment shall cease to be valid and the shipment shall be prohibited in accordance with Article 4(1). In cases where the notifier still intends to carry out the shipment, a new notification shall be submitted, unless all the competent authorities concerned and the notifier agree otherwise.	3. Where the competent authorities concerned have not authorised a planned shipment of waste destined for disposal within the 30-day time limit referred to in Article 9(1) <u>of 60 days</u> , the notification of that shipment shall cease to be valid and the shipment shall be prohibited in accordance with Article 4(1). In cases where the notifier still intends to carry out the shipment, a new notification shall be submitted, unless all the competent authorities concerned and the notifier agree otherwise.	<i>deleted</i>	
	Article 11(4)				
g	267	4. Consents by competent authorities in accordance with paragraph 1 shall immediately be notified to the Commission which shall inform the other Member States thereof.		4. Consents by competent authorities in accordance with paragraph 1 shall immediately be notified to the Commission which shall inform the other <u>be communicated in the report in accordance with Article 69. The Commission shall inform all Member States thereof of such consents taken in the previous calendar year</u> .	4. Consents by competent authorities in accordance with paragraph 1 shall immediately be notified to the Commission which shall inform the other <u>be communicated in the report in accordance with Article 69. The Commission shall inform the other all Member States thereof of such consents taken in the previous calendar year</u> .

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
Article 11(5)				
y	267a		<p><u>5. By [JOP: Please insert the date of 12 months following the date of entry into force of this Regulation], the Commission shall adopt an implementing act establishing detailed criteria for the uniform application of the conditions laid down in paragraph 1, point (a), to specify how technical feasibility and economic viability in points (a)(i) and (ii) of that paragraph shall be demonstrated by notifiers and assessed by competent authorities. This Implementing Act shall be adopted in accordance with the examination procedure referred to in Article 77(2).</u></p>	
Article 12				
g	268	Article 12 Objections to shipments of waste destined for recovery	Article 12 Objections to shipments of waste destined for recovery	Article 12 Objections to shipments of waste destined for recovery Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 12(1)				
269	1. Where a notification is submitted regarding a planned shipment of waste destined for recovery in accordance with Article 5, the competent authorities of destination and dispatch may, within the 30-day time limit referred to in Article 9(1), raise motivated objections based on one or more of the following grounds:		1. Where a notification is submitted regarding a planned shipment of waste destined for recovery in accordance with Article 5, the competent authorities of destination and dispatch may, within the 30-day time limit referred to in Article 9(1), raise motivated objections based on one or more of the following grounds:	1. Where a notification is submitted regarding a planned shipment of waste destined for recovery in accordance with Article 5, the competent authorities of destination and dispatch may, within the 30-day time limit referred to in Article 9(1), raise motivated objections based on one or more of the following grounds: <i>Text Origin: Commission Proposal</i>
Article 12(1), point (a)				
270	(a) the planned shipment or recovery would not be in accordance with Directive 2008/98/EC;		(a) the planned shipment or recovery would not be in accordance with Directive 2008/98/EC;	(a) the planned shipment or recovery would not be in accordance with Directive 2008/98/EC; <i>Text Origin: Commission Proposal</i>
Article 12(1), point (b)				
271	(b) the waste concerned will not be treated in accordance with waste management plans or waste prevention programmes drawn up, respectively, pursuant to Articles		(b) the waste concerned will not be treated in accordance with waste management plans or waste prevention programmes drawn up <u>by the countries of dispatch or</u>	(b) the waste concerned will not be treated in accordance with waste management plans or waste prevention programmes drawn up <u>by the countries of dispatch or</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	28 and 29 of Directive 2008/98/EC;		<u>destination</u> , respectively, pursuant to Articles 28 and 29 of Directive 2008/98/EC;	<u>destination</u> , respectively, pursuant to Articles 28 and 29 of Directive 2008/98/EC; Text Origin: Council Mandate
Article 12(1), point (c)				
6	272 (c) the planned shipment or recovery would not be in accordance with national legislation relating to environmental protection, public order, public safety or health protection concerning actions taking place in the country of the objecting competent authority;		(c) the planned shipment or recovery would not be in accordance with national legislation relating to environmental protection, public order, public safety or health protection concerning actions taking place in the country of the objecting competent authority;	(c) the planned shipment or recovery would not be in accordance with national legislation relating to environmental protection, public order, public safety or health protection concerning actions taking place in the country of the objecting competent authority; Text Origin: Commission Proposal
Article 12(1), point (d)				
6	273 (d) the planned shipment or recovery would not be in accordance with national legislation in the country of dispatch relating to the recovery of waste, including where the planned shipment would concern waste destined for recovery in a facility which has lower treatment standards for the particular waste		(d) the planned shipment or recovery would not be in accordance with national legislation in the country of dispatch relating to the recovery of waste <u>as well as to the recovery or disposal of residual waste generated through the recovery of the waste concerned</u> , including where the planned shipment would	(d) the planned shipment or recovery would not be in accordance with national legislation in the country of dispatch relating to the recovery of waste <u>as well as to the recovery or disposal of residual waste generated through the recovery of the waste concerned</u> , including where the planned shipment would

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	than those of the country of dispatch, respecting the need to ensure the proper functioning of the internal market, unless:		concern waste destined for recovery in a facility which has lower treatment standards for the particular waste than those of the country of dispatch, respecting the need to ensure the proper functioning of the internal market, unless:	concern waste destined for recovery in a facility which has lower treatment standards for the particular waste than those of the country of dispatch, respecting the need to ensure the proper functioning of the internal market, unless: Text Origin: Council Mandate
Article 12(1), point (d)(i)				
6	274 (i) there is corresponding Union legislation, in particular related to waste, and requirements that are at least as stringent as those laid down in that Union legislation have been introduced in national legislation transposing such Union legislation;		(i) there is corresponding Union legislation, in particular related to waste, and requirements that are at least as stringent as those laid down in that Union legislation have been introduced in national legislation transposing such Union legislation;	(i) there is corresponding Union legislation, in particular related to waste, and requirements that are at least as stringent as those laid down in that Union legislation have been introduced in national legislation transposing such Union legislation; Text Origin: Commission Proposal
Article 12(1), point (d)(ii)				
γ	275 (ii) the recovery operation in the country of destination takes place under conditions that are broadly equivalent to those prescribed in the national legislation of the country of dispatch;	(ii) the recovery operation in the country of destination takes place under conditions that are broadly <u>considered</u> equivalent to those prescribed in the national legislation of the country of	(ii) the recovery operation <u>and the recovery or disposal of residual waste generated through the recovery of the waste concerned</u> in the country of destination takes place under conditions that are	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		dispatch;	broadly equivalent to those prescribed in the national legislation of the country of dispatch;	
Article 12(1), point (d)(iii)				
g	<p>276</p> <p>(iii) the national legislation in the country of dispatch, other than that covered by point (i), has not been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council¹, where required by that Directive;</p> <p>1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</p>		<p>(iii) the national legislation in the country of dispatch, other than that covered by point (i), has not been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council¹, where required by that Directive;</p> <p>1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</p>	<p>(iii) the national legislation in the country of dispatch, other than that covered by point (i), has not been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council¹, where required by that Directive;</p> <p>1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</p> <p>Text Origin: Commission Proposal</p>
Article 12(1), point (e)				
y	<p>277</p> <p>(e) limiting incoming shipments of waste destined for recovery operations other than recycling and preparing for re-use is necessary</p>	<p>(e) limiting incoming shipments of waste destined for recovery operations <i>other than recycling and preparing for re-use</i> is necessary</p>	<p>(e) limiting incoming shipments of waste destined for recovery operations other than recycling and preparing for re-use is necessary</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	for a Member State in order to protect its waste management network, where it is established that such shipments would result in domestic waste having to be disposed of or treated in a way that is not consistent with their waste management plans;	for a Member State in order to protect its waste management network, where it <i>is can be</i> established that such shipments would result in domestic waste having to be disposed of or treated in a way that is not consistent with their waste management plans;	for a Member State in order to protect its waste management network, where it is <i>established expected, based on available information,</i> that such shipments would result in domestic waste having to be disposed of or treated in a way that is not consistent with their waste management plans;	
Article 12(1), point (f)				
278	(f) the notifier or the consignee has previously been convicted of illegal shipment or any other illegal act in relation to environmental protection.	(f) the notifier or the consignee has previously been convicted of illegal shipment or any other illegal act in relation to environmental <u>or health</u> protection.	(f) the notifier or the consignee has previously been convicted of illegal shipment or any other illegal act in relation to environmental protection <u>in a period of 5 years prior to the notification request.</u>	(f) the notifier or the consignee has previously been convicted of illegal shipment or any other illegal act in relation to environmental <u>or human health</u> protection <u>in a period of 5 years prior to the notification request.</u> Text Origin: Council Mandate
Article 12(1), point (g)				
279	(g) the notifier or the facility has repeatedly failed to comply with Articles 15 and 16 in connection with past shipments;		(g) the notifier or the facility has, <u>in a period of 5 years prior to the notification request,</u> repeatedly failed to comply with Articles 15 and 16 in connection with past shipments;	(g) the notifier or the facility has, <u>in a period of 5 years prior to the notification request,</u> repeatedly failed to comply with Articles 15 and 16 in connection with past shipments; Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 12(1), point (h)			
6	280 (h) the planned shipment or recovery conflicts with obligations resulting from international conventions concluded by the Member State(s) concerned or by the Union;		(h) the planned shipment or recovery conflicts with obligations resulting from international conventions concluded by the Member State(s) concerned or by the Union;	(h) the planned shipment or recovery conflicts with obligations resulting from international conventions concluded by the Member State(s) concerned or by the Union; Text Origin: Commission Proposal
	Article 12(1), point (i)			
6	281 (i) 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 of the waste do not justify the recovery, having regard to economic or environmental considerations;		(i) 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 of the waste do not justify the recovery, having regard to economic or environmental considerations;	(i) 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 of the waste do not justify the recovery, having regard to economic or environmental considerations; Text Origin: Commission Proposal
	Article 12(1), point (j)			
6	282 (j) the waste planned for shipment		(j) the waste planned for shipment	(j) the waste planned for shipment

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	is destined for disposal and not for recovery;		is destined for disposal and not for recovery;	is destined for disposal and not for recovery; <small>Text Origin: Commission Proposal</small>
Article 12(1), point (k)				
283	(k) the waste concerned will not be treated in accordance with legally binding environmental protection standards in relation to recovery operations, or legally binding recovery or recycling obligations established in Union legislation or the waste will be treated in a facility which is covered by Directive 2010/75/EU, but which does not apply best available techniques as defined in Article 3(10) of that Directive.		(k) the waste concerned will not be treated in accordance with legally binding environmental protection standards in relation to recovery operations, or legally binding recovery or recycling obligations established in Union legislation or the waste will be treated in a facility which is covered by Directive 2010/75/EU, but which does not apply best available techniques as defined in Article 3(10) of that Directive.	(k) the waste concerned will not be treated in accordance with legally binding environmental protection standards in relation to recovery operations, or legally binding recovery or recycling obligations established in Union legislation or the waste will be treated in a facility which is covered by Directive 2010/75/EU, but which does not apply best available techniques as defined in Article 3(10) of that Directive. <small>Text Origin: Commission Proposal</small>
Article 12(2)				
284	2. The competent authorities of transit may, within the 30-day time limit referred to in paragraph 1, raise motivated objections to the planned shipment of waste destined for recovery based only on the		2. The competent authorities of transit may, within the 30-day time limit referred to in paragraph 1, raise motivated objections to the planned shipment of waste destined for recovery based only on the	2. The competent authorities of transit may, within the 30-day time limit referred to in paragraph 1, raise motivated objections to the planned shipment of waste destined for recovery based only on the

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	grounds set out in paragraph 1, points (c), (f), (g) and (h), of this Article.		grounds set out in paragraph 1, points (c), (f), (g) and (h), of this Article.	grounds set out in paragraph 1, points (c), (f), (g) and (h), of this Article. Text Origin: Commission Proposal
Article 12(3)				
285	3. Where, within the 30-day time limit referred to in paragraph 1, the competent authorities consider that the problems which gave rise to their objections have been resolved, they shall immediately inform the notifier thereof.		3. Where, within the 30-day time limit referred to in paragraph 1, the competent authorities consider that the problems which gave rise to their objections have been resolved, they shall immediately inform the notifier thereof.	3. Where, within the 30-day time limit referred to in paragraph 1, the competent authorities consider that the problems which gave rise to their objections have been resolved, they shall immediately inform the notifier thereof. Text Origin: Commission Proposal
Article 12(4)				
286	4. Where the problems giving rise to the objections are not resolved within the 30-day time limit referred to in paragraph 1, the notification of the shipment of waste destined for recovery shall cease to be valid. In cases where the notifier still intends to carry out the shipment, a new notification shall be submitted, unless all the competent authorities concerned		4. Where the problems giving rise to the objections are not resolved within the 30-day time limit referred to in paragraph 1, the notification of the shipment of waste destined for recovery shall cease to be valid. In cases where the notifier still intends to carry out the shipment, a new notification shall be submitted, unless all the competent authorities concerned	4. Where the problems giving rise to the objections are not resolved within the 30-day time limit referred to in paragraph 1, the notification of the shipment of waste destined for recovery shall cease to be valid. In cases where the notifier still intends to carry out the shipment, a new notification shall be submitted, unless all the competent authorities concerned

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	and the notifier agree otherwise.		and the notifier agree otherwise.	and the notifier agree otherwise. <small>Text Origin: Commission Proposal</small>
Article 12(5)				
y	287 5. Objections raised by competent authorities on the grounds set out in paragraph 1, points (d) and (e), of this Article shall be reported by Member States to the Commission in accordance with Article 68.	5. Objections, <u>including the specific grounds for objection</u> , raised by competent authorities on the grounds set out in paragraph 1 , points (d) and (e) , of 1 of this Article shall be reported by Member States to the Commission in accordance with Article 68.	5. Objections raised by competent authorities on the grounds set out in paragraph 1, points (d) and (e), of this Article shall be reported by Member States <u>communicated</u> to the Commission in accordance with Article 68 <u>69</u>	5. Objections raised by competent authorities on the grounds set out in paragraph 1, points (d) and (e), of this Article <u>and the reasons for these objections</u> shall be reported by Member States <u>communicated</u> to the Commission in accordance with Article 68 <u>69</u>
Article 12(5a)				
y	287a	<u>5a. The competent authorities shall inform the notifier of the specific grounds for their objection to a planned shipment of waste.</u>		<u>5a. The competent authorities shall inform the notifier of the specific grounds for their objection to a planned shipment of waste.</u>
Article 12(6) first subparagraph				
g	288 6. The competent authority of dispatch shall inform the Commission and the other Member States of the national legislation on		66 . The competent authority <u>Member States</u> of dispatch shall inform the Commission and the other Member	6. The competent authority <u>Member States</u> of dispatch shall inform the Commission and the other Member

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>which objections raised by competent authorities in accordance with paragraph 1, points (d) and (e), may be based, and shall state to which waste and waste recovery operations those objections apply, before such legislation is invoked as grounds for a motivated objection.</p>		<p>States of the national legislation on which objections raised by competent authorities in accordance with paragraph 1, points (d) and (e) <u>point (d)</u>, may be based, and shall state to which waste and <u>recovery operations as well as the recovery or disposal operations of residual</u> waste <u>generated through the</u> recovery operations <u>of waste concerned</u> those objections apply, before such legislation is invoked as grounds for a motivated objection.</p>	<p>States of the national legislation on which objections raised by competent authorities in accordance with paragraph 1, points (d) and (e) <u>point (d)</u>, may be based, and shall state to which waste and <u>recovery operations as well as the recovery or disposal operations of residual</u> waste <u>generated through the</u> recovery operations <u>of waste concerned</u> those objections apply, before such legislation is invoked as grounds for a motivated objection.</p> <p><small>Text Origin: Council Mandate</small></p>
Article 12(6), second subparagraph				
288a			<p><u>The Member States of destination shall inform the Commission and the other Member States of decisions or legislation on which objections raised by competent authorities in accordance with paragraph 1, point (e), may be based and shall state to which waste and recovery operations those objections apply, before such decisions or legislation is invoked as grounds for a motivated objection.</u></p>	<p><u>The Member States of destination shall inform the Commission and the other Member States of decisions or legislation on which objections raised by competent authorities in accordance with paragraph 1, point (e), may be based and shall state to which waste and recovery operations those objections apply, before such decisions or legislation is invoked as grounds for a motivated objection.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
Article 13				
289	Article 13 General notification		Article 13 General notification	Article 13 General notification
Article 13(1)				
290	1. The notifier may submit a general notification covering several shipments where all the following requirements are fulfilled:		1. The notifier may submit a general notification covering several shipments where all the following requirements are fulfilled:	1. The notifier may submit a general notification covering several shipments where all the following requirements are fulfilled:
Article 13(1), point (a)				
291	(a) the waste contained in the different shipments has essentially similar physical and chemical characteristics;	(a) the waste contained in the different shipments has essentially similar physical and chemical characteristics, <u>to be interpreted in accordance with Article 28</u> ;	(a) the waste contained in the different shipments has essentially similar physical and chemical characteristics <u>as identified in accordance with Article 5(8a)</u> ;	(a) the waste contained in the different shipments has essentially similar physical and chemical characteristics <u>as identified in accordance with Article 5(8a)</u> ; Text Origin: Council Mandate
Article 13(1), point (b)				
292	(b) the waste contained in the different shipments is shipped to the same consignee and the same		(b) the waste contained in the different shipments is shipped to the same consignee and the same	(b) the waste contained in the different shipments is shipped to the same consignee and the same

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	facility;		facility;	facility;
Article 13(1), point (c)				
293	(c) the routing of the different shipments, in particular the points of exit from and entry into each country concerned, as indicated in the notification document is the same.		(c) the routing of the different shipments, in particular the points of exit from and entry into each country concerned, as <u>countries of transit, if any, are the same, and the routing of the different shipments, is</u> indicated in <u>or annexed to</u> the notification document <u>and the location from which the shipment starts</u> is the same.	(c) the routing of the different shipments, in particular the points of exit from and entry into each country concerned, as <u>countries of transit, if any, are the same, and the routing of the different shipments, is</u> indicated in <u>or annexed to</u> the notification document <u>and the location from which the shipment starts</u> is the same. Text Origin: Council Mandate
Article 13(2), first subparagraph				
294	2. Where, owing to unforeseen circumstances, the same routing cannot be followed for all shipments, the notifier shall inform the competent authorities concerned by the general notification as soon as possible and before the shipments start where the need for modification is already known.		2. Where, owing to unforeseen circumstances, the same routing cannot be followed for all shipments, the notifier <u>The notifier may indicate in an annex attached to the notification document one or more possible alternative routings. The movement document completed in accordance with Article 16(2)</u> shall inform the competent	2. Where, owing to unforeseen circumstances, the same routing cannot be followed for all shipments, the notifier <u>The notifier may indicate in an annex attached to the notification document one or more possible alternative routings. The movement document completed in accordance with Article 16(2)</u> shall inform the competent

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><i>authorities concerned by the general</i> <u>provide information on which routing indicated in the notification as soon as document that will be followed, including possible and before the shipments start where the need for modification is already known alternative routings, as indicated in the notification document, in case of unforeseen circumstances.</u></p>	<p><i>authorities concerned by the general</i> <u>provide information on which routing indicated in the notification as soon as document that will be followed, including possible and before the shipments start where the need for modification is already known alternative routings, as indicated in the</u></p> <p>Text Origin: Council Mandate</p>
Article 13(2), second subparagraph				
295	Where the routing modification is known before the shipments start 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 in accordance with Article 5.		deleted	<p>deleted</p> <p>Text Origin: Council Mandate</p>
Article 13(3)				
296	3. The competent authorities concerned may make their agreement to the use of a general notification subject to the subsequent provision of additional information and documentation, in		3. The competent authorities concerned may make their agreement to the use of a general notification subject to the subsequent provision of additional information and documentation, in	3. The competent authorities concerned may make their agreement to the use of a general notification subject to the subsequent provision of additional information and documentation, in

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	accordance with Article 5(3) and (4).		accordance with Article 5(3) and <u>(4) to (5)</u> .	accordance with Article 5(3) and <u>(4) to (5)</u> . <small>Text Origin: Council Mandate</small>
Article 14				
297	Article 14 Pre-consented recovery facilities		Article 14 Pre-consented recovery facilities	Article 14 Pre-consented recovery facilities <small>Text Origin: Commission Proposal</small>
Article 14(1) first subparagraph				
298	1. A legal or natural person owning or exercising control over a recovery facility may submit a request for that facility to be pre-consented to the competent authority which has jurisdiction over the facility, as designated pursuant to Article 71.		1. A legal or natural person owning or exercising control over a recovery facility may submit a request for that facility to be pre-consented to the competent authority which has jurisdiction over the facility, as designated pursuant to Article 71.	1. A legal or natural person owning or exercising control over a recovery facility may submit a request for that facility to be pre-consented to the competent authority which has jurisdiction over the facility, as designated pursuant to Article 71. <small>Text Origin: Commission Proposal</small>
Article 14(1), second subparagraph				
298a			<u>Facilities that only perform operation R13, are not eligible for submitting a request as referred to</u>	<u>Facilities that only perform operation R13, are not eligible for submitting a request as referred to</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>in the first subparagraph.</i></u>	<u><i>in the first subparagraph.</i></u> Text Origin: Council Mandate
Article 14(2)				
6	299	2. The request referred to in paragraph 1 shall include the following information:	2. The request referred to in paragraph 1 shall include the following information:	2. The request referred to in paragraph 1 shall include the following information: Text Origin: Commission Proposal
Article 14(2), point (a)				
6	300	(a) the name, registration number and address of the recovery facility;	(a) the name, registration number and address of the recovery facility;	(a) the name, registration number and address of the recovery facility; Text Origin: Commission Proposal
Article 14(2), point (b)				
6	301	(b) copies of permits issued to the recovery facility to carry out waste treatment pursuant to Article 23 of Directive 2008/98/EC, as well as, where relevant, standards or certifications with which the facility complies;	(b) copies of permits issued to the recovery facility to carry out waste treatment pursuant to Article 23 of Directive 2008/98/EC, as well as, where relevant, standards or certifications with which the facility complies;	(b) copies of permits issued to the recovery facility to carry out waste treatment pursuant to Article 23 of Directive 2008/98/EC, as well as, where relevant, standards or certifications with which the facility complies; Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Proposal
	Article 14(2), point (c)			
y	302 (c) a description of technologies employed, including R-code(s), for the recovery operation for which the pre-consent is requested;	(c) a description of technologies employed, including R-code(s), for the recovery operation for which the pre-consent is requested, <u>as well as technologies applied for greenhouse gas (GHG) savings, energy generation, material recovery, efficient resource use and other relevant technologies</u> ;	(c) a description of technologies employed, including and the R-code(s) <u>as referred to in Annex II of Directive 2008/98/EC</u> , for the recovery operation for which the pre-consent is requested;	(c) a description of technologies employed to ensure the environmentally sound recovery of waste in the recovery facility; including R code(s) for the recovery operation for which the pre-consent is requested, <u>including technologies designed to save energy and limit the emission of greenhouse gases linked to the activities of the facility</u> ;
	Article 14(2), point (ca) new			
y	302a			<u>(ca) the R-code(s) as referred to in Annex II of Directive 2008/98/EC for the recovery operation(s) for which the pre-consent is requested</u> ;
	Article 14(2), point (d)			
g	303 (d) the wastes for which the pre-consent is requested, as listed in Annex IV to this Regulation or, where relevant, in the Annex to		(d) <u>the designation and composition of the waste, the physical characteristics and the waste identification for</u> the wastes	(d) <u>the designation and composition of the waste, the physical characteristics and the waste identification for</u> the wastes

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Decision 2000/532/EC;		for which the pre-consent is requested, as listed in Annex IV to this Regulation <i>or, where relevant, in the Annex to Decision 2000/532/EC</i> and <u>in the list of waste referred to in Article 7 of Directive 2008/98/EC;</u>	for which the pre-consent is requested, as listed in Annex IV to this Regulation <i>or, where relevant, in the Annex to Decision 2000/532/EC</i> and <u>in the list of waste referred to in Article 7 of Directive 2008/98/EC;</u> Text Origin: Council Mandate
Article 14(2), point (e)				
6	304	(e) the total quantity of each type of waste for which the pre-consent is requested, compared to the treatment capacity for which the facility is permitted;	(e) the total quantity of each type of waste for which the pre-consent is requested, compared to the treatment capacity for which the facility is permitted;	(e) the total quantity of each type of waste for which the pre-consent is requested, compared to the treatment capacity for which the facility is permitted; Text Origin: Commission Proposal
Article 14(2), point (ea)				
Y	304a		<u>(ea) the quantity of residual waste generated through the recovery operation and the subsequent waste management thereof,</u>	<u>(ea) the quantity of residual waste generated through the recovery of the waste in relation to the quantity of recovered material, and the planned method of recovery or disposal for the residual waste;</u>
Article 14(2), point (ea)				
Y	304b		<u>(ea) information on the amount</u>	<u>Deleted and partially merged with</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>of recovered material in relation to non-recoverable waste and on the planned method of disposal for the non-recoverable fraction after recovery;</u>	row 304a
Article 14(2), point (f)				
6	305	(f) records of the activities of the facility linked to waste recovery, covering in particular the amount and types of waste treated in the last three years, where relevant;	(f) records of the activities of the facility linked to waste recovery, covering in particular the amount and types of waste treated in the last three years, where relevant;	
Article 14(2), point (g)				
Y	306	(g) evidence or attestation that the legal or natural person owning or exercising control over the facility has not been convicted of illegal shipment or any other illegal act in relation to waste management.	(g) evidence or attestation that the legal or natural person owning or exercising control over the facility has not been convicted of illegal shipment or any other illegal act in relation to waste management <u>in particular with regard to the protection of the environment or human health.</u>	(g) evidence or attestation that the legal or natural person owning or exercising control over the facility has not been convicted of illegal shipment or any other illegal act in relation to waste management <u>in a period of 5 years prior to the request, in particular with regard to the protection of human health or the environment.</u>
Article 14(3)				
6	307	3. The Commission is empowered to adopt delegated acts in	3. The Commission is empowered to adopt delegated acts in	3. The Commission is empowered to adopt delegated acts in

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	accordance with Article 76 to amend paragraph 2 as regards the information to be included in the request.		accordance with Article 76 to amend paragraph 2 as regards the information to be included in the request.	accordance with Article 76 to amend paragraph 2 as regards the information to be included in the request. Text Origin: Commission Proposal
Article 14(4)				
G	308 4. The procedure referred to in paragraphs 5 to 10 of this Article shall apply to pre-consent a facility for which a request was submitted in accordance with paragraph 1.		4. The procedure referred to in paragraphs 5 to 10 of this Article shall apply to pre-consent a facility for which a request was submitted in accordance with paragraph 1.	4. The procedure referred to in paragraphs 5 to 10 of this Article shall apply to pre-consent a facility for which a request was submitted in accordance with paragraph 1. Text Origin: Commission Proposal
Article 14(5)				
Y	309 5. The competent authority shall, within 45 days after the date of receipt of the request referred to in paragraph 1, assess the request and decide whether to approve it;		5. The competent authority shall, within 45 60 days after the date of receipt of the request referred to in paragraph 1 <u>and containing the information as referred to in paragraph 2</u> , assess the request and decide whether to approve it.	
Article 14(6)				
G	310 6. Where the legal or natural		6. Where the legal or natural	6. Where the legal or natural

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>person referred to in paragraph 1 has provided all the information referred to in paragraph 2, the competent authority shall approve the request and issue a pre-consent for the facility concerned. The pre-consent may contain conditions relating to the duration of the pre-consent, the types and quantities of waste covered by the pre-consent, the technologies used or other conditions necessary to ensure that the waste is managed in an environmentally sound manner.</p>		<p>person referred to in paragraph 1 has provided all the information referred to in paragraph 2, the competent authority shall approve the request and issue a pre-consent for the facility concerned. The pre-consent may contain conditions relating to the duration of the pre-consent, the types and quantities of waste covered by the pre-consent, the technologies used or other conditions necessary to ensure that the waste is managed in an environmentally sound manner.</p>	<p>person referred to in paragraph 1 has provided all the information referred to in paragraph 2, the competent authority shall approve the request and issue a pre-consent for the facility concerned. The pre-consent may contain conditions relating to the duration of the pre-consent, the types and quantities of waste covered by the pre-consent, the technologies used or other conditions necessary to ensure that the waste is managed in an environmentally sound manner.</p> <p><small>Text Origin: Commission Proposal</small></p>
Article 14(7)				
311	<p>7. By way of derogation from paragraph 6, the competent authority may refuse to approve the request for pre-consent when they are not satisfied that issuing the pre-consent will ensure a high quality treatment of the waste concerned.</p>		<p>7. By way of derogation from paragraph 6, the competent authority may refuse to approve the request for pre-consent when they are not satisfied that issuing the pre-consent will ensure a high quality treatment of <u>that the waste will be managed in accordance with</u> the waste concerned <u>hierarchy and other requirements laid down in Directive 2008/98/EC and, where relevant, that best available</u></p>	<p>7. By way of derogation from paragraph 6, the competent authority may refuse to approve the request for pre-consent when they are not satisfied that issuing the pre-consent will ensure a high quality treatment of <u>that the waste will be managed in accordance with</u> the waste concerned <u>hierarchy and other requirements laid down in Directive 2008/98/EC and, where relevant, that best available techniques are applied in</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>techniques are applied in accordance with conclusions established under Directive 2010/75/EU</i></u>	<u><i>accordance with conclusions established under Directive 2010/75/EU.</i></u> Text Origin: Council Mandate
Article 14(8)				
6	312 8. The decision to approve or refuse the request for pre-consent shall be communicated to the legal or natural person that submitted the request as soon as it is taken by the competent authority and shall be duly motivated.		8. The decision to approve or refuse the request for pre-consent shall be communicated to the legal or natural person that submitted the request as soon as it is taken by the competent authority and shall be duly motivated.	8. The decision to approve or refuse the request for pre-consent shall be communicated to the legal or natural person that submitted the request as soon as it is taken by the competent authority and shall be duly motivated. Text Origin: Commission Proposal
Article 14(9)				
y	313 9. Unless stated otherwise in the decision to approve the request for pre-consent, the pre-consent of a recovery facility shall be valid for seven years.	9. Unless stated otherwise in the decision to approve the request for pre-consent, the pre-consent of a recovery facility shall be valid for seven years <u><i>with at least one inspection conducted by the relevant authorities during the validity period in order to verify compliance with the latest applicable regulatory requirements.</i></u>	9. Unless stated otherwise in the decision to approve the request for pre-consent, the pre-consent of a recovery facility shall be valid for seven <u><i>ten</i></u> years.	9. Unless stated otherwise in the decision to approve the request for pre-consent, the pre-consent of a recovery facility shall be valid for <u><i>[seven] [ten] years [with at least one inspection conducted by the relevant authorities during the validity period in order to verify compliance with the latest applicable regulatory requirements][during which inspections shall be conducted in</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<p><u><i>A pre-consent for a recovery facility issued by the competent authority in one Member State shall be valid in all Member States. However, a competent authority may decide not to accept the pre-consent of the competent authority of destination. That decision and the reasons therefor shall be communicated to the facility and to the competent authority that issued the pre-consent.</i></u></p>	<p><i>accordance with Article 57].</i></p> <p>Text Origin: EP Mandate</p>	
Article 14(10)				
314	<p>10. A pre-consent of a recovery facility may be revoked at any time by the competent authority. A decision to revoke a pre-consent shall be duly motivated and communicated to the facility concerned.</p>		<p>10. A pre-consent of a recovery facility may be revoked at any time by the competent authority, <u><i>if information becomes available which shows that the information provided in accordance with paragraph 2 is false or that the conditions in paragraph 6 are no longer fulfilled.</i></u> A decision to revoke a pre-consent shall be duly motivated and communicated to the facility concerned.</p>	<p>10. A pre-consent of a recovery facility may be revoked at any time by the competent authority, <u><i>if information becomes available which shows that the information provided in accordance with paragraph 2 is false or that the conditions in paragraph 6 are no longer fulfilled.</i></u> A decision to revoke a pre-consent shall be duly motivated and communicated to the facility concerned.</p> <p>Text Origin: Council Mandate</p>
Article 14(11)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	315		11. The legal or natural person referred to in paragraph 1 shall immediately inform the competent authority concerned of any change in the information referred to in paragraph 2. The competent authority concerned shall duly take <u>assess</u> those changes into account <u>when assessing the request for pre-consent</u> and, if necessary, update <u>or revoke</u> the pre-consent.	11. The legal or natural person referred to in paragraph 1 shall immediately inform the competent authority concerned of any change in the information referred to in paragraph 2. The competent authority concerned shall duly take <u>assess</u> those changes into account <u>when assessing the request for pre-consent</u> and, if necessary, update <u>or revoke</u> the pre-consent. Text Origin: Council Mandate
Article 14(12)				
6	316		12. In the case of a general notification submitted in accordance with Article 13 relating to shipments destined to a pre-consented facility, the period of validity of the consent referred to in Article 9(3) and (4) shall be extended to three years. By way of derogation from this rule, the competent authorities concerned may decide to shorten that period in duly justified cases.	12. In the case of a general notification submitted in accordance with Article 13 relating to shipments destined to a pre-consented facility, the period of validity of the consent referred to in Article 9(3) and (4) shall be extended to three years. By way of derogation from this rule, the competent authorities concerned may decide to shorten that period in duly justified cases. Text Origin: Council Mandate
Article 14(13)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	317 13. The competent authorities that have issued a pre-consent to a facility in accordance with this Article shall, using the form set out in Annex VI, inform the Commission and, where appropriate, the OECD Secretariat of the following:		13. The competent authorities that have issued a pre-consent to a facility in accordance with this Article shall, using the form set out in Annex VI, inform the Commission and, where appropriate, the OECD Secretariat of the following:	13. The competent authorities that have issued a pre-consent to a facility in accordance with this Article shall, using the form set out in Annex VI, inform the Commission and, where appropriate, the OECD Secretariat of the following: Text Origin: Commission Proposal
Article 14(13), point (a)				
6	318 (a) the name, registration number and address of the recovery facility;		(a) the name, registration number and address of the recovery facility;	(a) the name, registration number and address of the recovery facility; Text Origin: Commission Proposal
Article 14(13), point (b)				
6	319 (b) a description of the technologies employed, including R-code(s);		(b) a description of the technologies employed, and the including R-code(s) as referred to in Annex II of Directive 2008/98/EC;	(b) a description of the technologies employed, and the including R-code(s) as referred to in Annex II of Directive 2008/98/EC; Text Origin: Council Mandate
Article 14(13), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
320	(c) the wastes as listed in Annex IV or the wastes to which the pre-consent applies;		(c) the wastes as listed in Annex IV or waste identification for the wastes to which the pre-consent applies;	(c) the wastes as listed in Annex IV or waste identification for the wastes to which the pre-consent applies; Text Origin: Council Mandate
Article 14(13), point (d)				
321	(d) the total pre-consented quantity;		(d) the total pre-consented quantity;	(d) the total pre-consented quantity; Text Origin: Commission Proposal
Article 14(13), point (e)				
322	(e) the period of validity;		(e) the period of validity;	(e) the period of validity; Text Origin: Commission Proposal
Article 14(13), point (f)				
323	(f) any change in the pre-consent;		(f) any change in the pre-consent;	(f) any change in the pre-consent; Text Origin: Commission Proposal
Article 14(13), point (g)				
324				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(g) any change in the information notified;		(g) any change in the information notified;	(g) any change in the information notified; <small>Text Origin: Commission Proposal</small>
Article 14(13), point (h)				
325	(h) any revocation of the pre-consent.		(h) any revocation of the pre-consent.	(h) any revocation of the pre-consent. <small>Text Origin: Commission Proposal</small>
Article 14(14)				
326	14. By way of derogation from Articles 8, 9, 10 and 12, the consent given in accordance with Article 9(1), the conditions imposed in accordance with Article 10 or the objections raised in accordance with Article 12 by all the competent authorities concerned in respect to a notification for shipments destined to a pre-consented facility shall be subject to a time limit of seven working days after receipt of the information as referred to in Article 8(4), first subparagraph.		14. By way of derogation from Articles 8, <u>9</u> , 10 and 12, the consent given in accordance with Article 9(1), the conditions imposed in accordance with Article 10 or the objections raised in accordance with Article 12 by all the competent authorities concerned in respect to a notification for shipments destined to a pre-consented facility shall be subject to a time limit of seven working days after receipt of the information as referred to in the <u>date on which the notifier has been informed in accordance with</u> Article 8(4), first	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			subparagraph 8(5d) that the notification has been properly completed.	
Article 14(15)				
y	327	15. If one or more competent authorities wish to request additional information in accordance with Article 8(4), second subparagraph, in relation to a notification for shipments to a pre-consented facility, the time periods mentioned in that subparagraph, as well as in Article 8(5), first and second paragraphs, shall be shortened to one day for Article 8(4), second subparagraph, and Article 8(5), second subparagraph, and two days for Article 8(5), first subparagraph, respectively.	deleted	
Article 14(16), first subparagraph				
6	328	16. Notwithstanding paragraph 14, the competent authority of destination may decide that more time is needed in order to receive further information or documentation from the notifier.	16. Notwithstanding paragraph 14, the a competent authority of destination concerned may decide that more time is needed in order to receive further information or documentation from the notifier.	16. Notwithstanding paragraph 14, the a competent authority of destination concerned may decide that more time is needed in order to receive further information or documentation from the notifier.

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
Article 14(16), second subparagraph				
329	In such cases, that competent authority shall, within seven working days of receipt of the information as referred to in the first subparagraph of Article 8(4), inform the notifier.		In such cases, that competent authority shall, within seven working days of receipt of the information as referred to in the first subparagraph of Article 8(4) <u>after the date on which the notifier has been informed in accordance with Article 8(5d) that the notification has been properly completed</u> , inform the notifier <u>and the other competent authorities concerned</u> .	
Article 14(16), third subparagraph				
330	The total time needed to take one of the decisions as referred to in Article 9(1) shall not exceed 30 days following the date of submission of the notification in accordance with Article 5.		The total time needed to take one of the decisions as referred to in Article 9(1) shall not exceed 30 days following <u>after</u> the date of submission of the notification <u>on which the notifier has been informed</u> in accordance with Article 5 <u>Art 8(5d) that the notification has been properly completed</u> .	
Article 15				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
331	Article 15 Additional provisions regarding interim recovery operations and interim disposal operations		Article 15 Additional provisions regarding interim recovery operations and interim disposal operations	
Article 15(1)				
332	1. Where a shipment of waste is destined for an interim recovery operation or an interim disposal operation, all the facilities where subsequent interim as well as non-interim recovery operations and interim disposal operations are envisaged shall also be indicated in the notification document in addition to the initial interim recovery operation or interim disposal operation.		1. Where a shipment of waste is destined for an interim recovery operation or an interim disposal operation, all the facilities where subsequent interim as well as non-interim recovery operations and interim disposal <u>as well as non-interim disposal</u> operations are envisaged shall also be indicated in the notification document in addition to the initial interim recovery operation or interim disposal operation.	
Article 15(2)				
333	2. The competent authorities of dispatch and destination may give their consent to a shipment of waste destined for an interim recovery operation or interim disposal operation only if there are no grounds for objection, in accordance with Article 12, to the		2. The competent authorities of dispatch and destination may give their consent to a shipment of waste destined for an interim recovery operation or interim disposal operation only if there are no grounds for <u>they consider the conditions in Article 11 fulfilled or</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	shipment(s) of waste to the facilities performing any subsequent interim or non-interim recovery operations or interim disposal operations.		<i>if they do not find reason to raise an</i> objection, in accordance with Article 12, to <i>concerning</i> the shipment(s) of waste to the facilities performing any subsequent interim or non-interim recovery operations or interim <i>or non-interim</i> disposal operations.	
Article 15(3)				
334	3. Within one day of the receipt of the waste by the facility which carries out the interim recovery operation or interim disposal operation, that facility shall provide confirmation to the notifier that the waste has been received. This confirmation shall be supplied on, or annexed to, the movement document.	3. Within one day <i>two working days</i> of the receipt of the waste by the facility which carries out the interim recovery operation or interim disposal operation, that facility shall provide confirmation to the notifier that the waste has been received. This confirmation shall be supplied on, or annexed to, the movement document.	3. Within one day <i>three working days</i> of the receipt of the waste by the facility which carries out the interim recovery operation or interim disposal operation, that facility shall provide confirmation to the notifier <i>and the competent authorities concerned</i> that the waste has been received. This confirmation shall be supplied on, or annexed to, the movement document.	
Article 15(4), first subparagraph				
335	4. As soon as possible, but no later than 30 days after completion of the interim recovery operation or interim disposal operation, and no later than one calendar year, or the shorter period referred to in Article		4. As soon as possible, but no later than 30 days after completion of the interim recovery operation or interim disposal operation, and no later than one calendar year, or the shorter period referred to in Article	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	9(5), after the receipt of the waste, the facility carrying out this operation shall, under its responsibility, provide a certificate that the operation has been completed.		9(5), after the receipt of the waste, the facility carrying out this operation shall, under its responsibility, provide a certificate <u>to the notifier and the competent authorities concerned</u> that the operation has been completed. <u>This certificate shall be supplied on or annexed to the movement document.</u>	
Article 15(4), second subparagraph				
336	That certificate shall be submitted and contained in, or annexed to, the movement document.		<i>deleted</i>	
Article 15(5), first subparagraph				
337	5. When a recovery or disposal facility which carries out an interim recovery operation or interim disposal operation delivers the waste for any subsequent interim or non-interim recovery or disposal operation to a facility located in the country of destination, it shall obtain as soon as possible and no later than one calendar year, or the shorter period referred to in Article 9(5), after delivery of the waste a certificate		5. When a recovery or disposal facility which carries out an interim recovery operation or interim disposal operation delivers the waste for any subsequent interim or non-interim recovery <u>operation or interim or non-interim</u> or disposal operation to a facility located in the country of destination, it shall obtain as soon as possible and no later than one calendar year, or the shorter period referred to in Article 9(5), after delivery of the waste a	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	from that facility that the subsequent non-interim recovery or disposal operation has been completed.		certificate from that facility that the subsequent <i>interim and</i> non-interim recovery <i>and interim and non-interim</i> disposal operation has been completed.	
Article 15(5), second subparagraph				
338	The said facility that carries out an interim recovery or disposal operation shall promptly transmit, the relevant certificates to the notifier and the competent authorities concerned, identifying the shipments to which the certificates pertain.		The said facility that carries out an interim recovery <i>operation -or interim</i> disposal operation shall promptly transmit, the relevant certificates to the notifier and the competent authorities concerned, identifying the shipments to which the certificates pertain.	
Article 15(5a)				
338a			<i>5a. In order to ensure the consistency of the content of the certificate in the first subparagraph of paragraph 5 throughout the Union, the Commission shall, in good time before adopting the implementing act according to Article 26(4), and at the latest by [OP: Please insert date of twelve months after the date of entry into force of this Regulation], adopt a delegated act supplementing this Article</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>establishing the information to be provided in such a certificate. That delegated act shall be adopted in accordance with Article 76.</i></u>	
Article 15(6)				
339	6. When a delivery as described in paragraph 5 is made to a facility located in the initial country of dispatch or in another Member State, a new notification shall be required in accordance with this Regulation		6. When a delivery as described in paragraph 5 is made to a facility located in the initial country of dispatch or in another Member State, a new notification shall be required in accordance with this Regulation, <u><i>in case it concerns shipments of waste as referred to in Article 4(1) or (2).</i></u>	
Article 15(7)				
340	7. When a delivery as described in paragraph 5 is made to a facility in a third country, a new notification shall be required in accordance with this Regulation and the provisions concerning the competent authorities concerned shall also apply to the initial competent authority of the initial country of dispatch.		7. When a delivery as described in paragraph 5 is made to a facility in a third country, a new notification shall be required in accordance with this Regulation, <u><i>in case it concerns shipments of waste as referred to in Article 4(1) or (2),</i></u> and the provisions concerning the competent authorities concerned shall also apply to the initial competent authority of the initial country of dispatch.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 16				
341	Article 16 Requirements following consent to a shipment		Article 16 Requirements following consent to a shipment	
Article 16(1)				
342	1. After consent has been given to a notified shipment by the competent authorities concerned, all undertakings involved shall complete, the movement document, or, in the case of a general notification, the movement documents at the points indicated. They shall ensure that the information in the movement document is made electronically available, including during the time of the transport, to the relevant authorities.		1. After consent has been given to a notified shipment by the competent authorities concerned, all undertakings involved shall complete, the movement document, or, in the case of a general notification, the movement documents at the points indicated. They shall ensure that the information in the movement document is made electronically available <i>in accordance with Article 26</i> , including during the time of the transport, to the relevant <i>other persons involved in the shipment, the competent authorities concerned and the authorities involved in inspections.</i>	
Article 16(2)				
343				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>2. When the notifier has received written consent from the competent authorities of dispatch, destination and transit or may assume tacit consent in relation to the competent authorities of dispatch and transit, he or she shall provide the actual date of shipment and complete the movement document to the extent possible, at least one working day before the shipment starts.</p>		<p>2. When the notifier has received written consent from the competent authorities of dispatch, destination and transit or may assume tacit consent in relation to the competent authorities of dispatch and <u>authority of</u> transit, he or she shall provide the actual date of shipment and complete the movement document to the extent possible, <u>in accordance with the instructions for completing the notification and movement documents in Annex IA and IB according to Article 5(3a), and submit it to the competent authorities concerned and to the consignee,</u> at least one<u>three</u> working day<u>days</u> before the shipment starts. <u>As an exception, information on the actual quantity of the waste, carrier(s) and, if applicable, container identification number may be submitted at the latest before the actual start of the shipment.</u></p>	
Article 16(2a)				
343a			<p><u>2a. The notifier shall ensure that, in addition to the obligation set out in paragraph 1, the notification document containing</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>the written consents of and the conditions given by the competent authorities concerned are made electronically available, including during the time of the transport, to the competent authorities concerned and to the authorities involved in inspections.</u>	
Article 16(2b)				
343b			<u>2b. Where the documents referred to in paragraphs 1 and 2a cannot be made available online during the transport, the notifier and the carrier(s) shall ensure that the documents are available offline in the transport vehicle. In such cases, the notifier shall ensure that any changes or additions to the documents during the transport are submitted to a system as mentioned in Article 26.</u>	
Article 16(3)				
344	3. The facility shall, within one day of receipt of the waste, provide confirmation to the notifier and the relevant authorities that the waste has been received.	3. The facility shall, within one day <u>two working days</u> of receipt of the waste, provide confirmation to the notifier and the relevant authorities that the waste has been received.	3. The facility shall, within one day <u>three working days</u> of receipt of the waste, provide confirmation to the notifier and the relevant <u>competent</u> authorities <u>concerned</u> that the waste has been	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			received. <u><i>This confirmation shall be supplied on, or annexed to, the movement document.</i></u>	
Article 16(4)				
345	4. The facility carrying out a non-interim recovery operation or disposal operation shall, as soon as possible and no later than 30 days after completion of that operation, and no later than one calendar year, or the shorter period referred to in Article 9(5), after receipt of the waste, certify, under its responsibility, that the non-interim recovery or disposal has been completed.		4. The facility carrying out a non-interim recovery operation or disposal operation shall, as soon as possible and no later than 30 days after completion of that operation, and no later than one calendar year, or the shorter period referred to in Article 9(5), after receipt of the waste, certify, under its responsibility, that the non-interim recovery or disposal has been completed.	
Article 16(5)				
346	5. The certificate referred to in paragraph 4, shall be submitted to the notifier and the relevant authorities, either by the facility carrying out the operation, or, in case it has no access to a system as referred to in Article 26, via the notifier.		5. The certificate referred to in paragraph 4, shall be submitted to the notifier and the relevant <u>competent</u> authorities; either by the facility carrying out the operation, or, in case it has no access to a system as referred to in Article 26, via the notifier <u>concerned</u> .	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 17				
347	Article 17 Changes in the shipment after consent		Article 17 Changes in the shipment <u>Article 17</u> <u>Changes after consent</u> after consent	
Article 17(1)				
348	1. If any essential change is made to the details and/or conditions of the consented shipment, the notifier shall inform, the competent authorities concerned and the consignee immediately and, where possible, before the shipment starts. Changes in the intended quantity, route, routing, date of shipment or carrier shall constitute essential changes.		1. If any essential change is made to the details and/or conditions of the consented shipment, the notifier shall inform, the competent authorities concerned and the consignee immediately and, where possible, before the shipment starts. <u>Essential changes include, but are not limited to,</u> changes in the intended quantity <u>of waste, in the routing, including possible alternative routings,</u> route, routing, date of shipment or carrier <u>(s) compared to those indicated in the notification, or to the duration of the shipment due to unforeseen circumstances occurring after the start of the shipment, leading to the shipment exceeding its period of validity shall constitute essential changes.</u>	
Article 17(2)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
349	2. In cases of essential changes referred to in paragraph 1, a new notification shall be submitted, unless all the competent authorities concerned indicate, that the proposed changes do not require a new notification.		2. In cases of essential changes referred to in paragraph 1, a new notification shall be submitted, unless all the competent authorities concerned indicate <u>inform the notifier</u> , that the proposed changes do not require a new notification. <u>The competent authorities concerned shall inform the notifier as soon as possible but no later than five working days after receipt of the information. The planned shipment shall not take place until the notifier has been informed by the competent authorities concerned. Where a shipment has already started, the notifier shall ensure that its movement is halted as soon as practicable until being informed by the competent authorities concerned whether a new notification is required.</u>	
Article 17(3)				
350	3. Where essential changes referred to in paragraph 1 involve competent authorities other than those concerned in the original notification, a new notification shall be submitted.	3. Where essential changes referred to in paragraph 1 involve competent authorities other than those concerned in the original notification, a new notification shall be submitted, <u>unless the</u>	3. Where essential changes referred to in paragraph 1 involve competent authorities other than those concerned in the original notification, a new notification shall be submitted.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u>competent authorities concerned can agree unanimously to waive the need for a new notification.</u>		
Chapter 2				
6	351	Chapter 2	Chapter 2 <u>General information requirements</u>	Chapter 2 <u>General information requirements</u> Text Origin: Council Mandate
Article 18				
6	352	Article 18 General information requirements	Article 18 General information requirements <u>Article 18</u> <u>Waste to be accompanied by certain information</u>	Article 18 General information requirements <u>Article 18</u> <u>Waste to be accompanied by certain information</u> Text Origin: Council Mandate
Article 18(1)				
6	353	1. Waste referred to in Article 4(3) and (4) that is intended to be shipped shall be subject to the general information requirements set out in paragraphs 2 to 7 of this Article.	1. Waste referred to in Article 4(3) and (4) that is intended to be shipped shall be subject to the general information requirements set out in paragraphs 2 <u>1a</u> to 7 of this Article.	1. Waste referred to in Article 4(3) and (4) that is intended to be shipped shall be subject to the general information requirements set out in paragraphs 2 <u>1a</u> to 7 of this Article. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 18(1a)				
6	353a		<p><u><i>1a. A shipment referred to in paragraph 1 may only be arranged by a person who arranges a shipment referred to in Article 3, points (6a)(ii), (iii) and (iv) when it has obtained a permit or is registered in accordance with Chapter IV of Directive 2008/98/EC.</i></u></p>	<p><u><i>1a. A shipment referred to in paragraph 1 may only be arranged by a person who arranges a shipment referred to in Article 3, points (6a)(ii), (iii) and (iv) when it has obtained a permit or is registered in accordance with Chapter IV of Directive 2008/98/EC.</i></u></p> <p>Text Origin: Council Mandate</p>
Article 18(1b), first subparagraph				
6	353b		<p><u><i>1b. All undertakings involved shall complete the relevant information contained in Annex VII at the points indicated and ensure that the information is made electronically available in accordance with Article 26, including during the time of the transport, to the other persons involved in the shipment, the competent authorities concerned and the authorities involved in inspections.</i></u></p>	<p><u><i>1b. All undertakings involved shall complete the relevant information contained in Annex VII at the points indicated and ensure that the information is made electronically available in accordance with Article 26, including during the time of the transport, to the other persons involved in the shipment, the competent authorities concerned and the authorities involved in inspections.</i></u></p> <p>Text Origin: Council Mandate</p>
Article 18(1b), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	353c		<p><u>When the person who arranges the shipment is not the original waste producer referred to in Article 3, point (6a)(a)(i), the person who arranges the shipment shall ensure that the original waste producer or one of the persons indicated in Article 3, points (6a)(a)(ii), (iii) or (v), where practicable, also signs the Annex VII document.</u></p>	<p><u>When the person who arranges the shipment is not the original waste producer referred to in Article 3, point (6a)(a)(i), the person who arranges the shipment shall ensure that the original waste producer or one of the persons indicated in Article 3, points (6a)(a)(ii), (iii) or (v), where practicable, also signs the Annex VII document.</u></p> <p>Text Origin: Council Mandate</p>
Article 18(2)				
y	354	<p>2. The person under the national jurisdiction of the country of dispatch who arranges the shipment shall complete and submit the relevant information contained in Annex VII, no later than one day before the shipment takes place.</p>	<p>2. The person under the national jurisdiction of the country of dispatch who arranges the shipment shall complete and submit the relevant information contained in Annex VII <u>to the extent possible</u>, no later than one day <u>three working days</u> before the shipment takes place <u>starts. As an exception, information on the actual quantity of the waste, carrier(s) and, if applicable, container identification number may be submitted at the latest before the actual start of the shipment.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 18(2a)				
6	354a		<p><u>2a. Where the information referred to in paragraph 1b and 2 cannot be made available online during the transport, the person who arranges the shipment and the carrier(s) shall ensure that the information is available by other means in the transport vehicle, provided that the information is consistent with the information made available electronically in accordance with paragraph 1b and 2. In such cases, the person who arranges the shipment shall ensure that any changes or additions to the documents during the transport are submitted to a system as mentioned in Article 26.</u></p>	<p><u>2a. Where the information referred to in paragraph 1b and 2 cannot be made available online during the transport, the person who arranges the shipment and the carrier(s) shall ensure that the information is available by other means in the transport vehicle, provided that the information is consistent with the information made available electronically in accordance with paragraph 1b and 2. In such cases, the person who arranges the shipment shall ensure that any changes or additions to the documents during the transport are submitted to a system as mentioned in Article 26.</u></p> <p>Text Origin: Council Mandate</p>
Article 18(2b)				
6	354b		<p><u>2b. Where a shipment of waste is destined for an interim recovery operation, the facility where the interim or non-interim operations directly following the initial interim operation and the R-codes</u></p>	<p><u>2b. Where a shipment of waste is destined for an interim recovery operation, the facility where the interim or non-interim operations directly following the initial interim operation and the R-codes</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>of these operations, shall also be indicated in the Annex VII document in addition to the initial interim recovery operation, as well as, where practicable, the facilities where subsequent interim as well as non-interim recovery operations are envisaged and the R-codes of these operations.</u>	<u>of these operations, shall also be indicated in the Annex VII document in addition to the initial interim recovery operation, as well as, where practicable, the facilities where subsequent interim as well as non-interim recovery operations are envisaged and the R-codes of these operations.</u> Text Origin: Council Mandate
Article 18(3)				
G	355 3. The person referred to in paragraph 2 shall ensure that the information referred to in that paragraph is made electronically available, including during the time of the transport, to the relevant authorities.		deleted	3. The person referred to in paragraph 2 shall ensure that the information referred to in that paragraph is made electronically available, including during the time of the transport, to the relevant authorities. <u>deleted</u>
Article 18(4)				
Y	356 4. The recovery facility or the laboratory and the consignee or, in case they have no access to a system referred to in Article 26, the person referred to in paragraph 2 shall, within one day of receipt of the waste, provide confirmation to the notifier and the relevant	4. The recovery facility or the laboratory and the consignee or, in case they have no access to a system referred to in Article 26, the person referred to in paragraph 2 shall, within <u>one day two working days</u> of receipt of the waste, provide confirmation to the notifier	4. The recovery facility or the laboratory and the consignee or, in case they have no access to a system referred to in Article 26, the person referred to in paragraph 2 shall, within one day of receipt of the waste, provide confirmation to the notifier and the relevant	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	authorities that the waste has been received by completing the relevant information contained in Annex VII.	and the relevant authorities that the waste has been received by completing the relevant information contained in Annex VII.	authorities that the waste has been received by completing the relevant information contained in Annex VII <u>shall, within three working days of receipt of the waste, provide confirmation to the person who arranges the shipment that the waste has been received by completing the relevant information contained in Annex VII. In case the recovery facility or the laboratory have no access to a system referred to in Article 26, they shall provide the confirmation via the person who arranges the shipment.</u>	
Article 18(5)				
6	357 5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery has been completed by completing the relevant information contained in Annex VII.		5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery has been completed by completing the relevant information contained in Annex VII. <u>In case the recovery facility has no access to a system referred to in Article 26, it shall provide the confirmation via the person who arranges the</u>	5. The recovery facility shall, as soon as possible and no later than 30 days after completion of the recovery operation, and no later than one calendar year after receipt of the waste, certify, under its responsibility, that the recovery has been completed by completing the relevant information contained in Annex VII. <u>In case the recovery facility has no access to a system referred to in Article 26, it shall provide the confirmation via the person who arranges the</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>shipment.</u>	<u>shipment.</u> Text Origin: Council Mandate
Article 18(6)				
6	358	6. The person referred to in paragraph 2 shall immediately inform the competent authority of dispatch in case a shipment has been prevented from import into the country of destination, rejected by the consignee or cannot be completed as originally intended.	deleted	6. <i>The person referred to in paragraph 2 shall immediately inform the competent authority of dispatch in case a shipment has been prevented from import into the country of destination, rejected by the consignee or cannot be completed as originally intended.</i> deleted
Article 18(7) first subparagraph				
6	358a		<u>7. All shipments of waste referred to in Article 4(3) and (4) shall be subject to the requirement of the conclusion of a contract between the person who arranges the shipment and the consignee for the recovery of the waste. If the consignee is not the operator of the facility, the contract shall also be signed by the operator of the facility.</u>	<u>7. All shipments of waste referred to in Article 4(3) and (4) shall be subject to the requirement of the conclusion of a contract between the person who arranges the shipment and the consignee for the recovery of the waste. If the consignee is not the operator of the facility, the contract shall also be signed by the operator of the facility.</u> Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 18(7) second subparagraph				
359	<p>7. The contract referred to in Annex VII between the person who arranges the shipment and the consignee for recovery of the waste shall be effective when the shipment starts. Where the shipment of waste or its recovery cannot be completed as intended or where it has been effected as an illegal shipment, that contract shall include an obligation on the person who arranges the shipment or, where that person is not in a position to complete the shipment of waste or its recovery, on the consignee, to take the waste back or ensure its recovery in an alternative way; and to provide, if necessary, for its storage in the meantime.</p>		<p>7. The contract referred to in Annex VII between the person who arranges the shipment and the consignee for recovery of the waste shall be effective<u>the first subparagraph shall be concluded and effective at the latest at the time</u> when the shipment starts. Where the shipment of waste or its recovery cannot be<u>information contained in Annex VII is</u> completed as intended or where it has been effected as an illegal shipment, that contract shall include an obligation on the person who arranges<u>in accordance with paragraph 2 and for the duration of</u> the shipment or, where that person is not in a position to complete the shipment of waste or its recovery, on the consignee, to take the waste back or ensure its recovery in an alternative way; and to provide, if necessary, for its storage in the meantime.<u>until a certificate is issued in accordance with paragraph 5.</u></p>	<p>The contract referred to in Annex VII between the person who arranges the shipment and the consignee for recovery of the waste shall be effective<u>the first subparagraph shall be concluded and effective at the latest at the time</u> when the shipment starts. Where the shipment of waste or its recovery cannot be<u>information contained in Annex VII is</u> completed as intended or where it has been effected as an illegal shipment, that contract shall include an obligation on the person who arranges<u>in accordance with paragraph 2 and for the duration of</u> the shipment or, where that person is not in a position to complete the shipment of waste or its recovery, on the consignee, to take the waste back or ensure its recovery in an alternative way; and to provide, if necessary, for its storage in the meantime.<u>until a certificate is issued in accordance with paragraph 5.</u></p> <p><small>Text Origin: Council Mandate</small></p>
Article 18(7) third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
359a			<p><u>The contract shall be consistent with the corresponding Annex VII document(s) and at least contain information on the person who arranges the shipment, the consignee and the facility, together with an identification of persons representing each party, the description of the waste, the waste identification codes, the quantity of waste covered by the contract, the recovery operation and the period of validity of the contract.</u></p>	<p><u>The contract shall be consistent with the corresponding Annex VII document(s) and at least contain information on the person who arranges the shipment, the consignee and the facility, together with an identification of persons representing each party, the description of the waste, the waste identification codes, the quantity of waste covered by the contract, the recovery operation and the period of validity of the contract.</u></p> <p>Text Origin: Council Mandate</p>
Article 18(7) fourth subparagraph				
359b			<p><u>The contract shall include an obligation, where the shipment of waste or its recovery cannot be completed as intended or where it has been effected as an illegal shipment, on the person who arranges the shipment or, where that person is not in a position to complete the shipment of waste or its recovery, on the consignee, to take the waste back or ensure its recovery in an alternative way; and to provide, if necessary, for its</u></p>	<p><u>The contract shall include an obligation, where the shipment of waste or its recovery cannot be completed as intended or where it has been effected as an illegal shipment, on the person who arranges the shipment or, where that person is not in a position to complete the shipment of waste or its recovery, on the consignee, to take the waste back or ensure its recovery in an alternative way; and to provide, if necessary, for its</u></p>

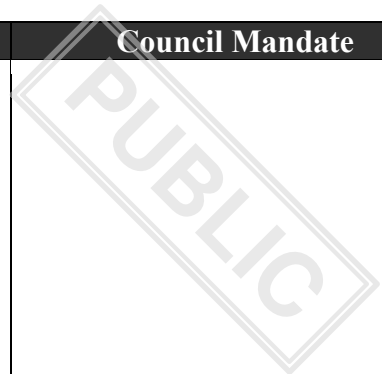
	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>storage in the meantime.</u>	<u>storage in the meantime.</u> Text Origin: Council Mandate
Article 18(8)				
6	360 8. The person who arranges the shipment or the consignee shall provide a copy of the contract referred to in paragraph 7 to the competent authority concerned upon its request.		8. The person who arranges the shipment or the consignee shall provide a copy of the contract referred to in paragraph 7 <u>and of any agreement according to Article 4(4)</u> to the <i>competent authority concerned upon its authorities involved in inspections upon their</i> request. Text Origin: Council Mandate	8. The person who arranges the shipment or the consignee shall provide a copy of the contract referred to in paragraph 7 <u>and of any agreement according to Article 4(4)</u> to the <i>competent authority concerned upon its authorities involved in inspections upon their</i> request. Text Origin: Council Mandate
Article 18(9)				
6	361 9. The information required in Annex VII shall be available for inspection, enforcement, planning and statistical purposes by Member States and the Commission, in accordance with Article 26 and national legislation.		9. The information required in Annex VII shall be available for inspection, enforcement, planning and statistical purposes by Member States and the Commission, in accordance with Article 26 and national legislation.	9. The information required in Annex VII shall be available for inspection, enforcement, planning and statistical purposes by Member States and the Commission, in accordance with Article 26 and national legislation. Text Origin: Commission Proposal
Article 18(10)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	362		10. The information referred to in paragraph 2 <u>paragraphs 2 to 5</u> shall be treated as confidential where this is required by Union or national legislation.	10. The information referred to in paragraph 2 <u>paragraphs 2 to 5</u> shall be treated as confidential where this is required by Union or national legislation. Text Origin: Council Mandate
Article 18(11)				
6	363		11. Where the waste is shipped between two establishments under the control of the same legal entity, the contract referred to in paragraph 7 may be replaced by a declaration by that legal entity. That declaration shall cover mutatis mutandis the obligations referred to in paragraph 7.	11. Where the waste is shipped between two establishments under the control of the same legal entity, the contract referred to in paragraph 7 may be replaced by a declaration by that legal entity. That declaration shall cover mutatis mutandis the obligations referred to in paragraph 7. Text Origin: Commission Proposal
Article 18(12)				
Y	363a		<u>12. At the latest by [OP: Please insert the date of twelve months following the date of entry into force of this Regulation], the Commission shall adopt an implementing act setting out instructions on how to complete</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>the document in Annex VII. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).</i></u>	
Chapter 3				
364	Chapter 3 Mixing waste, documentation and access to information		Chapter 3 Mixing waste, documentation and access to information	
Article 19				
365	Article 19 Prohibition on mixing waste during shipment		Article 19 Prohibition on mixing waste during shipment	
Article 19, first paragraph				
366	From the start of the shipment to the receipt of the waste in a recovery or disposal facility, the waste, as specified in the notification or as referred to in Article 18, shall not be mixed with other waste.		From the start of the shipment to the receipt of the waste in a recovery or disposal facility, the waste, as specified in the notification or as referred to in Article 18, shall not be mixed with other waste <u><i>or other substances or objects.</i></u>	
Article 20				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
367	Article 20 Keeping of documents and information		Article 20 Keeping of documents and information	
Article 20(1)				
368	1. The competent authorities, the notifier, the consignee and the facility which receives the waste shall keep all documents sent to or by the competent authorities in relation to a notified shipment in the Union for at least five years from the date when the shipment starts. In the case of general notifications in accordance with Article 13, that obligation shall apply from the date when the last shipment starts.		1. The competent authorities, the notifier, the consignee and the facility which receives the waste shall keep all documents sent to or by the competent authorities <u>in the Union all information and documents submitted or exchanged</u> in relation to a notified shipment in the Union <u>shipments</u> for at least five years from the date when the shipment starts <u>a certificate according to Articles 15(4) or 16(4) has been provided</u> . In the case of general notifications in accordance with Article 13, that obligation shall apply from the date when the last shipment starts <u>certificate according to Articles 15(4) or 16(4) has been provided</u> .	
Article 20(2)				
369	2. Information given pursuant to		2. Information given <u>provided</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 18(1) shall be kept in the Union for at least five years from the date when the shipment starts, by the person who arranges for the shipment, the consignee and the facility which receives the waste.		pursuant to Article 18(1) <u>18</u> shall be kept in the Union for at least five years from the date when the shipment starts <u>a certificate according to Article 18(5) has been provided</u> , by the person who arranges for the shipment, the consignee and the facility which receives the waste.	
Article 20(3)				
369a			<u>3. The competent authorities shall keep in the Union all information and documents submitted or exchanged in relation to illegal shipments for at least five years from the date when a tack-back or alternative recovery or disposal has been completed.</u>	
Article 21				
370	Article 21 Public access to notifications		<i>deleted</i>	
<i>Article 21, first paragraph</i>				
371	The competent authorities of dispatch or destination shall make publicly available by appropriate	<u>Without undue delay and no later than 30 days after giving a consent or making an objection,</u>	<i>deleted</i>	<u>The Commission shall make the information contained in Annex XIa publicly available via its</u>



	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>means information on notifications of shipments they have consented or objected to, as well as on shipments of waste subject to the general information requirements, where such information is not confidential under national or Union legislation.</p>	<p>the competent authorities of dispatch or destination shall make publicly available by appropriate means <u>accessible through the central electronic submission and exchange system referred to in Article 26(2) or the national system referred to in Article 26(3) if applicable</u>, information on notifications of shipments they have consented or objected to, as well as on shipments of waste subject to the general information requirements, where such information is not confidential under national or Union legislation <u>or personal data protected in accordance with Regulation (EU) 2016/679^{1a}</u>.</p> <p><u>The competent authorities shall make at least the following information publicly accessible :</u></p> <p><u>(a) the type of waste designated according to the European Waste Code in the European Waste Catalogue;</u></p> <p><u>(b) the total quantity of waste intended to be shipped;</u></p> <p><u>(c) the treatment operation the</u></p>		<p><u>website and update it on a monthly basis. The Commission shall for that purpose extract the relevant data from the central system as referred to in Article 26</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<p><u>waste will undergo;</u></p> <p><u>(d) the name of the facility at the final destination; and</u></p> <p><u>(e) whether the notification has been consented to or not.</u></p> <p><u>Ia. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u></p>		
Chapter 4				
6	372	Chapter 4 Take-back obligations	Chapter 4 Take-back obligations	Chapter 4 Take-back obligations
Article 22				
6	373	Article 22 Take-back when a shipment cannot be completed as intended	Article 22 <u>Take-back when a consented shipment cannot be completed as intended</u> Take-back when a shipment cannot be completed as intended	Article 22 <u>Take-back when a consented shipment cannot be completed as intended</u> Take-back when a shipment cannot be completed as intended Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal	
Article 22(1)					
6	374	1. Where any of the competent authorities concerned becomes aware that a shipment of waste, including its recovery or disposal, cannot be completed as intended in accordance with the terms of the notification and movement documents and/or contract referred to Article 6, it shall immediately inform the competent authority of dispatch thereof. Where a recovery or disposal facility rejects a shipment received, it shall immediately inform the competent authority of destination.		1. Where any of the competent authorities concerned becomes aware that a shipment of waste, including or its recovery or disposal, <u>to which the competent authorities concerned has given consent</u> , cannot be completed as intended in accordance with the terms of the notification and movement documents and/or or contract referred to Article 6 <u>and where such shipment is not an illegal shipment</u> , it shall immediately inform the competent authority of dispatch thereof. Where a recovery or disposal facility rejects a shipment received, it shall immediately inform the competent authority of destination.	1. Where any of the competent authorities concerned becomes aware that a shipment of waste, including or its recovery or disposal, <u>to which the competent authorities concerned has given consent</u> , cannot be completed as intended in accordance with the terms of the notification and movement documents and/or or contract referred to Article 6 <u>and where such shipment is not an illegal shipment</u> , it shall immediately inform the competent authority of dispatch thereof. Where a recovery or disposal facility rejects a shipment received, it shall immediately inform the competent authority of destination.
Article 22(2), first subparagraph					
y	375	2. The competent authority of dispatch shall ensure that, except in cases referred to in paragraph 3, the waste in question is taken back to its area of jurisdiction or elsewhere within the country of dispatch by the notifier. The competent		2. The competent authority of dispatch shall ensure that, except in cases referred to in paragraph 3, the waste in question is taken back to its area of jurisdiction or elsewhere within the country of dispatch by the notifier. The competent	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>authority of dispatch shall identify the notifier following the order indicated in Article 3, point (6). Where that is not possible, that competent authority itself or a natural or legal person on its behalf shall comply with the provisions of this Article.</p>		<p>authority of dispatch shall identify, or, where relevant, by a person deemed to be the notifier following the order indicated in Article 3, point (6) <u>in accordance with paragraphs 10 or 10a in order to arrange for its disposal or recovery.</u> Where that is not possible <u>impracticable</u>, that competent authority itself or a natural or legal person on its behalf shall comply with the provisions of this Article.</p>	
Article 22(2), second subparagraph				
376	<p>The take-back referred to in the first subparagraph shall take place within 90 days, or such other period as may be agreed between the competent authorities concerned, after the competent authority of dispatch becomes aware or has been advised by the competent authorities of destination or transit that the consented shipment of waste or its recovery or disposal cannot be completed as intended and has been informed of the reason(s) therefor. Such advice may result from information submitted to the competent authorities of</p>		<p>The take-back referred to in the first subparagraph shall take place within 90 days, or such other period as may be agreed between the competent authorities concerned, after the competent authority of dispatch becomes aware or has been advised by the competent authorities of destination or transit that the consented shipment of waste or its recovery or disposal cannot be completed as intended and has been informed of the reason(s) therefor. Such advice may result from information submitted to the competent authorities of</p>	<p>The take-back referred to in the first subparagraph shall take place within 90 days, or such other period as may be agreed between the competent authorities concerned, after the competent authority of dispatch becomes aware or has been advised by the competent authorities of destination or transit that the consented shipment of waste or its recovery or disposal cannot be completed as intended and has been informed of the reason(s) therefor. Such advice may result from information submitted to the competent authorities of</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	destination or transit, inter alia, by other competent authorities.		destination or transit, inter alia, by other competent authorities.	destination or transit, inter alia, by other competent authorities. Text Origin: Commission Proposal
Article 22(3), first subparagraph				
377	3. The take-back obligation set out in paragraph 2 shall not apply if the competent authorities of dispatch, transit and destination involved are satisfied that the waste can be recovered or disposed of in an alternative way in the country of destination or elsewhere by the notifier or, if that is not possible, by the competent authority of dispatch or by a natural or legal person on its behalf.	3. The take-back obligation set out in paragraph 2 shall not apply if the competent authorities of dispatch, transit and destination involved are satisfied that the waste can be recovered or disposed of in an alternative way <u>and environmentally sound manner and without endangering human health</u> in the country of destination or elsewhere by the notifier or, if that is not possible, by the competent authority of dispatch or by a natural or legal person on its behalf.	3. The take-back obligation set out in paragraph 2 shall not apply if the competent authorities of dispatch, transit and destination involved <u>concerned</u> are satisfied that the waste can be recovered or disposed of in an alternative way in the country of destination or elsewhere by the notifier, <u>or, where relevant, by a person deemed to be the notifier in accordance with paragraphs 10 or 10a,</u> or, if that is not possible <u>impracticable</u> , by the competent authority of dispatch or by a natural or legal person on its behalf.	
Article 22(3), second subparagraph				
378	The take-back obligation set out in paragraph 2 shall not apply if the waste shipped has, in the course of the operation at the facility concerned, been irreversibly mixed		The take-back obligation set out in paragraph 2 shall not apply if the waste shipped has, in the course of the operation at the facility concerned, been irreversibly mixed	The take-back obligation set out in paragraph 2 shall not apply if the waste shipped has, in the course of the operation at the facility concerned, been irreversibly mixed

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	with other waste before a competent authority concerned has become aware of the fact that the notified shipment cannot be completed as referred to in paragraph 1. Such mixture shall be recovered or disposed of in an alternative way in accordance with the first subparagraph of this paragraph.		with other waste, <u>so that its composition or nature has changed or can no longer be separated</u> before a competent authority concerned has become aware of the fact that the notified shipment cannot be completed as referred to in paragraph 1. Such mixture shall be recovered or disposed of in an alternative way in accordance with the first subparagraph of this paragraph.	with other waste, <u>so that its composition or nature has changed or can no longer be separated</u> before a competent authority concerned has become aware of the fact that the notified shipment cannot be completed as referred to in paragraph 1. Such mixture shall be recovered or disposed of in an alternative way in accordance with the first subparagraph of this paragraph. Text Origin: Council Mandate
	Article 22(3a) new			
G	378a			<u>3a. In cases of alternative arrangements as referred to in paragraph 3, the notifier, or, where relevant, the person deemed to be the notifier in accordance with paragraphs 10 or 10a, or, if that is impracticable, the competent authority of dispatch or the natural or legal person on its behalf, shall ensure that the waste concerned is managed in an environmentally sound manner and in accordance with Article 56.</u>
	Article 22(4), first subparagraph			
G	379			G

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	4. In cases of take-back as referred to in paragraph 2, a new notification shall be submitted, unless the competent authorities concerned agree that a duly motivated request by the initial competent authority of dispatch is sufficient.		4. In cases of take-back as referred to in paragraph 2, a new notification shall be submitted, unless the competent authorities concerned agree that a duly motivated request by the initial competent authority of dispatch is sufficient.	4. In cases of take-back as referred to in paragraph 2, a new notification shall be submitted, unless the competent authorities concerned agree that a duly motivated request by the initial competent authority of dispatch is sufficient. Text Origin: Commission Proposal
Article 22(4), second subparagraph				
y	380 A new notification, where appropriate, shall be submitted by the initial notifier or, if that is not possible, by any other natural or legal persons identified in accordance with Article 3, point (6) following the order indicated in that provision, or, if that is also impossible, by the initial competent authority of dispatch or by a natural or legal person on its behalf.		A new notification, where appropriate, shall be submitted by the initial notifier or, <i>if that is not possible, by any other natural or legal persons identified</i> <u>where relevant, a person deemed to be the notifier</u> in accordance with <i>Article 3, point (6) following the order indicated in that provision</i> <u>paragraphs 10 or 10a</u> , or, if that is also <i>impossible</i> <u>impracticable</u> , by the initial competent authority of dispatch or by a natural or legal person on its behalf.	
Article 22(4), third subparagraph				
g	381			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	The competent authorities shall not oppose or object to the return of waste from a shipment that cannot be completed or to the related recovery and disposal operation.		The competent authorities shall not oppose or object to the return of waste from a shipment that cannot be completed <i>as intended</i> or to the related recovery and disposal operation.	The competent authorities shall not oppose or object to the return of waste from a shipment that cannot be completed <i>as intended</i> or to the related recovery and disposal operation. Text Origin: Council Mandate
Article 22(5), first subparagraph				
y	382 5. In cases of alternative arrangements outside the initial country of destination as referred to in paragraph 3, a new notification, where appropriate, shall be submitted by the initial notifier or, if that is not possible, by any other natural or legal persons identified in accordance with Article 3, point (6) following the order indicated in that provision, or, if that is also impossible, by the initial competent authority of dispatch or by a natural or legal person on its behalf.		5. In cases of alternative arrangements outside the initial country of destination as referred to in paragraph 3, a new notification, where appropriate, shall be submitted by the initial notifier or, <i>if that is not possible, by any other natural or legal persons identified where relevant, a person deemed to be the notifier</i> in accordance with <i>Article 3, point (6) following the order indicated in that provision, paragraphs 10 or 10a</i> or, if that is <i>also impossible impracticable</i> , by the initial competent authority of dispatch or by a natural or legal person on its behalf.	
Article 22(5), second subparagraph				
g	383			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	When such a new notification is submitted by the notifier, it shall also be submitted to the competent authority of the initial country of dispatch.		When such a new notification is submitted by the notifier, it shall also be submitted to the competent authority of the initial country of dispatch.	When such a new notification is submitted by the notifier, it shall also be submitted to the competent authority of the initial country of dispatch. Text Origin: Commission Proposal
Article 22(6)				
y	384 6. In cases of alternative arrangements in the initial country of destination as referred to in paragraph 3, a new notification shall not be required and a duly motivated request shall suffice. Such a duly motivated request, seeking agreement to the alternative arrangement, shall be submitted to the competent authority of destination and dispatch by the initial notifier or, if that is not possible, to the competent authority of destination by the initial competent authority of dispatch.		6. In cases of alternative arrangements in the initial country of destination as referred to in paragraph 3, a new notification shall not be required and a duly motivated request shall suffice. Such a duly motivated request, seeking agreement to the alternative arrangement, shall be submitted to the competent authority authorities of destination and dispatch by the initial notifier or, if that is not possible impracticable , to the competent authority of destination by the initial competent authority of dispatch.	
Article 22(7), first subparagraph				
y	385 7. If no new notification is to be		7. If no new notification is to be	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	submitted in accordance with paragraphs 4 or 6, a new movement document shall be completed in accordance with Article 15 or Article 16 by the initial notifier or, if that is not possible, by any other natural or legal persons identified in accordance with Article 3, point (6) following the order indicated in that provision or, if that is also not possible, by the initial competent authority of dispatch or by a natural or legal person on its behalf.		submitted in accordance with paragraphs 4 or 6, a new movement document shall be completed in accordance with Article 15 or Article 16 by the initial notifier or, if that is not possible, by any other natural or legal persons identified <u>where relevant, a person deemed to be the notifier</u> in accordance with Article 3, point (6) following the order indicated in that provision <u>paragraphs 10 or 10a</u> or, if that is also not possible <u>impracticable</u> , by the initial competent authority of dispatch or by a natural or legal person on its behalf.	
Article 22(7), second subparagraph				
386	Where a new notification is submitted by the initial competent authority of dispatch in accordance with paragraphs 4 or 5, a new financial guarantee or equivalent insurance shall not be required. Subject to the agreement of all competent authorities concerned, the movement document for the initial shipment may be used for the take-back.		Where a new notification is submitted by the initial competent authority of dispatch in accordance with paragraphs 4 or 5, a new financial guarantee or equivalent insurance shall not be required. Subject to the agreement of all competent authorities concerned, the movement document for the initial shipment may be used for the take-back.	Where a new notification is submitted by the initial competent authority of dispatch in accordance with paragraphs 4 or 5, a new financial guarantee or equivalent insurance shall not be required. Subject to the agreement of all competent authorities concerned, the movement document for the initial shipment may be used for the take-back. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 22(8), first subparagraph				
387	8. The obligation of the notifier and the subsidiary obligation of the country of dispatch to take the waste back or arrange for alternative recovery or disposal shall end when the facility issues the certificate of non-interim recovery or disposal referred to in Article 16(4), or, where appropriate, in Article 15(5). In the case of interim recovery or disposal referred to in Article 7(6), the subsidiary obligation of the country of dispatch shall end when the facility issues the certificate referred to in Article 15(4).		8. The obligation of the notifier and the subsidiary obligation of the country of dispatch to take the waste back or arrange for alternative recovery or disposal shall end when the facility issues the certificate of non-interim recovery or disposal referred to in Article 16(4), or, where appropriate, in Article 15(5). In the case of interim recovery or disposal referred to in Article 7(6), the subsidiary obligation of the country of dispatch shall end when the facility issues the certificate referred to in Article 15(4).	8. The obligation of the notifier and the subsidiary obligation of the country of dispatch to take the waste back or arrange for alternative recovery or disposal shall end when the facility issues the certificate of non-interim recovery or disposal referred to in Article 16(4), or, where appropriate, in Article 15(5). In the case of interim recovery or disposal referred to in Article 7(6), the subsidiary obligation of the country of dispatch shall end when the facility issues the certificate referred to in Article 15(4). <small>Text Origin: Commission Proposal</small>
Article 22(8), second subparagraph				
388	Where a facility issues a certificate of recovery or disposal in such a way that it results in an illegal shipment, with the consequence that the financial guarantee is released, Article 24(4) and Article 25(2) shall apply.		Where a facility issues a certificate of recovery or disposal in such a way that it results in an illegal shipment, with the consequence that the financial guarantee is released, Article 24(4) and Article 25(2) shall apply.	Where a facility issues a certificate of recovery or disposal in such a way that it results in an illegal shipment, with the consequence that the financial guarantee is released, Article 24(4) and Article 25(2) shall apply.

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Commission Proposal
Article 22(9)				
389	9. Where waste from a shipment which cannot be completed, including its recovery or disposal, is discovered within a Member State, the competent authority with jurisdiction over the area where the waste was discovered shall be responsible for ensuring that arrangements are made for the safe storage of the waste pending its return or non-interim recovery or disposal in an alternative way.		9. Where waste from a shipment which cannot be completed, including its recovery or disposal, <i>including as intended, or</i> its recovery or disposal, is discovered within a Member State, the competent authority with jurisdiction over the area where the waste was discovered shall be responsible for ensuring that arrangements are made for the safe storage of the waste pending its return or non-interim recovery or disposal in an alternative way.	9. Where waste from a shipment which cannot be completed, including its recovery or disposal, <i>including as intended, or</i> its recovery or disposal, is discovered within a Member State, the competent authority with jurisdiction over the area where the waste was discovered shall be responsible for ensuring that arrangements are made for the safe storage of the waste pending its return or non-interim recovery or disposal in an alternative way. Text Origin: Council Mandate
Article 22(10)				
390	10. Where a notifier specified in Article 3, point (6)(a)(iv), fails to fulfil any of the take-back obligations set out in this Article and Article 23, the original waste producer, the new waste producer or the collector specified in Article 3, points (6)(a)(i), (ii) or (iii), respectively who authorised the		10. Where a notifier specified in Article 3, point (6)(a)(iv), fails to fulfil any of the take-back obligations set out in this Article and Article 23, the original waste producer, the new waste producer or the collector specified in Article 3, points (6)(a)(i), (ii) or (iii), respectively who authorised the	10. Where a notifier specified in Article 3, point (6)(a)(iv), fails to fulfil any of the take-back obligations set out in this Article and Article 23, the original waste producer, the new waste producer or the collector specified in Article 3, points (6)(a)(i), (ii) or (iii), respectively who authorised the

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	dealer or broker to act on its behalf shall be deemed to be the notifier for the purposes of those take-back obligations.		dealer or broker to act on its behalf shall be deemed to be the notifier for the purposes of those take-back obligations.	dealer or broker to act on its behalf shall be deemed to be the notifier for the purposes of those take-back obligations. Text Origin: Commission Proposal
Article 22(10a)				
6	390a		<u>10a. Where a notifier specified in Article 3, points (6)(a)(i), (ii) or (iii), fails to fulfil any of the take-back obligations set out in this Article and Article 23, the waste holder specified in Article 3, point (6)(a)(v), shall be deemed to be the notifier for the purpose of those take-back obligations.</u>	<u>10a. Where a notifier specified in Article 3, points (6)(a)(i), (ii) or (iii), fails to fulfil any of the take-back obligations set out in this Article and Article 23, the waste holder specified in Article 3, point (6)(a)(v), shall be deemed to be the notifier for the purpose of those take-back obligations.</u> Text Origin: Council Mandate
Article 22a				
6	390b		<u>Article 22a</u> <u>Take-back when a shipment subject to general information requirements cannot be completed as intended</u>	<u>Article 22a</u> <u>Take-back when a shipment subject to general information requirements cannot be completed as intended</u> Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 22a(1), first subparagraph				
390c			<p><u>1. In the case a shipment referred to in Article 4(3) or (4) cannot be completed as intended, in accordance with the information contained in Annex VII or the contract referred to Article 18(7), and where such shipment is not an illegal shipment, the person who has arranged the shipment in accordance with Article 18 shall immediately inform the competent authority of dispatch thereof. In such cases the person who arranges the shipment or the consignee, following the obligations of the contract referred to in Article 18(7), shall take the waste back to the country of dispatch or ensure its recovery in an alternative way in the country of destination or elsewhere; and ensure, if necessary, that arrangements are made for the safe storage of the waste pending its return or non-interim recovery or disposal in an alternative way.</u></p>	<p><u>1. In the case a shipment referred to in Article 4(3) or (4) cannot be completed as intended, in accordance with the information contained in Annex VII or the contract referred to Article 18(7), and where such shipment is not an illegal shipment, the person who has arranged the shipment in accordance with Article 18 shall immediately inform the competent authority of dispatch thereof. In such cases the person who arranges the shipment or the consignee, following the obligations of the contract referred to in Article 18(7), shall take the waste back to the country of dispatch or ensure its recovery in an alternative way in the country of destination or elsewhere; and ensure, if necessary, that arrangements are made for the safe storage of the waste pending its return or non-interim recovery or disposal in an alternative way.</u></p> <p>Text Origin: Council Mandate</p>
Article 22a(1), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
G	390d		<u>The take-back or recovery of the waste in an alternative way shall take place within 90 days, or any other period agreed between the competent authorities concerned after the date on which the person who arranges the shipment informed the competent authority of dispatch in accordance with the first subparagraph.</u>	<u>The take-back or recovery of the waste in an alternative way shall take place within 90 days, or any other period agreed between the competent authorities concerned after the date on which the person who arranges the shipment informed the competent authority of dispatch in accordance with the first subparagraph.</u> Text Origin: Council Mandate
Article 22a(1a) new				
Y	390da			<u>1a. In cases of alternative arrangements as referred to in paragraph 1, the person who arranges the shipment or the consignee, as relevant, shall ensure that the waste concerned is managed in an environmentally sound manner and in accordance with Article 56.</u>
Article 22a(2)				
G	390e		<u>2. In cases of take back or alternative arrangements outside the initial country of destination, as referred to in paragraph 1, relevant information contained in</u>	<u>2. In cases of take back or alternative arrangements outside the initial country of destination, as referred to in paragraph 1, relevant information contained in</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>Annex VII shall be completed and submitted by the initial person who has arranged the shipment in accordance with Article 18. In case the shipment for take back or alternative arrangements is subject to Article 4(1) or (2), Article 22 shall apply mutatis mutandis.</u></p>	<p><u>Annex VII shall be completed and submitted by the initial person who has arranged the shipment in accordance with Article 18. In case the shipment for take back or alternative arrangements is subject to Article 4(1) or (2), Article 22 shall apply mutatis mutandis.</u></p> <p>Text Origin: Council Mandate</p>
Article 22a(3)				
390f			<p><u>3. Where the competent authority of dispatch becomes aware that a shipment referred to in Article 4(3) or (4) has not been completed as intended and that the obligations to take the waste back or arrange for its alternative recovery in accordance with paragraph 1 have not been fulfilled, the competent authority of dispatch shall take all necessary measures to ensure that the person that has arranged the shipment takes the waste back or arranges for its recovery in an alternative way and ensures, if necessary, that arrangements are made for the safe storage of the waste pending its return or non-</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>interim recovery or disposal in an alternative way. Where it is impracticable for the person that has arranged the shipment to fulfil the take-back obligations, these obligations shall be fulfilled by a person deemed to be the person who arranges the shipment in accordance with paragraphs 4 or 5, where relevant.</u></p>	
Article 22a(4)				
390g			<p><u>4. Where a person who arranges the shipment specified in Article 3, point (6a)(a)(iv), fails to fulfil any of the take-back obligations set out in this Article and Article 23, the original waste producer, the new waste producer or the collector specified in Article 3, points (6a)(a)(i), (ii) or (iii), respectively who authorised the dealer or broker to act on its behalf shall be deemed to be the person who arranges the shipment for the purpose of those take-back obligations.</u></p>	<p><u>4. Where a person who arranges the shipment specified in Article 3, point (6a)(a)(iv), fails to fulfil any of the take-back obligations set out in this Article and Article 23, the original waste producer, the new waste producer or the collector specified in Article 3, points (6a)(a)(i), (ii) or (iii), respectively who authorised the dealer or broker to act on its behalf shall be deemed to be the person who arranges the shipment for the purpose of those take-back obligations.</u></p> <p>Text Origin: Council Mandate</p>
Article 22a(5)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	390h		<p><u>5. Where the person who arranges the shipment specified in Article 3, points (6a)(a)(i), (ii) or (iii) fails to fulfil any of the take-back obligations set out in this Article and Article 23, the waste holder specified in Article 3, point (6a)(v), shall be deemed to be the person who arranges the shipment for the purpose of those take-back obligations.</u></p>	<p><u>5. Where the person who arranges the shipment specified in Article 3, points (6a)(a)(i), (ii) or (iii) fails to fulfil any of the take-back obligations set out in this Article and Article 23, the waste holder specified in Article 3, point (6a)(v), shall be deemed to be the person who arranges the shipment for the purpose of those take-back obligations.</u></p> <p>Text Origin: Council Mandate</p>
Article 22a(6)				
6	390i		<p><u>6. Where it is impracticable for the person that arranges the shipment or a person deemed responsible in accordance with paragraphs 4 or 5 to fulfil the take-back obligations set out in paragraph 3, the competent authority of dispatch or a natural or legal person on its behalf shall comply with this Article.</u></p>	
Article 23				
6	391	Article 23 Costs for take-back when a	Article 23	Article 23

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	shipment cannot be completed		<u>Costs for take-back when a shipment cannot be completed as intended</u> Costs for take-back when a shipment cannot be completed	<u>Costs for take-back when a shipment cannot be completed as intended</u> Costs for take-back when a shipment cannot be completed Text Origin: Council Mandate
Article 23(1)				
392	1. Costs arising from the return of waste from a shipment that cannot be completed, including costs of its transport, recovery or disposal pursuant to Article 22(2) or (3), and, as of the date on which the competent authority of dispatch becomes aware that a shipment of waste or its recovery or disposal cannot be completed, storage costs pursuant to Article 22(9) shall be charged in accordance with the following order:		1. Costs arising from the return of waste from a shipment that cannot be completed <u>as intended</u> , including costs of its transport, recovery or disposal pursuant to Article 22(2) or (3), and, as of the date on which the competent authority of dispatch becomes aware that a shipment of waste or its recovery or disposal cannot be completed <u>as intended</u> , storage costs pursuant to Article 22(9) shall be charged in accordance with the following order:	1. Costs arising from the return of waste from a shipment that cannot be completed <u>as intended</u> , including costs of its transport, recovery or disposal pursuant to Article 22(2) or (3), and, as of the date on which the competent authority of dispatch becomes aware that a shipment of waste or its recovery or disposal cannot be completed <u>as intended</u> , storage costs pursuant to Article 22(9) shall be charged in accordance with the following order: Text Origin: Council Mandate
Article 23(1), point (a)				
393	(a) to the notifier following the order of the list in Article 3, point (6); or, if that is not possible to the person referred to in point (b);		(a) to the notifier following the order of the list in Article 3, point (6); or, if that is not possible <u>initial notifier or, if impracticable,</u> to	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			the person referred to in point (b);	
Article 23(1), point (aa)				
6	393a		<u>(a1) to a person deemed to be the notifier in accordance with Article 22(10) or (10a), where relevant; or, if that is also impracticable, to the person referred to in point (b);</u>	6
Article 23(1), point (b)				
Y	394	(b) to other natural or legal persons as appropriate; or, if that is also impossible to the person referred to in point (c);	(b) to other natural or legal persons as appropriate; or, if that is also impossible to the person referred to in <u>impracticable, in accordance with</u> point (c);	Y
Article 23(1), point (c)				
Y	395	(c) to the competent authority of dispatch; or, if that is also impossible in accordance with point (d);	(c) to the competent authority of dispatch; or, if that is also impossible <u>impracticable</u> in accordance with point (d);	Y
Article 23(1), point (d)				
6	396	(d) as otherwise agreed between the competent authorities concerned.	(d) as otherwise agreed between the competent authorities concerned.	6

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Commission Proposal
Article 23(1a)				
396a			<p><u>1a. Before charging costs to someone else than the initial notifier the financial gurantee or equivalent insurance referred to in Article 7 shall be used. If there is no financial guarantee or if the costs exceed the amount of the cover of the financial guarantee or equivalent insurance the costs shall be charged following the order indicated in paragraph 1(a) to(d).</u></p>	<p><u>1a. Before charging costs to someone else than the initial notifier the financial gurantee or equivalent insurance referred to in Article 7 shall be used. If there is no financial guarantee or if the costs exceed the amount of the cover of the financial guarantee or equivalent insurance the costs shall be charged following the order indicated in paragraph 1(a) to(d).</u></p> <p>Text Origin: Council Mandate</p>
Article 23(1b)				
396b			<p><u>1b. This Article shall apply mutatis mutandis to costs arising from the take-back or alternative recovery of wastes in accordance with Article 22a.</u></p>	<p><u>1b. This Article shall apply mutatis mutandis to costs arising from the take-back or alternative recovery of wastes in accordance with Article 22a.</u></p> <p>Text Origin: Council Mandate</p>
Article 23(2)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
G	397 2. This Article shall be without prejudice to Union and national provisions concerning liability.		2. This Article shall be without prejudice to Union and national provisions concerning liability.	2. This Article shall be without prejudice to Union and national provisions concerning liability. Text Origin: Commission Proposal
Article 24				
G	398 Article 24 Take-back when a shipment is illegal		Article 24 Take-back when a shipment is illegal	Article 24 Take-back when a shipment is illegal Text Origin: Commission Proposal
Article 24(1)				
Y	399 1. Where a competent authority discovers a shipment that it considers to be an illegal shipment, it shall immediately inform the other competent authorities concerned.	1. Where a competent authority discovers a shipment that it considers to be an illegal shipment, it shall immediately inform the other competent authorities concerned. <u>The competent authorities of dispatch concerned shall increase inspections of subsequent shipments that are similar in terms of notifier, waste producer, collector, dealer or broker or waste holder, in order to prevent any further illegal shipments.</u>	1. Where a competent authority discovers a shipment that it considers to be an illegal shipment, it shall immediately inform the other competent authorities concerned.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 24(2), first subparagraph			
G	400	2. Where the responsibility of an illegal shipment can be imputed to the notifier, the competent authority of dispatch shall ensure that the waste in question is:	2. Where the responsibility of an illegal shipment can be imputed to the notifier, the competent authority of dispatch shall ensure that the waste in question is:	2. Where the responsibility of an illegal shipment can be imputed to the notifier, the competent authority of dispatch shall ensure that the waste in question is: Text Origin: Commission Proposal
	Article 24(2), first subparagraph, point (a)			
Y	401	(a) taken back by the notifier de facto, in order to arrange for its disposal or recovery; or, if no notification has been submitted, in accordance with point (b);	(a) taken back by the notifier <u>or, where relevant, by a person deemed to be the notifier in accordance with paragraphs 3 or 3a-de-facto</u> , in order to arrange for its disposal or recovery; or <u>if impracticable, in accordance with point (c); or</u> -if no notification has been submitted, in accordance with point (b);	
	Article 24(2), first subparagraph, point (b)			
Y	402	(b) taken back by the notifier de jure in order to arrange for its disposal or recovery; or, if that is not possible, in accordance with	(b) taken back <u>by a person deemed to be the notifier, in accordance with Article 3, point (6), or, where relevant, by a person deemed to be</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	point (c);		by the notifier <i>de jure</i> in accordance with paragraphs 3 or 3a; in order to arrange for its disposal or recovery; or, if that is not possible <i>impracticable</i> , in accordance with point (c);	
Article 24(2), first subparagraph, point (c)				
6	403 (c) taken back by the competent authority of dispatch itself or by a natural or legal person on its behalf in order to arrange for its disposal or recovery; or, if that is also impossible, in accordance with point (d);		(c) taken back by the competent authority of dispatch itself or by a natural or legal person on its behalf in order to arrange for its disposal or recovery; or, if that is also impossible, in accordance with point (d);	(c) taken back by the competent authority of dispatch itself or by a natural or legal person on its behalf in order to arrange for its disposal or recovery; or, if that is also impossible, in accordance with point (d); Text Origin: Council Mandate
Article 24(2a) first subparagraph				
6	403a		<u>2a. The take-back obligation set out in paragraph 2 shall not apply if the competent authorities of dispatch, transit and destination concerned and, where relevant, the notifier or person deemed to be the notifier, agree and are satisfied that the waste can be:</u>	<u>2a. The take-back obligation set out in paragraph 2 shall not apply if the competent authorities of dispatch, transit and destination concerned and, where relevant, the notifier or person deemed to be the notifier, agree and are satisfied that the waste can be:</u> Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 24(2a), first subparagraph, point (a)				
404	(d) alternatively recovered or disposed of in the country of destination or dispatch by the competent authority of dispatch itself or by a natural or legal person on its behalf; or, if that is also impossible, in accordance with point (e);		(a) alternatively recovered or disposed of in the country of destination, <u>transit</u> or dispatch by the <u>notifier or, where relevant, by a person deemed to be the notifier in accordance with paragraphs 3 or 3a, or, if that is impracticable, by</u> competent authority of dispatch itself or by a natural or legal person on its behalf; or, if that is also impossible <u>impracticable</u> , in accordance with point (a) <u>(b)</u> ;	
Article 24(2a), first subparagraph, point (b)				
405	(e) alternatively recovered or disposed of in another country by the competent authority of dispatch itself or by a natural or legal person on its behalf if all the competent authorities concerned agree.		(b) alternatively recovered or disposed of in another country by the <u>notifier or, where relevant, by a person deemed to be the notifier in accordance with paragraphs 3 or 3a, or, if that is impracticable, by the</u> competent authority of dispatch itself or by a natural or legal person on its behalf if all the competent authorities concerned agree.	
Article 24(2a), first subparagraph point (b), second subparagraph (new)				
405a				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>By way of derogation from the first subparagraph, for exports from the Union to third countries and for imports into the Union from third countries, an alternative recovery or disposal according to the first subparagraph shall only take place if a take-back according to paragraph 2 is impracticable.</u>	<u>In case of export or import, an alternative recovery or disposal agreed upon pursuant to the first subparagraph shall only take place if the take-back under according to paragraph 2 is impracticable.</u>
Article 24(2aa) new				
6	405b			<u>2aa. In cases of alternative arrangements as referred to in paragraph 2a, the notifier, or, where relevant, the person deemed to be the notifier in accordance with paragraphs 3 or 3a, or, if that is impracticable, the competent authority of dispatch or the natural or legal person on its behalf, shall ensure that the waste concerned is managed in an environmentally sound manner and in accordance with Article 56.</u>
Article 24(2b), first subparagraph				
6	406	The take-back, recovery or disposal referred to in the first subparagraph shall take place within 30 days, or such other period as may be agreed between the competent authorities	<u>2b.</u> The take-back, recovery or disposal referred to in the first subparagraph paragraphs 2 and 2a shall take place within 30 days, or such other period as may be agreed	<u>2b.</u> The take-back, recovery or disposal referred to in the first subparagraph paragraphs 2 and 2a shall take place within 30 days, or such other period as may be agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	concerned after the competent authority of dispatch becomes aware of or has been advised by the competent authorities of destination or transit of the illegal shipment and informed of the reasons therefor. Such advice may result from information submitted to the competent authorities of destination or transit, inter alia, by other competent authorities.		between the competent authorities concerned after the competent authority of dispatch becomes aware of ₂ or has been advised by the competent authorities of destination or transit of the illegal shipment and informed of the reasons therefor <u>therefore</u> . Such advice may result from information submitted to the competent authorities of destination or transit, inter alia, by other competent authorities.	between the competent authorities concerned after the competent authority of dispatch becomes aware of ₂ or has been advised by the competent authorities of destination or transit of the illegal shipment and informed of the reasons therefor <u>therefore</u> . Such advice may result from information submitted to the competent authorities of destination or transit, inter alia, by other competent authorities. Text Origin: Council Mandate
Article 24(2b),second subparagraph				
6	407 In cases of take-back as referred to in the first subparagraph, points (a), (b) and (c), a new notification shall be submitted, unless the competent authorities concerned agree that a duly motivated request by the initial competent authority of dispatch is sufficient.		In cases of take-back as referred to in the first subparagraph <u>paragraph 2</u> , points (a), (b) and (c), a new notification shall be submitted, unless the competent authorities concerned agree that a duly motivated request by the initial competent authority of dispatch is sufficient.	In cases of take-back as referred to in the first subparagraph <u>paragraph 2</u> , points (a), (b) and (c), a new notification shall be submitted, unless the competent authorities concerned agree that a duly motivated request by the initial competent authority of dispatch is sufficient. Text Origin: Council Mandate
Article 24(2b), third subparagraph				
6	408			6

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>The new notification shall be submitted by the person or authority listed in the first subparagraph, points (a), (b) or (c), and in accordance with that order.</p>		<p>The new notification shall be submitted by the person or authority listed in the first subparagraph paragraph 2, points (a), (b) or (c), and in accordance with that order.</p>	<p>The new notification shall be submitted by the person or authority listed in the first subparagraph paragraph 2, points (a), (b) or (c), and in accordance with that order.</p> <p><small>Text Origin: Council Mandate</small></p>
Article 24(2b), fourth subparagraph				
409	<p>The competent authorities shall not oppose or object to the return of waste of an illegal shipment. In the case of alternative arrangements as referred to in the first subparagraph, points (d) and (e), by the competent authority of dispatch, a new notification shall be submitted by the initial competent authority of dispatch or by a natural or legal person on its behalf unless the competent authorities concerned agree that a duly motivated request by that authority is sufficient.</p>		<p>The competent authorities shall not oppose or object to the return of waste of an illegal shipment. In the case of alternative arrangements as referred to in the first subparagraph paragraph 2a, points (d) and (e) (a) and (b), <u>outside the country where the illegal shipment has been discovered</u> by the competent authority of dispatch, a new notification shall be submitted by the initial competent person or authority of dispatch or by a natural or legal person on its behalf unless the competent authorities concerned agree that a duly motivated request by that authority is sufficient <u>listed in those points and in accordance with that order</u>.</p>	<p>The competent authorities shall not oppose or object to the return of waste of an illegal shipment. In the case of alternative arrangements as referred to in the first subparagraph paragraph 2a, points (d) and (e) (a) and (b), <u>outside the country where the illegal shipment has been discovered</u> by the competent authority of dispatch, a new notification shall be submitted by the initial competent person or authority of dispatch or by a natural or legal person on its behalf unless the competent authorities concerned agree that a duly motivated request by that authority is sufficient <u>listed in those points and in accordance with that order</u>.</p> <p><small>Text Origin: Council Mandate</small></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 24(2b) fifth subparagraph				
6	409a		<u><i>The competent authorities concerned shall cooperate, as necessary, to ensure that the waste in question is taken back or alternatively recovered or disposed of as referred to in paragraphs 2 and 2a.</i></u>	<u><i>The competent authorities concerned shall cooperate, as necessary, to ensure that the waste in question is taken back or alternatively recovered or disposed of as referred to in paragraphs 2 and 2a.</i></u> Text Origin: Council Mandate
Article 24(3)				
6	410	3. Where a notifier specified in Article 3, point (6)(a)(iv), fails to fulfil any of the take-back obligations set out in this Article and Article 25, the original waste producer, the new waste producer or the collector specified in Article 3, points (6)(a)(i), (ii) or (iii), respectively who authorised that dealer or broker to act on its behalf shall be deemed to be the notifier for the purposes of those take-back obligations.	3. Where a notifier specified in Article 3, point (6)(a)(iv), fails to fulfil any of the take-back obligations set out in this Article and Article 25, the original waste producer, the new waste producer or the collector specified in Article 3, points (6)(a)(i), (ii) or (iii), respectively who authorised that dealer or broker to act on its behalf shall be deemed to be the notifier for the purposes of those take-back obligations.	3. Where a notifier specified in Article 3, point (6)(a)(iv), fails to fulfil any of the take-back obligations set out in this Article and Article 25, the original waste producer, the new waste producer or the collector specified in Article 3, points (6)(a)(i), (ii) or (iii), respectively who authorised that dealer or broker to act on its behalf shall be deemed to be the notifier for the purposes of those take-back obligations. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 24(3a)				
6	410a		<p><u>3a. Where a notifier specified in Article 3, points (6)(a)(i), (ii) or (iii), fails to fulfil any of the take back obligations set out in this Article and Article 25, the waste holder as specified in Article 3, point (6)(a)(v), shall be deemed to be the notifier for the purposes of those take-back obligations.</u></p>	<p><u>3a. Where a notifier specified in Article 3, points (6)(a)(i), (ii) or (iii), fails to fulfil any of the take back obligations set out in this Article and Article 25, the waste holder as specified in Article 3, point (6)(a)(v), shall be deemed to be the notifier for the purposes of those take-back obligations.</u></p> <p>Text Origin: Council Mandate</p>
Article 24(4), first subparagraph				
6	411	4. Where the responsibility of an illegal shipment can be imputed to the consignee, the competent authority of destination shall ensure that the waste in question is recovered or disposed of in an environmentally sound manner:	4. Where the responsibility of an illegal shipment can be imputed to the consignee, the competent authority of destination shall ensure that the waste in question is recovered or disposed of in an environmentally sound manner:	4. Where the responsibility of an illegal shipment can be imputed to the consignee, the competent authority of destination shall ensure that the waste in question is recovered or disposed of in an environmentally sound manner:
Text Origin: Commission Proposal				
Article 24(4), first subparagraph, point (a)				
7	412	(a) by the consignee; or, if that is not possible, in accordance with point (b);	(a) by the consignee; or, if that is not possible <u>impracticable</u> , in accordance with point (b);	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 24(4), first subparagraph, point (b)				
6	413 (b) by the competent authority itself or by a natural or legal person on its behalf.		(b) by the competent authority itself or by a natural or legal person on its behalf.	(b) by the competent authority itself or by a natural or legal person on its behalf. Text Origin: Commission Proposal
Article 24(4), second subparagraph				
6	414 The recovery or disposal referred to in the first subparagraph shall take place within 30 days, or such other period as may be agreed between the competent authorities concerned after the competent authority of destination becomes aware of or has been advised by the competent authorities of dispatch or transit of the illegal shipment and informed of the reason(s) therefore. Such advice may result from information submitted to the competent authorities of dispatch and transit, inter alia, by other competent authorities.		The recovery or disposal referred to in the first subparagraph shall take place within 30 days, or such other period as may be agreed between the competent authorities concerned after the competent authority of destination becomes aware of or has been advised by the competent authorities of dispatch or transit of the illegal shipment and informed of the reason(s) therefore. Such advice may result from information submitted to the competent authorities of dispatch and transit, inter alia, by other competent authorities.	The recovery or disposal referred to in the first subparagraph shall take place within 30 days, or such other period as may be agreed between the competent authorities concerned after the competent authority of destination becomes aware of or has been advised by the competent authorities of dispatch or transit of the illegal shipment and informed of the reason(s) therefore. Such advice may result from information submitted to the competent authorities of dispatch and transit, inter alia, by other competent authorities. Text Origin: Commission Proposal
Article 24(4), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	415		The competent authorities concerned shall cooperate, as necessary, in the recovery or disposal of the waste in accordance with this paragraph.	The competent authorities concerned shall cooperate, as necessary, in the recovery or disposal of the waste in accordance with this paragraph. Text Origin: Commission Proposal
Article 24(5), first subparagraph				
6	416		5. Where no new notification is to be submitted, a new movement document shall be completed in accordance with Articles 15 or 16 by the person responsible for take-back or, if that is not possible, by the initial competent authority of dispatch.	5. Where no new notification is to be submitted, a new movement document shall be completed in accordance with Articles 15 or 16 by the person responsible for take-back or, if that is not possible <u>impracticable</u> , by the initial competent authority of dispatch.
Article 24(5), second subparagraph				
6	417		Where a new notification is submitted by the initial competent authority of dispatch, a new financial guarantee or equivalent insurance shall not be required.	Where a new notification is submitted by the initial competent authority of dispatch, <u>which carries out the take-back in accordance with paragraph 2, point (c)</u> , a new financial guarantee or equivalent insurance shall not be required.

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
Article 24(6)				
6	418 6. In cases where responsibility for the illegal shipment cannot be imputed to either the notifier or the consignee, the competent authorities concerned shall cooperate to ensure that the waste in question is recovered or disposed of.		6. In cases where responsibility for the illegal shipment cannot be imputed to either the notifier or the consignee, the competent authorities concerned shall cooperate to ensure that the waste in question is recovered or disposed of.	6. In cases where responsibility for the illegal shipment cannot be imputed to either the notifier or the consignee, the competent authorities concerned shall cooperate to ensure that the waste in question is recovered or disposed of. Text Origin: Commission Proposal
Article 24(7), first subparagraph				
6	419 7. In case of interim recovery or disposal referred to in Article 7(6) where an illegal shipment is discovered after completion of the interim recovery operation or interim disposal operation, the subsidiary obligation of the country of dispatch to take the waste back or arrange for alternative recovery or disposal shall end when the facility has issued the certificate referred to in Article 15(4).		7. In case of interim recovery or disposal referred to in Article 7(6) where an illegal shipment is discovered after completion of the interim recovery operation or interim disposal operation, the subsidiary obligation of the country of dispatch to take the waste back or arrange for alternative recovery or disposal shall end when the facility has issued the certificate referred to in Article 15(4).	7. In case of interim recovery or disposal referred to in Article 7(6) where an illegal shipment is discovered after completion of the interim recovery operation or interim disposal operation, the subsidiary obligation of the country of dispatch to take the waste back or arrange for alternative recovery or disposal shall end when the facility has issued the certificate referred to in Article 15(4). Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Proposal
Article 24(7), second subparagraph				
6	420 Where a facility issues a certificate of recovery or disposal in such a way that it results in an illegal shipment, with the consequence that the financial guarantee is released, paragraph 4 of this Article and Article 25(2) shall apply.		Where a facility issues a certificate of recovery or disposal in such a way that it results in an illegal shipment, with the consequence that the financial guarantee is released, paragraph 4 of this Article and Article 25(2) shall apply.	Where a facility issues a certificate of recovery or disposal in such a way that it results in an illegal shipment, with the consequence that the financial guarantee is released, paragraph 4 of this Article and Article 25(2) shall apply. Text Origin: Commission Proposal
Article 24(8)				
6	421 8. Where the waste of an illegal shipment is discovered within a Member State, the competent authority with jurisdiction over the area where the waste was discovered shall be responsible for ensuring that arrangements are made for the safe storage of the waste pending its return or non-interim recovery or disposal in an alternative way.		8. Where the waste of an illegal shipment is discovered within a Member State, the competent authority with jurisdiction over the area where the waste was discovered shall be responsible for ensuring that arrangements are made for the safe storage of the waste pending its return or non-interim recovery or disposal in an alternative way.	8. Where the waste of an illegal shipment is discovered within a Member State, the competent authority with jurisdiction over the area where the waste was discovered shall be responsible for ensuring that arrangements are made for the safe storage of the waste pending its return or non-interim recovery or disposal in an alternative way. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 24(9)			
Y	422		9. Articles 34, 36, 37 and any <u>export prohibitions contained in a delegated act referred to in Article 42 and 36</u> shall 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 set out in those Articles <u>provisions</u> .	
	Article 24(10)			
G	423		10. In the case of an illegal shipment <u>shipment of waste</u> referred to in Article 3, point (25)(g), the person who arranges the shipment shall be subject <u>4(3) or (4) that is considered to be illegal, the provisions of this Article shall apply mutatis mutandis</u> to the same obligations set out in this Article as the notifier <u>person who arranges the shipments and to the competent authorities concerned</u> .	10. In the case of an illegal shipment <u>shipment of waste</u> referred to in Article 3, point (25)(g), the person who arranges the shipment shall be subject <u>4(3) or (4) that is considered to be illegal, the provisions of this Article shall apply mutatis mutandis</u> to the same obligations set out in this Article as the notifier <u>person who arranges the shipments and to the competent authorities concerned</u> . Text Origin: Council Mandate
	Article 24(11)			
G	424			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	11. This Article shall be without prejudice to Union and national provisions concerning liability.		11. This Article shall be without prejudice to Union and national provisions concerning liability.	11. This Article shall be without prejudice to Union and national provisions concerning liability. Text Origin: Commission Proposal
Article 25				
425	Article 25 Costs for take-back when a shipment is illegal		Article 25 Costs for take-back when a shipment is illegal	Article 25 Costs for take-back when a shipment is illegal Text Origin: Commission Proposal
Article 25(1)				
426	1. Costs arising from the take-back of waste of an illegal shipment, including costs of its transport, recovery or disposal pursuant to Article 24(2) and, as of the date on which the competent authority of dispatch becomes aware that a shipment is illegal, storage costs pursuant to Article 24(8), shall be charged to:		1. Costs arising from the take-back of waste of an illegal shipment, including costs of its transport, recovery or disposal, pursuant to Article 24(2) <u>or (2a)</u> and, as of the date on which the competent authority of dispatch becomes aware that a shipment is illegal, storage costs pursuant to Article 24(8), shall be charged to:	
Article 25(1), point (a)				
427	(a) the notifier de facto, as referred		(a) the notifier <u>or a person</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	to in Article 24(2), point (a) as identified following the order indicated in Article 3, point (6); or, if no notification has been submitted, in accordance with point (b);		<u>deemed to be the notifier de facto</u> , as referred to in Article 24(2), point (a) as identified following the order indicated in Article 3; <u>or, if impracticable, in accordance with point (c)</u> ; or, if no notification has been submitted, in accordance with point (b);	
Article 25(1), point (b)				
428	(b) the notifier de jure or other natural or legal persons as appropriate; or, if that is not possible, in accordance with point (c);		(b) <u>the person deemed to be the notifier, as referred to in Article 24(2), point (b), de jure</u> or other natural or legal persons as appropriate; or, if that is not possible <u>impracticable</u> , in accordance with point (c);	
Article 25(1), point (c)				
429	(c) the competent authority of dispatch.		(c) the competent authority of dispatch.	(c) the competent authority of dispatch. Text Origin: Commission Proposal
Article 25(2)				
430	2. Costs arising from recovery or disposal pursuant to Article 24(4),		2. Costs arising from recovery or disposal pursuant to Article 24(4),	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	including possible transport and storage costs pursuant to Article 24(7), shall be charged to the consignee; or, if that is not possible, to the competent authority of destination.		including possible transport and storage costs pursuant to Article 24(7) 24(8), shall be charged to the consignee; or, if that is not possible <u>impracticable</u> , to the competent authority of destination.	
Article 25(3)				
431	3. Costs arising from recovery or disposal pursuant to Article 24(6), including possible transport and storage costs pursuant to Article 24(8), shall be charged to:		3. Costs arising from recovery or disposal pursuant to Article 24(6), including possible transport and storage costs pursuant to Article 24(8), shall be charged to:	3. Costs arising from recovery or disposal pursuant to Article 24(6), including possible transport and storage costs pursuant to Article 24(8), shall be charged to: Text Origin: Commission Proposal
Article 25(3), point (a)				
432	(a) the notifier, as identified in accordance with the ranking established in Article 3, point (6), and/or the consignee, depending upon the decision by the competent authorities concerned; or, if that is not possible, in accordance with point (b);		(a) the notifier, as identified in accordance with the ranking established in <u>or a person deemed to be the notifier in accordance with</u> Article 3 24(2), point (6) , (b) , <u>Article 24(3) or Article 24(3a)</u> , and/or the consignee, depending upon the decision by the competent authorities concerned; or, if that is not possible <u>impracticable</u> , in accordance with point (b);	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 25(3), point (b)				
433	(b) other natural or legal persons as appropriate; or, if that is also impossible, in accordance with point (c);		(b) other natural or legal persons as appropriate; or, if that is also impossible, in accordance with point (c);	(b) other natural or legal persons as appropriate; or, if that is also impossible, in accordance with point (c); Text Origin: Commission Proposal
Article 25(3), point (c)				
434	(c) the competent authorities of dispatch and destination.		(c) the competent authorities of dispatch and destination.	(c) the competent authorities of dispatch and destination. Text Origin: Commission Proposal
Article 25(3a)				
434a			<u><i>3a. In cases where a notification has been submitted and the notifier does not fulfill its responsibilities for the costs being charged, the financial guarantee or equivalent insurance referred to in Article 7 shall be used before charging costs in accordance with paragraphs 1, 2 or 3 to someone else than the notifier or the consignee respectively. If the costs exceed the amount of cover</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>of the financial guarantee or equivalent insurance, the costs shall be charged following the order indicated in paragraphs 1, 2 and 3.</u>	
Article 25(4)				
435	4. In the case of an illegal shipment referred to in Article 3, point (25)(g), the person who arranges the shipment shall be subject to the same obligations set out in this Article as the notifier.		4. In the case of an illegal shipment <u>a shipment of waste</u> referred to in Article 3, point (25)(g), the person who arranges the shipment <u>4(3) or (4) that is considered to be illegal, the provisions of this Article</u> shall be subject <u>apply mutatis mutandis</u> to the same obligations set out in this Article as the notifier. <u>person who arranges the shipments and to the competent authorities concerned</u>	
Article 25(5)				
436	5. This Article shall be without prejudice to Union and national provisions concerning liability.		5. This Article shall be without prejudice to Union and national provisions concerning liability.	5. This Article shall be without prejudice to Union and national provisions concerning liability. Text Origin: Commission Proposal
Chapter 5				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
437	Chapter 5 General administrative provisions		Chapter 5 General administrative provisions	
Article 26				
438	Article 26 Electronic submission and exchange of information		Article 26 Electronic submission and exchange of information	
Article 26(1)				
439	1. The following information and documents shall be submitted and exchanged via electronic means, either via the central system referred to in paragraph 2, or via a national system in accordance with paragraph 3:	1. The following information, <u>data</u> and documents shall be submitted and exchanged via electronic means, either via the central system referred to in paragraph 2, or via a national system <u>interlinked with the central system</u> in accordance with paragraph 3:	1. The following information and documents shall be submitted and exchanged via electronic means , <u>either via means via the hub of</u> the central system referred to in paragraph 2, or via a national system <u>other available systems or software</u> in accordance with paragraph 3:	
Article 26(1), point (a)				
440	(a) For waste as referred to in Article 4(1) and (2):		(a) For waste as referred to in Article 4(1) and (2):	
Article 26(1), point (a)(i)				
441	(i) notification of a planned		(i) notification of a planned	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	shipment pursuant to Articles 5 and 13;		shipment pursuant to Articles 5 and 13;	
Article 26(1), point (a)(ii)				
442	(ii) request for information and documentation pursuant to Articles 5 and 8;		(ii) request for information and documentation pursuant to Articles 5 and 8;	
Article 26(1), point (a)(iii)				
443	(iii) submission of information and documentation pursuant to Articles 5 and 8;		(iii) submission of information and documentation pursuant to Articles 5 and 8;	
Article 26(1), point (a)(iv)				
444	(iv) information and decisions pursuant to Article 8;		(iv) information and decisions pursuant to Article 8;	
Article 26(1), point (a)(v)				
445	(v) consent to a notified shipment and if applicable, the official notice of a withdrawal thereof pursuant to Article 9;		(v) consent <u>or objection</u> to a notified shipment and, if applicable, the official notice of a withdrawal <u>a withdrawal of a consent</u> thereof pursuant to Article 9;	
Article 26(1), point (a)(vi)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
446	(vi) conditions for a shipment pursuant to Article 10;		(vi) <u>information and</u> conditions for a shipment pursuant to Article 10;	
Article 26(1), point (a)(via)				
446a			<u>(via) information pursuant to Article 11;</u>	
Article 26(1), point (a)(vii)				
447	(vii) objections in case the conditions in Article 11(2) are not fulfilled;		<i>deleted</i>	
Article 26(1), point (a)(viii)				
448	(viii) objections to a shipment pursuant to Article 12;		(viii) <u>information and</u> objections to a shipment pursuant to Article 12;	
Article 26(1), point (a)(ix)				
449	(ix) information on decisions to issue pre-consents to specific recovery facilities pursuant to Article 14(8) and (10);		(ix) information on decisions to issue pre-consents to specific recovery facilities pursuant to Article 14(8) and (10);	
Article 26(1), point (a)(x)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
450	(x) information and decisions pursuant to Article 14(11) and (15);		<i>deleted</i>	
<i>Article 26(1), point (a)(xi)</i>				
451	(xi) confirmation of receipt of the waste pursuant to Articles 15 and 16;		(xi) confirmation <u>confirmations</u> of receipt of the waste pursuant to Articles 15 and 16;	
<i>Article 26(1), point (a)(xii)</i>				
452	(xii) certificate for recovery or disposal of the waste pursuant to Articles 15 and 16;		(xii) certificate for recovery or disposal of the waste pursuant to Articles 15 and 16;	
<i>Article 26(1), point (a)(xiii)</i>				
453	(xiii) prior information regarding the actual start of the shipment pursuant to Article 16;		(xiii) prior information regarding the actual start of the shipment pursuant to <u>(xiv) the documents to accompany each transport in accordance with</u> Article 16;	
<i>Article 26(1), point (a)(xiv)</i>				
454	(xiv) the documents to accompany each transport in accordance with Article 16;		(xiv) the documents to accompany each transport in accordance with Article 16;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 26(1), point (a)(xv)				
455	(xv) information on changes in the shipment after consent pursuant to Article 17;		(xv) information on changes in the shipment after consent pursuant to Article 17;	
Article 26(1), point (a)(xvi)				
456	(xvi) if feasible, consents and movement documents to be sent pursuant to Titles IV, V and VI;		<i>deleted</i>	
Article 26(1), point (b)				
457	(b) For waste referred to in Article 4(3), the information and documentation required under Article 18.		(b) For waste referred to in Article 4(3), the <u>and (4)</u> , information and documentation, <u>confirmation and certificates pursuant to</u> required under Article 18.	
Article 26(1), point (c)				
457a			<u>(c) information and documents related to the procedure of prior written notification and consent and the general information requirements pursuant to Articles 31 and 32 and Titles IV, V and VI, where applicable;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 26(1a)				
457b			<u><i>1a. In order to keep the list of information and documentation updated to the changes of the systems for the exchange and submission under electronic means, the Commission is empowered to adopt delegated acts in accordance with Article 76 to amend paragraph 1 in order to modify the list of information and documentation thereof.</i></u>	
Article 26(2), first subparagraph				
458	2. The Commission shall operate a central system that allows for the electronic submission and exchange of information and documents referred to in paragraph 1. That central system shall provide a hub that shall be used for the exchange in real time of the information and documents referred to in paragraph 1 between existing national systems for electronic data interchange.	2. The Commission shall operate a central system that allows for the electronic submission and exchange of information, <u>data</u> and documents referred to in paragraph 1. That central system shall provide a hub that shall be used for the exchange in real time of the information and documents referred to in paragraph 1 between existing national systems for electronic data interchange. <u>The central system shall store data which to make reporting and analysis of, inter alia, the</u>	2. The Commission shall operate a central system that allows for the electronic submission and exchange of information and documents referred to in paragraph 1. That central system shall provide a hub that shall be used for the exchange in real time of the information and documents referred to in paragraph 1 between existing national <u>available</u> systems <u>or software</u> for electronic data interchange.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u>frequency of objections, the time between the submission of the notification and when the decision is taken, and the number of notifications for the different types of recovery operations possible.</u>		
Article 26(2), second subparagraph				
458a			<u>The hub referred to in the first subparagraph shall also be used for the exchange in real time of the information and documents referred to in paragraph 1 for shipments within the Union with transit via third countries, export from the Union, import into the Union and transit through the Union, in case competent authorities, customs offices of export, exit and entry, authorities involved in inspections and economic operators in third countries connect with that hub via an available system or software, for which paragraph 3 applies mutatis mutandis, or via the website referred to in the third subparagraph.</u>	
Article 26(2), third subparagraph				
459				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	That central system shall also be used by the competent authorities of the Member States that have not set up a national system for electronic data interchange, to submit and exchange directly, by electronic means, the information and documents referred to in paragraph 1.		That central system shall also <u>provide a website for preparing and processing information and documents referred in paragraph 1 for shipments within the Union, for shipments within the Union with transit via third countries, export from the Union, import into the Union and transit through the Union that can</u> be used by the competent authorities of <u>involved in inspections and economic operators in</u> the Member States <u>and in third countries that do not use systems or software</u> that have not set up a national system for electronic data interchange, to submit and exchange directly, by electronic means, the information and documents referred to in paragraph 1.	
Article 26(2), fourth subparagraph (new)				
459a			<u>Software referred to in the first to third subparagraphs shall be interoperable with the central system referred to in paragraph 2, be operated in accordance with the requirements and rules laid down in the implementing acts adopted by the Commission pursuant to paragraph 4 and</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>exchange information and documents via the central system in real time.</i></u>	
Article 26(2), fifth subparagraph (new)				
459b			<u><i>The central system shall facilitate the keeping of documents in accordance with Article 20.</i></u>	
Article 26(2), sixth subparagraph				
460	<p>That central system shall also provide for its interoperability with the environment for electronic freight transport information established under Regulation (EU) 2020/1056 of the European Parliament and of the Council¹.</p> <p>¹ Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).</p>		<p>That central system shall also provide for its interoperability with the environment for electronic freight transport information established under Regulation (EU) 2020/1056 of the European Parliament and of the Council¹.</p> <p>¹ <u><i>II</i></u> Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).</p>	
Article 26(2), seventh subparagraph				
461	<p>Within four years after adoption of the implementing act referred to in paragraph 4, that central system shall provide for its interoperability</p>		<p>Within four years after adoption of the implementing act referred to in paragraph 4, <i>that central system shall provide for its</i></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	with the EU single window environment for customs.		<p>interoperability <u>the Commission shall ensure the interconnection of that central system</u> with the EU <u>European Union</u> Single Window Environment for Customs <u>through the European Union Customs Single Window - Certificate Exchange System established by Regulation (EU) 2022/2399 of the European Parliament and the Council¹.</u></p> <p><u>1. Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 (OJ L 317, 9.12.2022, p. 1).</u></p>	
Article 26(3) first subparagraph				
462	3. Member States may operate their own national systems but shall ensure that those systems are interoperable with the central system referred to in paragraph 2, are operated in accordance with the requirements and rules laid down in the implementing acts adopted by the Commission pursuant to paragraph 4 and exchange information and documents with the central system in real time.		<p>32b <u>Member States may operate their own <i>available systems or software that allow for preparing and processing information and documents referred in paragraph 1 by competent authorities, authorities involved in inspections and, where appropriate, economic operators in the Member States and for the electronic submission and exchange of information and documents referred to in</i></u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>paragraph 1. The Member states national systems but</u> shall ensure that those systems <u>or software</u> are interoperable with the central system referred to in paragraph 2, are operated in accordance with the requirements and rules laid down in the implementing acts adopted by the Commission pursuant to paragraph 4- and exchange information and documents <u>via the hub of with</u> the central system in real time.</p>	
Article 26(3), second subparagraph				
462a			<p><u>The systems referred to in the first subparagraph shall facilitate the keeping of documents in accordance with Article 20.</u></p>	
Article 26(3a)				
462b		<p><u>3a. Information stored in the central system shall be made publicly available, easily accessible and in an open data format, unless such information is confidential under national or Union legislation.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 26(4), first subparagraph				
463	4. At the latest by [OP: Please insert the date of 12 months following the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish:		4. At the latest by [<i>OP: Please insert the date of 12 months following the date of entry into force of this Regulation</i>] OP: Please insert the date of 12 months following the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish:	
Article 26(4), first subparagraph, point (a)				
464	(a) the requirements necessary for interoperability between the central system referred to in paragraph 2 and national systems, including a data model and a protocol for data exchange;		(a) the requirements necessary for interoperability between the central system referred to in paragraph 2 and <i>other systems or software referred to in paragraph 3 national systems</i> , including <i>a protocol for data exchange</i> a data model and a <i>protocol for data exchange</i> data model for the exchange of data in the documents contained in Annexes IA, IB and VII, as well as the certificate referred to in Article 15 ;	
Article 26(4), first subparagraph, point (b)				
465				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(b) any other technical and organisational requirements, including on security aspects and data governance, which are necessary for the practical implementation of the electronic submission and exchange of information and documents referred to in paragraph 1.		(b) any other technical and organisational <u>organizational</u> requirements, including on security aspects <u>data governance</u> and data governance <u>confidentiality</u> , which are necessary for the practical implementation of the electronic submission and exchange of information and documents referred to in paragraph 1, <u>taking into account the Regulation (EU) 2016/679¹</u> . <u>¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) OJ L 119, 4.5.2016, p. 1–88.</u>	
Article 26(4), first subparagraph, point (ba)				
465a		<u>(ba) alternative procedures in case of a temporary failure of the central system;</u>		
Article 26(4), second subparagraph				
466	Those implementing acts shall be adopted in accordance with the		Those implementing acts shall be adopted in accordance with the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	examination procedure referred to in Article 77(2).		examination procedure referred to in Article 77(2).	
Article 26(4a)				
466a		<p><u>4a. The functionality of the central system shall be reviewed by the Commission every two years. The findings of these reviews shall be communicated to the European Parliament and the Member States.</u></p> <p><u>The review shall take into account, inter alia, comments raised by the correspondents. The review may additionally take into account feedback from other users, such as competent authorities and notifiers.</u></p>		
Article 27				
467	Article 27 Language		Article 27 Language	
Article 27(1)				
468	1. Any notification, information, documentation or other communication submitted pursuant	1. Any notification, information, documentation or other communication submitted pursuant	1. Any notification, information, documentation or other communication submitted pursuant	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	to the provisions of this Title shall be provided in a language acceptable to the competent authorities concerned.	to the provisions of this Title shall be provided in a language acceptable to the competent authorities concerned. <u>English shall in all cases be considered to be an acceptable language unless due justification is provided by the competent authority concerned for not accepting English as a language.</u>	to the provisions of this Title shall be provided in a language acceptable to the competent authorities concerned.	
Article 27(2)				
469	2. The notifier shall provide the competent authorities concerned with authorised translations of the documents referred to in paragraph 1 into a language which is acceptable to them, where they so request.	2. The notifier shall provide the competent authorities concerned with authorised translations of the documents referred to in paragraph 1 into a language which is acceptable to them, where they so request. <u>English shall in all cases be considered to be an acceptable language unless due justification is provided by the competent authority concerned for not accepting English language as a language.</u> <u>The centralised database system established under Article 26 shall facilitate machine translation of any information provided. Where machine translation has been used, the translated information</u>	2. The notifier, <u>and where applicable, the person who arranges the shipment and the consignee,</u> shall provide the competent authorities concerned with authorised translations of the documents <u>communications</u> referred to in paragraph 1 into a language which is acceptable to them, where they so request.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>provided shall be accompanied by an indication to that effect.</i></u>		
Article 27(3)				
469a				<u><i>By [OP: Please insert the date of four years following the date of entry into force of this Regulation], the Commission shall assess the feasibility for the central system referred to in Article 26(2) to provide courtesy translations of the communications referred to in paragraph 1 and, if appropriate, incorporate such function into that central system.</i></u>
Article 28				
470	Article 28 Disagreement on classification issues		Article 28 Disagreement on classification issues	
Article 28(1), first subparagraph, point (a)				
471	1. When deciding whether an object or substance resulting from a production process the primary aim of which is not the production of that object or substance shall be considered to be waste, Member States shall base their decision on		1. <u>(a)</u> When deciding whether an object or substance resulting from a production process the primary aim of which is not the production of that object or substance shall be considered to be waste, Member States shall base	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the conditions laid down in Article 5 of Directive 2008/98/EC.		their decision on the conditions laid down in <u>apply</u> Article 5 of Directive 2008/98/EC.	
Article 28(1), first subparagraph, point (b)				
472	When deciding whether waste which has undergone a recycling or other recovery operation shall be considered to have ceased to be waste, Member States shall base their decision on the conditions laid down in Article 6 of Directive 2008/98/EC.		<u>(b)</u> When deciding whether waste which has undergone a recycling or other recovery operation shall be considered to have ceased to be waste, Member States shall base their decision on the conditions laid down in <u>apply</u> Article 6 of Directive 2008/98/EC.	
Article 28(1), first subparagraph, point (c)				
472a			<u>(c) When deciding whether an object or substance shall be considered as a used good and not as waste the Member States shall ensure that at least the following conditions are fulfilled:</u>	
Article 28(1), first subparagraph, point c) (i)				
472b			<u>(i) further use or reuse of the object or substance is certain;</u>	
Article 28(1), first subparagraph, point c), (ii)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
472c			<u>(ii) the object or substance can fulfil its intended function without significant pre-processing;</u>	
Article 28(1), first subparagraph, point c), (iii)				
472d			<u>(iii) where relevant, the object or substance is tested to ensure its full functionality;</u>	
Article 28(1), first subparagraph, point c), (iv)				
472e			<u>(iv) further use is lawful, i.e. the object or substance fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts;</u>	
Article 28(1), first subparagraph, point c), (v)				
472f			<u>(v) the object or substance is properly protected and preserved during transport, loading and unloading.</u>	
Article 28(1), second subparagraph (new)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
472g			<u><i>The provisions in the first subparagraph shall be without prejudice to Article 23(2) and Annex VI to Directive 2012/19/EU and [Article 72(2) and Annex XIV to Regulation (EU) No Regulation on batteries and waste batteries].</i></u>	
Article 28(1a)				
473	If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the object or substance shall be treated as if it were waste for the purpose of the shipment. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Union or international law.		<u><i>1a.</i></u> If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, <u><i>taking into account the provisions in paragraph 1, and any conditions or decisions taken at Union level or by Member States according to Articles 5 or 6 of Directive 2008/98/EC,</i></u> the object or substance shall be treated as if it were waste for the purpose of the shipment. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Union or international law.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 28(1b), first subparagraph				
473a			<u><i>1b. The Commission may adopt implementing acts in order to establish detailed criteria on the uniform application of the conditions laid down in paragraph 1, point (c), to specific substances or objects for which the distinction between used goods and waste is of particular importance for the export of waste from the Union.</i></u>	
Article 28(1b), second subparagraph				
473b			<u><i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 77(2).</i></u>	
Article 28(2)				
474	2. If the competent authorities of dispatch and of destination cannot agree on the classification of a waste as being listed in Annex III, Annex IIIA, Annex IIIB or Annex IV, or not listed in any of those Annexes, the shipment of that waste shall be subject to Article		2. If the competent authorities of dispatch and of destination cannot agree on the classification of a waste <u><i>destined for recovery</i></u> as being listed in Annex III, Annex IIIA, Annex IIIB or Annex IV, or not listed in any of those Annexes, the shipment of that waste shall be	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	4(1) and (2).		subject to Article 4(1) and (2) 4(2).	
Article 28(3)				
475	3. If the competent authorities of dispatch and of destination cannot agree on the classification of the waste treatment operation notified as being recovery or disposal, the provisions of this Regulation regarding disposal shall apply.		3. If the competent authorities of dispatch and of destination cannot agree on the classification of the waste treatment operation notified as being recovery or disposal, the provisions of this Regulation regarding disposal shall apply.	
Article 28(3a)				
475a		<u>3a. In the event of disagreements between competent authorities in relation to classification issues, the question maybe forwarded to the correspondents of the Member States, who may hold meetings to examine the questions raised. Relevant stakeholders shall be invited to such meetings, or parts of such meetings, where appropriate.</u>		
Article 28(4), first subparagraph				
476	4. In order to facilitate the harmonised classification of waste listed in Annex III, Annex IIIA,	4. In order to facilitate the harmonised classification of waste listed in Annex III, Annex IIIA,	4. In order to facilitate the harmonised harmonized classification of waste listed in	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Annex IIIB or Annex IV in the Union, the Commission is empowered to adopt delegated acts in accordance with Article 76 to supplement this Regulation by establishing criteria, such as contamination thresholds, on the basis of which certain wastes shall be classified in Annex III, IIIA, IIIB or IV.	Annex IIIB or Annex IV in the Union, the Commission is empowered to shall adopt delegated acts in accordance with Article 76 to supplement <u>or amend</u> this Regulation by establishing <u>or modifying</u> criteria, such as contamination thresholds, on the basis of which certain wastes shall be classified in Annex III, IIIA, IIIB or IV, <u>and the thresholds for characterising physical and chemical characteristics as being essentially similar</u> .	Annex III, Annex IIIA, Annex IIIB or Annex IV in the Union, the Commission is empowered to adopt delegated acts in accordance with Article 76 to supplement this Regulation by establishing criteria, such as contamination thresholds, on the basis of which certain wastes shall be classified in Annex <u>III, Annex IIIA, Annex IIIB or Annex IV. In that respect, the Commission shall pay particular attention to criteria for the application of the waste identification codes B3011 or EU3011 of Annex III, including contamination thresholds for plastic waste, and for the classification of certain types of waste from composite materials containing plastic, such as composite waste made of plastic and metal, composite waste made of plastic and rubber or composite waste made of plastic or paper in accordance with Annexes III, IIIA, IIIB or IV.</u>	
Article 28(4), second subparagraph				
477	The Commission is also empowered to adopt delegated acts in accordance with Article 76 to	The Commission is also empowered to shall also adopt delegated acts in accordance with	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	supplement this Regulation by establishing criteria to distinguish between used goods and waste, for specific categories of commodities for which this distinction is of particular importance for the export of waste from the Union.	Article 76, <u>not later than two years after the entry into force of this Regulation</u> , to supplement this Regulation by establishing criteria to distinguish between used goods and waste, for specific categories of commodities for which this distinction is of particular importance for the export of waste from the Union, <u>including to avoid circumvention of the rules set out in this Regulation. The criteria provided for in those delegated acts shall be the same as those provided for in Directive 2008/98/EC.</u>		
<i>Article 28(4a)</i>				
477a			<u>4a. If the competent authorities of dispatch and destination cannot agree on the classification of the waste treatment operation as interim operation or non-interim operation, the provisions of this Regulation on interim operations shall apply.</u>	
<i>Article 29</i>				
478	Article 29 Administrative costs		Article 29 Administrative costs	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 29, first paragraph				
479	Appropriate and proportionate administrative costs for implementing the notification and supervision procedures and normal costs for appropriate analyses and inspections may be charged by authorities concerned to the notifier.		Appropriate and proportionate administrative costs for implementing the notification and supervision procedures and normal costs for appropriate analyses and inspections may be charged by <u>the competent</u> authorities concerned <u>or authorities involved in inspections</u> to the notifier <u>and, where relevant, the person who arranges the shipment. Member States shall notify the Commission of provisions applied at national level in relation to such costs. The Commission shall make the information received publicly available.</u>	
Article 30				
480	Article 30 Border-area agreements	Article 30 Border-area <u>Multilateral</u> agreements	Article 30 Border-area agreements	
Article 30(1)				
y 481	1. In exceptional cases, and where the specific geographical or	1. In exceptional cases, and where the specific geographical or	1. In exceptional cases, and where the specific geographical or	y

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>demographical situation warrants such a step, Member States may conclude bilateral agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two Member States concerned.</p>	<p>demographical situation warrants such a step, Member States may conclude bilateral <i>or multilateral</i> agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two <i>or more</i> Member States concerned.</p> <p><i><u>Such agreements may also be concluded for shipments of waste destined for disposal pursuant to Article 11, if the geographical and demographical situation warrants concluding such agreements. In this regard, the conditions provided for in Article 11 paragraph 1, points (a) to (f) may be made less stringent in respect of cross-border shipments to the nearest suitable facility for disposal, in accordance with Directive 2008/98/EC and the environmentally sound management of waste.</u></i></p> <p><i><u>Multilateral agreements shall demonstrate that the waste is treated in accordance with the waste hierarchy and the principles</u></i></p>	<p>demographical situation warrants such a step, Member States may conclude bilateral agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two Member States concerned.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>of proximity and self-sufficiency at Union and national levels, as laid down in Directive 2008/98/EC; that the waste is treated in accordance with environmental protection standards, in accordance with Union legislation; that, if the facility is covered by Directive 2010/75/EU, the best available techniques as defined in Article 3(10) of that Directive are applied in compliance with the permit for the facility; and that the agreements do not lead to a significant fragmentation of the Union market for shipments of waste.</i></u>		
Article 30(2)				
y	482	2. The bilateral agreements referred to in paragraph 1 may also be concluded where waste is shipped from and treated in the country of dispatch but transits another Member State.	2. The bilateral agreements referred to in paragraph 1 may also be concluded where waste is shipped from and treated in the country of dispatch but transits another Member State.	2. The bilateral agreements referred to in paragraph 1 may also be concluded where waste is shipped from and treated in the country of dispatch but transits another Member State.
Article 30(3) first subparagraph				
y	483	3. Member States may also conclude bilateral agreements	3. Member States may also conclude bilateral agreements	3. Member States may also conclude bilateral agreements

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	referred to in paragraph 1 with countries that are parties to the Agreement on the European Economic Area.	referred to in paragraph 1 with countries that are parties to the Agreement on the European Economic Area.	referred to in paragraph 1 with countries that are parties to the Agreement on the <u>members of the EFTA</u> (European Economie Area <u>Free Trade Association</u>).	
Article 30(3) second subparagraph				
y	483a			<u>Those agreements shall provide that the waste is managed in the EFTA country in an environmentally sound manner in accordance with Article 56.</u>
Article 30(4)				
y	484	4. The agreements referred to in this Article shall be notified to the Commission <u>and the correspondents</u> before they take effect. <u>Questions or concerns put to the correspondents in relation to bilateral or multilateral agreements may be raised at meetings of the correspondents. Relevant stakeholders shall be invited to such meetings, or parts of such meetings, where appropriate.</u>	4. The agreements referred to in this Article shall be notified to the Commission before they take effect.	
Article 30a				
y	484a			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>Article 30a</u> <u>Shipments between an outermost region and its Member State</u></p> <p><u>By way of derogation from Article 9(1) and (2), for shipments of waste between an outermost region referred to in Article 349 of the Treaty on the Functioning of the European Union and the Member State it is part of, requiring transit through another Member State, tacit consent by the competent authority of transit may be assumed if no objection is lodged within seven working days after the date on which the notifier has been informed in accordance with Article 8(5d) that the notification has been properly completed. That tacit consent shall be valid for the period as indicated in the written consent in accordance with Article 9(1) given by the competent authority of destination.</u></p>	<p><u>Article 30a</u> <u>Shipments between an outermost region and its Member State</u></p> <p><u>By way of derogation from Article 9(1) and (2), for shipments of waste between an outermost region referred to in Article 349 of the Treaty on the Functioning of the European Union and the Member State it is part of, requiring transit through another Member State, tacit consent by the competent authority of transit may be assumed if no objection is lodged within seven working days after the date on which the notifier has been informed in accordance with Article 8(5d) that the notification has been properly completed. That tacit consent shall be valid for the period as indicated in the written consent in accordance with Article 9(1) given by the competent authority of destination.</u></p> <p>Text Origin: Council Mandate</p>
Article 30a				
484b		<u>Article 30a</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<p><u><i>Shipments from an outermost region</i></u></p> <p><u><i>1. By way of derogation from Article 5(5), Article 8(3), (4), (5) and (6) and Article 9(1), (2), (6) and (7), for shipments of waste between an outermost region referred to in Article 349 of the TFEU and its Member State requiring transit through another Member State, a tacit decision of consent to transit shall be deemed to have been issued by the authority of transit, unless that authority of transit objects within three days of receipt of written consent from the competent authority of dispatch and destination.</i></u></p> <p><u><i>2. Such tacit consent shall be valid for the period mentioned in the written consent of the competent authority of dispatch and destination.</i></u></p>		<i>deleted</i>
Chapter 6				
485	Chapter 6 Shipments within the Union with transit via third countries		Chapter 6 Shipments within the Union with transit via third countries	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 31				
486	Article 31 Shipments of waste destined for disposal		Article 31 Shipments of waste destined for disposal	
Article 31, first paragraph				
487	Where a shipment of waste takes place within the Union with transit via one or more third countries, and the waste is destined for disposal, the competent authority of dispatch shall ask the competent authority in those third countries whether they wish to send their written consent to the planned shipment:		<u>1.</u> Where a shipment of waste takes place within the Union with transit via one or more third countries, and the waste is destined for disposal, the competent authority of dispatch shall ask the competent authority in those third countries whether they wish to send their written consent to the planned shipment: <u>provisions of Articles 4 to 29 shall apply mutatis mutandis, with the adaptations and additional provisions set out in paragraphs 2 and 3.</u>	
Article 31 (2)				
487a			<u>2. The following adaptations shall apply:</u>	
Article 31 (2) point (-a)				
487b			<u>(-a) Article 35(2), points (a), (c),</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>(ca) and (e) and Article 35(3), point (a), shall apply mutatis mutandis</u>	
Article 31(2), point (a)				
488	(a) where the third country is a Party to the Basel Convention, within 60 days, unless it has waived this right in accordance with the terms of that Convention; or		(a) where the third country is a Party to the Basel Convention, within <u>a competent authority of transit outside the Union shall have</u> 60 days <u>after the date of transmission of its acknowledgement of receipt of a properly completed notification to provide, if the country concerned has decided not to require prior written consent and has informed the other Parties to the Basel Convention thereof;</u> unless it has waived this right in accordance with the terms <u>Article 6(4)</u> of that Convention, <u>tacit consent or to give a written consent with or without conditions; n;</u> or	
Article 31(2), point (b)				
489	(b) where the third country is not a Party to the Basel Convention, within a period agreed between the competent authorities.		(b) where the third country is not a Party to the Basel Convention, <u>the competent authority of dispatch shall ask the competent authority(ies) of transit in those</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>third countries whether they wish to send their written consent to the planned shipment</i></u> within a period agreed between the competent authorities.	
Article 32				
490	Article 32 Shipments of waste destined for recovery		Article 32 Shipments of waste destined for recovery	
Article 32(1)				
491	1. When a shipment of waste takes place within the Union with transit via one or more third countries to which the Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations ('the OECD Decision') does not apply, and the waste is destined for recovery, Article 31 shall apply.		1. When a shipment of waste takes place within the Union with transit via one or more third countries to which the Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations ('the OECD Decision') does not apply, and the waste is destined for recovery, Article 31 shall apply.	
Article 32(2)				
492	2. When a shipment of waste takes place within the Union, including shipments between localities in the		2. When a shipment of waste takes place within the Union, including shipments between localities in the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	same Member State, with transit via one or more third countries to which the OECD Decision applies, and the waste is destined for recovery, the consent referred to in Article 9 may be provided tacitly, and if no objection has been raised or no conditions have been specified, the shipment may start 30 days after the date of submission of the notification by the notifier in accordance with Article 5.		same Member State, with transit via one or more third countries to which the OECD Decision applies, and the waste is destined for recovery, the consent referred to in Article 9 may be provided tacitly, and if no objection has been raised or no conditions have been specified, the shipment may start 30 days after the date of submission of the notification by the notifier in accordance with Article 5. <u>provisions of Articles 4 to 17 and 19 to 29 shall apply mutatis mutandis, with the following adaptations and additional provisions:</u>	
Article 32(2) point a)				
492a			<u>(a) Article 48(2), points (d) and (da), shall apply mutatis mutandis;</u>	
Article 32(2) point b)				
492b			<u>(b) the consent referred to in Article 9 may be provided tacitly by the competent authority(ies) of transit outside the Union, and if no objection has been raised and any conditions laid down have</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>been met, the shipment may start 30 days after the date on which the notifier has been informed in accordance with Article 8(5d) that the notification has been properly completed, as referred to in Article 9(1).</u>	
Title III				
493	Title III Shipments exclusively within a Member State		Title III Shipments <u>Transports</u> exclusively within a Member State	
Article 33				
494	Article 33 Regime for shipments exclusively within a Member State		Article 33 <u>Regime for transports of waste exclusively within a Member State</u> Regime for shipments exclusively within a Member State	
Article 33(1)				
495	1. Member States shall establish an appropriate regime for the supervision and control of shipments taking place exclusively within their national jurisdiction. That regime shall take account of		1. Member States shall establish an appropriate regime for the supervision and control of shipments <u>transports of waste</u> taking place exclusively within their national jurisdiction. That	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the need for coherence with the Union system established by Titles II and VII.		regime shall take account of the need for coherence with the Union system established by Titles II and VII.	
Article 33(2)				
496	2. Member States shall inform the Commission of their regime for supervision and control of shipments of waste. The Commission shall inform the other Member States thereof.		2. Member States shall inform the Commission of their regime for supervision and control of shipments <u>transports</u> of waste. The Commission shall inform the other Member States thereof.	
Title IV				
497	Title IV Exports from the Union to third countries		Title IV Exports from the Union to third countries	
Chapter 1				
498	Chapter 1 Exports of waste for disposal		Chapter 1 Exports of waste for disposal	
Article 34				
499	Article 34 Prohibition of exports		Article 34 <u>Prohibition of exports of waste destined for disposal</u> Prohibition of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<i>exports</i>	
Article 34(1)				
500	1. Exports from the Union of waste destined for disposal are prohibited.		1. Exports from the Union of waste destined for disposal are prohibited.	
Article 34(2)				
501	2. The prohibition in paragraph 1 shall not apply to exports of waste destined for disposal to EFTA countries which are also Parties to the Basel Convention.		2. The prohibition in paragraph 1 shall not apply to exports of waste destined for disposal to EFTA countries which are also Parties to the Basel Convention.	
Article 34(3)				
502	3. By way of derogation from paragraph 2, exports of waste destined for disposal to an EFTA country that is a Party to the Basel Convention shall be prohibited:		3. By way of derogation from paragraph 2, exports of waste destined for disposal to an EFTA country that is a Party to the Basel Convention shall be prohibited:	
Article 34(3), point (a)				
503	(a) where the EFTA country prohibits imports of such waste;		(a) where the EFTA country prohibits imports of such waste;	
Article 34(3), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
504	(b) where the conditions laid down in Article 11(2) are not fulfilled;		(b) where the conditions laid down in Article 11(2) <u>11(1)</u> are not fulfilled;	
Article 34(3), point (c)				
505	(c) where the competent authority of dispatch has reason to believe that the waste will not be subject to environmentally sound management as referred to in Article 56 in the country of destination.		(c) where the competent authority of dispatch has reason to believe that the waste will not be subject to environmentally sound management as referred to in Article 56 in the country of destination.	
Article 34(4)				
506	4. The prohibition paragraph 1 shall not apply to waste that is subject to a take-back obligation pursuant to Articles 22 or 24.		4. The prohibition <u>in</u> paragraph 1 shall not apply to waste that is subject to a take-back obligation pursuant to Articles 22 or 24.	
Article 35				
507	Article 35 Procedures for exports to EFTA countries		Article 35 <u>Article 35</u> <u>Procedures for exports of waste destined for disposal to EFTA countries</u> Procedures for exports to EFTA countries	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 35(1)				
508	1. Where waste is exported from the Union to an EFTA country that is a Party to the Basel Convention and destined for disposal in that country, the provisions of Title II shall apply <i>mutatis mutandis</i> , with the adaptations and additional provisions set out in paragraphs 2 and 3.		1. Where waste is exported from the Union to an EFTA country that is a Party to the Basel Convention and destined for disposal in that country, the provisions of Title II shall apply <i>mutatis mutandis</i> , with the adaptations and additional provisions set out in paragraphs 2 and 3.	
Article 35(2)				
509	2. The following adaptations shall apply:		2. The following adaptations shall apply:	
Article 35(2), point (a)				
510	(a) the notifier shall submit in accordance with Article 26 the notification request and the information and documentation in accordance with Article 5(3), and at the same time, provide it by post, fax or email with digital signature, to the competent authorities concerned in the countries of transit and destination outside the Union, unless those		(a) the notifier shall submit in accordance with Article 26 the notification request and the <i>and any requested additional</i> information and documentation in accordance with Article 5(3) , and at the same time, provide these <i>or if accepted by all parties involved, by</i> post, fax or email with digital signature, to the competent authorities concerned in the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	authorities are connected to the central system referred to in Article 26(2);		countries <u>authority of destination and any competent authority</u> of transit and destination outside the Union, unless those authorities are connected to the central system referred to in Article 26(2); <u>in case of email with digital signature, any stamp or signature required shall be replaced by the digital signature;</u>	
Article 35(2), point (b)				
511	(b) the notifier shall submit in accordance with Article 26 any additional information and documentation in accordance with Article 5(4), and at the same time, provide it by post, fax or email with digital signature, to the competent authorities concerned in the countries of transit and destination outside the Union, unless those authorities are connected to the central system referred to in Article 26(2);		<i>deleted</i>	
Article 35(2), point (ba)				
511a			<u>(ba) the notifier shall provide, annexed to the notification document, documentary evidence</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>that an audit as referred to in Article 43(2) has been carried out in the facility to which waste is being exported, unless the exemption in Article 43(8) applies;</u>	
Article 35(2), point (c)				
512	(c) the competent authority of dispatch shall inform the competent authorities concerned in the countries of transit and destination outside the Union of any request for information and documentation from its side and of its decision regarding the planned shipment, by post, fax or email with digital signature, unless those competent authorities are connected to the central system referred to in Article 26(2);		(c) the competent authority of dispatch shall inform the competent authorities concerned <u>and any competent authority of transit</u> in the countries of transit and destination <u>Union shall inform the competent authority of destination and any competent authority of transit</u> outside the Union of any request for information and documentation from its side and of <u>their decision and conditions, if any, its decision</u> regarding the planned shipment, by post, <u>or if accepted by all parties involved, by</u> fax or email with digital signature, unless those competent authorities are connected to the central system referred to in Article 26(2);	
Article 35(2), point (ca)				
512a			<u>(ca) the information to be provided to the competent</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>authority of destination and any competent authority of transit outside the Union according to Articles 7, 8, 16 and 17 shall be provided by post, fax or email with digital signature, unless those authorities are connected to the central system referred to in Article 26(2);</u>	
Article 35(2), point (cb)				
512b			<u>(cb) the notifier shall ensure that the information to be provided by the facility according to Article 15(3) to (5) and Article 16(3) and (4) is included in a system referred to in Article 26, unless those facilities are connected to the central system referred to in Article 26(2);</u>	
Article 35(2), point (d)				
513	(d) the competent authority of transit outside the Union shall have 60 days after the date of transmission of its acknowledgement of receipt of the notification to provide, where the country concerned has decided not to require prior written consent and		(d) the <u>a</u> competent authority of transit outside the Union shall have 60 days after the date of transmission of its acknowledgement of receipt of the <u>a properly completed</u> notification to provide, where <u>if</u> the country concerned has decided not to	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	has informed the other Parties to the Basel Convention thereof in accordance with Article 6(4) of that Convention, tacit consent or to give a written consent with or without conditions;		require prior written consent and has informed the other Parties to the Basel Convention thereof in accordance with Article 6(4) of that Convention, tacit consent or to give a written consent with or without conditions;	
Article 35(2), point (e)				
514	(e) the competent authority of dispatch in the Union shall take the decision to consent to the shipment as referred to in Article 9 only after having received written consent from the competent authority of destination and, where appropriate, the tacit or written consent of the competent authority of transit outside the Union, and not earlier than 61 days after the date of transmission of the acknowledgement of receipt of the notification by the competent authority of transit, unless the competent authority of dispatch has the written consent of the other competent authorities concerned, in which case it may take the decision as referred to in Article 9 before that time limit.		(e) the competent authority of dispatch in the Union shall take the decision to consent to the shipment as referred to in Article 9 only after having received written consent from the competent authority of destination and, where appropriate, the tacit or written consent of the <u>a</u> competent authority of transit outside the Union, and not earlier than 61 days after the date of transmission of the acknowledgement of receipt of the <u>a properly completed</u> notification by the <u>a</u> competent authority of transit <u>outside the Union</u> , unless the competent authority of dispatch has the written consent of the other competent authorities concerned, in which case it may take the decision as referred to in Article 9 before that time limit.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 35(3)				
515	3. The following additional provisions shall apply:		3. The following additional provisions shall apply:	
Article 35(3), point (a)				
516	(a) the competent authority of transit in the Union shall send an acknowledgment of receipt of the notification to the notifier and copies to the other competent authorities concerned;		(a) the <u>a</u> competent authority of transit in the Union shall send <u>provide</u> an acknowledgment of receipt of the <u>a properly completed</u> notification to the notifier and copies to the other competent authorities concerned <u>concerned in</u> <u>case they have no access to a system referred to in Article 26;</u>	
Article 35(3), point (b)				
517	(b) the competent authorities of dispatch and, where appropriate, the competent authorities of transit in the Union shall ensure that the customs office of export and the customs office of exit are informed of their decisions to consent to the shipment;		(b) the competent authorities <u>authority</u> of dispatch and, where appropriate, the <u>any</u> competent authorities <u>of authority</u> of transit in the Union shall ensure that <u>inform</u> the customs office of export and the customs office of exit are informed of their decisions to consent to the shipment;	
Article 35(3), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
518	(c) a copy of the movement document shall be provided by the carrier to the customs office of export and the customs office of exit either by post, fax or email with digital signature, or, where the customs office of export has access to it, via the central system referred to in Article 26(2);		(c) a copy of the movement document shall be provided by the carrier to the customs office of export and the customs office of exit either by post, <u>or if accepted by all parties involved, by</u> fax or email with digital signature, or, where the customs office of export has access to it, via the central system referred to in Article 26(2);	
Article 35(3), point (d)				
519	(d) as soon as the waste has left the Union, the customs office of exit shall inform the competent authority of dispatch in the Union that the waste has left the Union;		(d) as soon as the waste has left the Union, the customs office of exit shall inform the competent authority of dispatch in the Union that the waste has left the Union;	
Article 35(3), point (e)				
520	(e) where, 42 days after the waste has left the Union, the competent authority of dispatch in the Union has received no information from the facility about receipt of the waste, it shall without delay inform the competent authority of destination thereof;		(e) where, 42 days after the waste has left the Union, the competent authority of dispatch in the Union has received no information from the facility about receipt of the waste, it shall without delay inform the competent authority of destination thereof <u>via a system referred to in Article 26;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 35(3), point (f)				
521	(f) the contract referred to in Article 6 shall contain the following terms and conditions:		(f) the contract referred to in Article 6 shall contain the following terms and conditions:	
Article 35(3), point (f)(i)				
522	(i) where a facility issues an incorrect certificate of disposal with the consequence that the financial guarantee is released, the consignee shall bear the costs arising from the duty to return the waste to the area of jurisdiction of the competent authority of dispatch and from its recovery or disposal in an alternative and environmentally sound manner;		(i) where a facility issues an incorrect certificate of disposal with the consequence that the financial guarantee is released, the consignee shall bear the costs arising from the duty to return the waste to the area of jurisdiction of the competent authority of dispatch and from its recovery or disposal in an alternative and environmentally sound manner;	
Article 35(3), point (f)(ii)				
523	(ii) the facility shall, within three days of receipt of the waste for disposal, send signed copies of the completed movement document, except for the certificate of disposal referred to in point (iii), to the notifier and the competent authorities concerned;		(ii) the facility shall, within three days of receipt of the waste for disposal, send signed copies of the completed movement document, except for the certificate of disposal referred to in point (iii), to the notifier and the competent authorities concerned;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 35(3), point (f)(iii)				
524	(iii) the facility shall, as soon as possible but no later than 30 days after completion of the disposal and in any case no later than one calendar year after the receipt of the waste under its responsibility, certify that the disposal has been completed and shall send signed copies of the movement document containing that certification to the notifier and to the competent authorities concerned;		(iii) the facility shall, as soon as possible but no later than 30 days after completion of the disposal and in any case no later than one calendar year after the receipt of the waste under its responsibility, certify that the disposal has been completed and shall send signed copies of the movement document containing that certification to the notifier and to the competent authorities concerned;	
Article 35(3), point (g)				
525	(g) the notifier shall, within three working days of receipt of the copies referred to in point (f)(ii) and (f)(iii), make the information contained in those copies electronically available in accordance with Article 26.		(g) the notifier shall, within three working days of receipt of the copies referred to in point (f)(ii) and (f)(iii), make the information contained in those copies electronically available in accordance with Article 26.	
Article 35(4)				
526	4. The shipment may take place only if all the following conditions are fulfilled:		4. The shipment may take place only if all the following conditions are fulfilled:	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 35(4), point (a)				
527	(a) the notifier has received written consent from the competent authorities of dispatch, destination and, where appropriate, transit outside the Union and if the conditions laid down in those decision have been met;		(a) the notifier has received written consent from the competent authorities of dispatch, destination and, where appropriate, transit outside the Union and if the conditions laid down in <u>in those decision consents or their annexes</u> have been met;	
Article 35(4), point (b)				
528	(b) environmentally sound management of the waste as referred to in Article 56, is ensured.		(b) environmentally sound management of the waste as referred to in Article 56, is ensured.	
Article 35(5)				
529	5. Where waste is exported, it shall be destined for disposal operations within a facility which, under applicable national law, is operating or is authorised to operate in the country of destination.		5. Where waste is exported, it shall be destined for disposal operations within a facility which, under applicable national law, is operating or is authorised to operate in the country of destination.	
Article 35(6)				
6 530	6. Where a customs office of export or a customs office of exit		6. Where a customs office of export or a customs office of exit	6. Where a customs office of export or a customs office of exit 6

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	discovers an illegal shipment, it shall without delay inform the competent authority in the country of the customs office thereof. That competent authority shall:		discovers an illegal shipment, it shall without delay inform the competent authority in the country of the customs office thereof. That competent authority shall:	discovers an illegal shipment, it shall without delay inform the competent authority in the country of the customs office thereof. That competent authority shall: <small>Text Origin: Commission Proposal</small>
Article 35(6), point (a)				
6	531 (a) without delay inform the competent authority of dispatch in the Union of the illegal shipment; and		(a) without delay inform the competent authority of dispatch in the Union of the illegal shipment; <i>and</i>	(a) without delay inform the competent authority of dispatch in the Union of the illegal shipment; <i>and</i> <small>Text Origin: Council Mandate</small>
Article 35(6), point (b)				
6	532 (b) ensure detention of the waste until the competent authority of dispatch has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained.		(b) ensure detention of the waste until the competent authority of dispatch has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained-; <u>and</u>	(b) ensure detention of the waste until the competent authority of dispatch has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained-; <u>and</u> <small>Text Origin: Council Mandate</small>
Article 35(6), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	532a		<u>(c) without delay communicate the decision of the competent authority of dispatch referred to in point (b) to the customs office of export or the customs office of exit that discovered the illegal shipment.</u>	<u>(c) without delay communicate the decision of the competent authority of dispatch referred to in point (b) to the customs office of export or the customs office of exit that discovered the illegal shipment.</u> Text Origin: Council Mandate
Chapter 2				
	533	Chapter 2 Exports of waste for recovery	Chapter 2 Exports of waste for recovery	
Section 1				
	534	Section 1 Exports of hazardous and certain other waste to countries to which the OECD Decision does not apply	Section 1 Exports of hazardous and certain other waste to countries to which the OECD Decision does not apply	
Article 36				
	535	Article 36 Prohibition of exports	Article 36 <u>Prohibition of exports of hazardous and certain other wastes</u> Prohibition of exports	
Article 36(1)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
536	1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply are prohibited:		1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply are prohibited:	
Article 36(1), point (a)				
537	(a) wastes listed as hazardous in Part 1 of Annex V to this Regulation;		(a) wastes listed as hazardous in Part 1 of Annex V to this Regulation;	
Article 36(1), point (b)				
538	(b) wastes listed as hazardous in the list of waste referred to in Article 7 of Directive 2008/98/EC;		(b) wastes listed as hazardous in the list of waste referred to in Article 7 of Directive 2008/98/EC;	
Article 36(1), point (ba)				
538a		<u><i>(ba) Waste containing or contaminated with a substance exceeding the concentration levels provided for in Annex IV to Regulation (EU) 2019/1021 on persistent organic pollutants;</i></u>		
Article 36(1), point (c)				
539				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(c) wastes listed in Part 2 of Annex V to this Regulation;		(c) <u>wastes referred to in Article 4(2a) and</u> wastes listed in Part 2 of Annex V to this Regulation;	
Article 36(1), point (ca)				
539a			<u>(ca) wastes listed in Annex III or Annex IIIB and mixtures of wastes listed in Annex IIIA that are contaminated by other materials to an extent which increases the risks associated with the waste sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account the hazardous properties in Annex III of Directive 2008/98/EC, or prevents the recovery of the waste in an environmentally sound manner;</u>	
Article 36(1), point (cb)				
539b			<u>(cb) wastes or mixtures of wastes containing or contaminated with persistent organic pollutants (POPs) in quantities meeting or exceeding a concentration limit indicated in Annex IV to Regulation (EU) 2019/1021;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 36(1), point (d)				
540	(d) hazardous wastes not classified under one single entry in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC;		(d) hazardous wastes not classified under one single entry in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC;	
Article 36(1), point (e)				
541	(e) mixtures of hazardous wastes and mixtures of hazardous wastes with non-hazardous wastes not classified under one single entry in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC;		(e) mixtures of hazardous wastes and mixtures of hazardous wastes with non-hazardous wastes not classified under one single entry in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC;	
Article 36(1), point (f)				
542	(f) wastes that the country of destination has notified as hazardous under Article 3 of the Basel Convention;		(f) wastes that the country of destination has notified as hazardous under Article 3 of the Basel Convention;	
Article 36(1), point (g)				
543	(g) wastes the import of which has been prohibited by the country of destination;		(g) wastes the import of which has been prohibited by the country of destination;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 36(1), point (h)				
544	(h) wastes which the competent authority of dispatch has reason to believe will not be managed in an environmentally sound manner as referred to in Article 56, in the country of destination concerned;		(h) wastes which the competent authority of dispatch has reason to believe will not be managed in an environmentally sound manner as referred to in Article 56, in the country of destination concerned;	
Article 36(1), point (i)				
545	(i) waste referred to in Article 4(5).		<i>deleted</i>	
Article 36(2)				
546	2. Paragraph 1 shall not apply to waste that is subject to a take-back obligation pursuant to Articles 22 or 24.		2. Paragraph 1 shall not apply to waste that is subject to a take-back obligation pursuant to Articles 22 or 24.	
Article 36(3)				
547	3. Member States may, in exceptional cases, provide, on the basis of documentary evidence provided by the notifier, that a specific hazardous waste listed in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC		3. Member States may, in exceptional cases, provide, on the basis of documentary evidence provided by the notifier, that a specific hazardous waste listed in Annex V to this Regulation or in the list of waste referred to in Article 7 of Directive 2008/98/EC	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	is excluded from the export prohibition referred to in paragraph 1, where it does not display any of the properties listed in Annex III to Directive 2008/98/EC, taking into account the criteria and applicable cut-off values and concentration limits for the classification of waste as hazardous as specified that Annex. Where a hazardous property of a waste has been assessed by a test and by using the concentrations of hazardous substances as indicated in Annex III to Directive 2008/98/EC, the results of the test shall prevail.		is excluded from the export prohibition referred to in paragraph 1, where it does not display any of the properties listed in Annex III to Directive 2008/98/EC, taking into account the criteria and applicable cut-off values and concentration limits for the classification of waste as hazardous as specified <u>in</u> that Annex. Where a hazardous property of a waste has been assessed by a test and by using the concentrations of hazardous substances as indicated in Annex III to Directive 2008/98/EC, the results of the test shall prevail.	
Article 36(4)				
548	4. The fact that waste is not listed as hazardous in Annex V or in the list of waste as referred to in Article 7 of Directive 2008/98/EC, or that it is listed in Part 1, List B of Annex V, shall not preclude, in exceptional cases, characterisation of such waste as hazardous and therefore subject to the export prohibition if it displays any of the properties listed in Annex III to Directive 2008/98/EC, taking into account the criteria and applicable cut-off values and concentration		4. The fact that waste is not listed as hazardous in Annex V or in the list of waste as referred to in Article 7 of Directive 2008/98/EC, or that it is listed in Part 1, List B of Annex V, shall not preclude, in exceptional cases, characterisation of such waste as hazardous and therefore subject to the export prohibition if it displays any of the properties listed in Annex III to Directive 2008/98/EC, taking into account the criteria and applicable cut-off values and concentration	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	limits for the classification of waste as hazardous, specified therein. Where a hazardous property of a waste has been assessed by a test and by using the concentrations of hazardous substances as indicated in Annex III to Directive 2008/98/EC, the results of the test shall prevail.		limits for the classification of waste as hazardous, specified therein. Where a hazardous property of a waste has been assessed by a test and by using the concentrations of hazardous substances as indicated in Annex III to Directive 2008/98/EC, the results of the test shall prevail.	
Article 36(5)				
549	5. In the cases referred to in paragraphs 3 and 4, the Member State concerned shall inform the envisaged country of destination prior to taking a decision to consent to planned shipments to that country. Member States shall notify such cases to the Commission before the end of each calendar year. The Commission shall forward that 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, adapt Annex V to this Regulation in accordance with Article 72.		5. In the cases referred to in paragraphs 3 and 4, the <u>competent authority</u> Member State concerned shall inform the envisaged <u>competent authority</u> country of destination prior to taking a decision to consent to planned shipments to that country. Member States shall notify such cases to the Commission before the end of each calendar year. The Commission shall forward that information to all Member States, <u>to the Secretariat of the Basel Convention in case the information refers to an entry listed in the Basel Convention</u> and to the <u>OECD</u> Secretariat of the Basel Convention <u>in case the information refers to an entry listed in the OECD Decision</u> . On the basis of the information	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			provided, the Commission may make comments and, where appropriate, adapt Annex V to this Regulation is empowered to adopt delegated acts in accordance with Article 72 76 to amend Annex V .	
Section 2				
550	Section 2 Exports of non-hazardous waste to countries to which the OECD Decision does not apply		Section 2 Exports of non-hazardous waste to countries to which the OECD Decision does not apply	
Article 37				
551	Article 37 Prohibition of exports		Article 37 <u>Prohibition of exports of non-hazardous waste</u> Prohibition of exports	Article 37 <u>Prohibition of exports of non-hazardous waste</u> Prohibition of exports Text Origin: Council Mandate
Article 37(1)				
552	1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply are prohibited:		1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply are prohibited:	1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply are prohibited:

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Commission Proposal
Article 37(1), point (a)				
6	553 (a) waste listed in Annex III, Annex IIIA or Annex IIIB;		(a) waste <u>non-hazardous wastes</u> listed in Annex III, or Annex IIIA or IIIB and mixtures of non-hazardous wastes listed in Annex IIIB <u>IIIA</u> ;	(a) waste <u>non-hazardous wastes</u> listed in Annex III, or Annex IIIA or IIIB and mixtures of non-hazardous wastes listed in Annex IIIB <u>IIIA</u> ; Text Origin: Council Mandate
Article 37(1), point (b)				
6	554 (b) non-hazardous waste included in the list of waste referred to in Article 7 of Directive 2008/98/EC, when not already listed in Annex III, Annex IIIA or Annex IIIB.		(b) non-hazardous waste <u>wastes</u> and mixtures of non-hazardous <u>wastes</u> included in the list of waste referred to in Article 7 of Directive 2008/98/EC, when not already listed in Annex III, Annex IIIA or Annex IIIB ; ;	(b) non-hazardous waste <u>wastes</u> and mixtures of non-hazardous <u>wastes</u> included in the list of waste referred to in Article 7 of Directive 2008/98/EC, when not already listed in Annex III, Annex IIIA or Annex IIIB ; ; Text Origin: Council Mandate
Article 37(1), point (c)				
6	554a		(c) <u>non-hazardous wastes and mixtures of non-hazardous wastes not classified under one single entry in Annex III, Annex IIIA or Annex IIIB or in the list of waste</u>	(c) <u>non-hazardous wastes and mixtures of non-hazardous wastes not classified under one single entry in Annex III, Annex IIIA or Annex IIIB or in the list of waste</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>referred to in Article 7 of Directive 2008/98/EC;</u>	<u>referred to in Article 7 of Directive 2008/98/EC;</u> Text Origin: Council Mandate
Article 37(1), point (d)				
y	554b		<u>(d) non-hazardous waste classified under AB130, AC250, AC260 and AC270.</u>	
Article 37(2), first subparagraph				
y	555	2. Paragraph 1 shall not apply to exports of waste destined for recovery to a country included in the list of countries established in accordance with Article 38 for the waste specified in that list. <u>Exports of plastic waste to countries to which the OECD Decision does not apply other than EFTA Member States shall not be covered by Article 38.</u>	2. Paragraph 1 shall not apply to exports of <u>wastes or mixtures of waste, except to those which are prohibited in accordance with Article 36(1)</u> , destined for recovery to a country included in the list of countries established in accordance with Article 38, for the <u>waste non-hazardous wastes and mixtures of non-hazardous wastes</u> specified in that list.	2. Paragraph 1 shall not apply to exports of <u>wastes or mixtures of waste</u> destined for recovery to a country included in the list of countries established in accordance with Article 38, for the <u>waste non-hazardous wastes and mixtures of non-hazardous wastes</u> specified in that list.
Article 37(2), second subparagraph				
	556	Such export may only take place on the condition that the waste is destined to a facility licensed under the domestic legislation of the	<u>Such export may only take place on the condition that the waste is destined to a facility licensed under the domestic</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	country concerned, to undertake recovery operations for that waste. In addition, such export shall be subject to the general information requirements laid down in Article 18 or, in case the country concerned so indicates in the request referred to in Article 39, the procedure of prior written notification and consent referred to in Article 35.		legislation of the country concerned, to undertake recovery operations for that waste. In addition, such export shall be subject to the general information requirements laid down in Article 18 or, in case the country concerned so indicates in the request referred to in Article 39, the procedure of prior written notification and consent referred to in Article 35.;	
Article 37(2), second subparagraph, point (a)				
556a			<u>(a) destined to a facility licensed under the domestic legislation of the country concerned, to undertake recovery operations for that waste;</u>	
Article 37(2), second subparagraph, point (b)				
556b			<u>(b) not destined for interim operations, unless all subsequent non-interim or interim recovery operations will take place in the same country of destination or in other countries for which the related waste is included in the list referred to in Article 38.</u>	<u>(b) not destined for interim operations, unless all subsequent non-interim or interim recovery operations will take place in the same country of destination or in other countries for which the related waste is included in the list referred to in Article 38 and in facilities licensed under the</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				<i>domestic legislation of the country concerned, to undertake recovery operations for that waste;</i>
Article 37(3)				
6	556c		<u>3. Exports allowed in accordance with paragraph 2 shall;</u>	<u>3. Exports allowed in accordance with paragraph 2 shall;</u> <small>Text Origin: Council Mandate</small>
Article 37(3), point a)				
6	556d		<u>(a) for waste listed in Annex IX to the Basel Convention, be subject to the general information requirements laid down in Article 18 or, in case the country concerned so indicates in the request referred to in Article 39, the procedure of prior written notification and consent;</u>	<u>(a) for waste listed in Annex IX to the Basel Convention, be subject to the general information requirements laid down in Article 18 or, in case the country concerned so indicates in the request referred to in Article 39, the procedure of prior written notification and consent;</u> <small>Text Origin: Council Mandate</small>
Article 37(3), point b)				
6	556e		<u>(b) for non-hazardous wastes and mixtures of non-hazardous wastes not listed in Annex IX to the Basel Convention, be subject to the</u>	<u>(b) for non-hazardous wastes and mixtures of non-hazardous wastes not listed in Annex IX to the Basel Convention, be subject to the</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>procedure of prior written notification and consent.</u>	<u>procedure of prior written notification and consent.</u> <small>Text Origin: Council Mandate</small>
Article 37(4) first subparagraph				
G	556f		<u>4. In the case of exports in accordance with paragraph 2, the provisions of Title II shall apply mutatis mutandis.</u>	<u>4. In the case of exports in accordance with paragraph 2, the provisions of Title II shall apply mutatis mutandis.</u> <small>Text Origin: Council Mandate</small>
Article 37(4), second subparagraph				
G	556g		<u>Where such exports are subject to the general information requirements laid down in Article 18, the person who arranges the shipment shall ensure that the information to be provided by the facility according to Article 18(4) and (5) is submitted via a system referred to in Article 26, unless the facility is connected to a system referred to in Article 26.</u>	<u>2c. Where such exports are subject to the general information requirements laid down in Article 18, the person who arranges the shipment shall ensure that the information to be provided by the facility according to Article 18(4) and (5) is submitted via a system referred to in Article 26, unless the facility is connected to a system referred to in Article 26.</u> <small>Text Origin: Council Mandate</small>
Article 37(4) third subparagraph				
Y	556h			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>Where such exports are subject to the procedure of prior written notification and consent, the procedures referred to in Article 35 shall apply with the following adaptations:</u>	
	Article 37(4), third subparagraph, point (a)			
y	556i		<u>(a) Article 4(4) and Article 14 do not apply;</u>	
	Article 37(4), third subparagraph, point (b)			
y	556j		<u>(b) when the removal of a country or the removal of certain wastes or mixtures of wastes from the list referred to in Article 38 have entered into force, the competent authority of dispatch shall withdraw their written consent for any notification related to such country or to such wastes or mixtures of wastes.</u>	
	Article 38			
g	557	Article 38 Establishment of a list of countries to which exports of non-hazardous waste from the Union for recovery	Article 38 Establishment of a list of countries to which exports of non-hazardous waste from the Union for recovery	Article 38 Establishment of a list of countries to which exports of non-hazardous waste from the Union for recovery

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	are authorised		are authorised	are authorised <small>Text Origin: Commission Proposal</small>
Article 38(1), first subparagraph				
R 558	<p>1. The Commission is empowered to adopt a delegated act in accordance with Article 76 to supplement this Regulation by establishing a list of countries to which the OECD Decision does not apply and to which exports of non-hazardous waste from the Union for recovery are authorised ("list of countries to which exports are authorised"). This list shall include countries which have submitted a request pursuant to Article 39(1) and have demonstrated compliance with the requirements set out in Article 39(3), based on an assessment carried out by the Commission pursuant to Article 40.</p>		<p>1. The Commission <i>is empowered to</i> shall adopt <i>a delegated act in accordance with Article 76 to supplement this Regulation by establishing an implementing act to establish</i> a list of countries to which the OECD Decision does not apply and to which exports of non-hazardous wastewastes, and mixtures of non-hazardous wastes, except those which are prohibited in accordance with Article 36(1), from the Union for recovery are authorised ("list of countries to which exports are authorised"). This list shall include countries which have submitted a request pursuant to Article 39(1) and have demonstrated compliance with the requirements set out in Article 39(3), based on an assessment carried out by the Commission pursuant to Article 40, and have agreed to comply with Article 39(4).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 38(1), second subparagraph			
R	558a		<i>The implementing act referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 77(2).</i>	
	Article 38(2)			
G	559	2. The list referred to in paragraph 1 shall include the following information:	2. The list referred to in paragraph 1 shall include the following information:	2. The list referred to in paragraph 1 shall include the following information: <small>Text Origin: Commission Proposal</small>
	Article 38(2), point (a)			
G	560	(a) the name of the countries to which export of non-hazardous waste from the Union for recovery is authorised;	(a) the name of the countries to which export of non-hazardous waste <i>wastes and mixtures of non-hazardous wastes</i> from the Union for recovery is authorised;	(a) the name of the countries to which export of non-hazardous waste <i>wastes and mixtures of non-hazardous wastes</i> from the Union for recovery is authorised; <small>Text Origin: Council Mandate</small>
	Article 38(2), point (b)			
G	561	(b) the specific waste(s) that are authorised for export from the Union to each country referred to	(b) the specific <i>non hazardous</i> waste(s) <i>and mixtures of non-hazardous wastes</i> that are	(b) the specific <i>non hazardous</i> waste(s) <i>and mixtures of non-hazardous wastes</i> that are

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	in point (a);		authorised for export from the Union to each country referred to in point (a);	authorised for export from the Union to each country referred to in point (a); <small>Text Origin: Council Mandate</small>
Article 38(2), point (ba)				
y	561a		<u>(ba) whether the procedure of prior written notification and consent applies in case of waste listed in Annex IX to the Basel Convention;</u>	Deleted (merged with 563)
Article 38(2), point (c)				
g	562	(c) information, such as an internet address, allowing access to a list of facilities which are licensed under the domestic legislation of each country referred to in point (a) to carry out the recovery of the waste referred to in point (b);	(c) information, such as an internet address, allowing access to a list of facilities which are licensed under the domestic legislation of each country referred to in point (a) to carry out the recovery of the waste <u>and mixtures of waste</u> referred to in point (b);	(c) information, such as an internet address, allowing access to a list of facilities which are licensed under the domestic legislation of each country referred to in point (a) to carry out the recovery of the waste <u>and mixtures of waste</u> referred to in point (b); <small>Text Origin: Council Mandate</small>
Article 38(2), point (d)				
y	563	(d) where available, information on any specific control procedure	(d) where available , information on any specific control procedure	(d) where available , information on any specific control procedure, if

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	applying under the domestic legislation of each country referred to in point (a) to the import of the waste(s) referred to in point (b), including an indication of whether such import is subject to the procedure of prior written notification and consent referred to in Article 35.		applying under the domestic legislation of each country referred to in point (a) to the import of the waste(s) referred to in point (b), including an indication of whether such import is subject to the procedure of prior written notification and consent referred to in Article 35.	any, applying under the domestic legislation of each country referred to in point (a) to the import of the waste(s) referred to in point (b), including an indication of whether such import, <u>including the import of waste listed in Annex IX of the Basel Convention</u> , is subject to the procedure of prior written notification and consent referred to in Article 35.
Article 38(3), first subparagraph				
6	564 3. The list referred to in paragraph 1 shall be adopted by [OP Please insert the date 30 months after the date of entry into force of this Regulation], unless no country submits a request pursuant to Article 39(1) or no country complies with the requirements set out in Article 39(3) at that time.		3. The list referred to in paragraph 1 shall be adopted by [<u>OP Please insert the date 30 months after the date of entry into force of this Regulation</u> OP Please insert the date 30 months after the date of entry into force of this Regulation], unless no country submits a request pursuant to Article 39(1) or no country complies with the requirements set out in Article 39(3) at that time.	3. The list referred to in paragraph 1 shall be adopted by [OP Please insert the date 30 months after the date of entry into force of this Regulation], unless no country submits a request pursuant to Article 39(1) or no country complies with the requirements set out in Article 39(3) at that time. Text Origin: Commission Proposal
Article 38(3), second subparagraph				
6	565 By [OP Please insert the date three months after the date of entry into force of this Regulation], the Commission shall contact all		By [<u>OP Please insert the date three months after the date of entry into force of this Regulation</u> OP Please insert the	By [OP Please insert the date three months after the date of entry into force of this Regulation], the Commission shall contact all

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	countries to which the OECD Decision does not apply, to provide them with the necessary information on the possibility for those countries to be included in the list of countries to which exports are authorised.		date three months after the date of entry into force of this Regulation , the Commission shall contact all countries to which the OECD Decision does not apply, to provide them with the necessary information on the possibility for those countries to be included in the list of countries to which exports are authorised.	countries to which the OECD Decision does not apply, to provide them with the necessary information on the possibility for those countries to be included in the list of countries to which exports are authorised. Text Origin: Commission Proposal
Article 38(3), third subparagraph				
6	566		In order to be included in the list of countries to which exports are authorised adopted by [<u>OP Please insert the date 30 months after the date of entry into force of this Regulation</u>], the countries to which the OECD Decision does not apply shall submit their request pursuant to Article 39(1) by [<u>OP Please insert the date 9 months after the date of entry into force of this Regulation</u>]. OP Please insert the date 30 months after the date of entry into force of this Regulation OP Please insert the date 9 months after the date of entry into force of this Regulation	In order to be included in the list of countries to which exports are authorised adopted by [OP Please insert the date 30 months after the date of entry into force of this Regulation], the countries to which the OECD Decision does not apply shall submit their request pursuant to Article 39(1) by [OP Please insert the date 9 months after the date of entry into force of this Regulation]. Text Origin: Commission Proposal
Article 38(4)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
y	567 4. The Commission shall regularly, and at least every two years following its establishment, update the list of countries to which exports are authorised, in order to:	4. The Commission shall regularly, and at least every two <i>years/year</i> following its establishment, update the list of countries to which exports are authorised, in order to:	4. The Commission shall regularly, and at least every two years following its establishment, update the list of countries to which exports are authorised, in order to:	
Article 38(4), point (a)				
g	568 (a) add a country whose inclusion is decided in accordance with paragraph 1;		(a) add a country <i>whose inclusion is decided in accordance with paragraph 1; that complies with the requirements set out in Article 39</i>	(a) add a country <i>whose inclusion is decided in accordance with paragraph 1 that complies with the requirements set out in Article 39;</i> <small>Text Origin: Council Mandate</small>
Article 38(4), point (b)				
g	569 (b) remove a country which ceases to comply with the requirements set out in Article 39;		(b) remove a country which ceases to comply with the requirements set out in Article 39;	(b) remove a country which ceases to comply with the requirements set out in Article 39; <small>Text Origin: Commission Proposal</small>
Article 38(4), point (c)				
g	570 (c) update the information referred to in paragraph 2, points (b), (c) and (d), based on a request received from the country		(c) update the information referred to in paragraph 2, <i>points (b), (c) and (d)</i> , based on a request received from the country	(c) update the information referred to in paragraph 2, <i>points (b), (c) and (d)</i> , based on a request received from the country

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	concerned and, if that request concerns the addition of new waste, provided that the country concerned has demonstrated compliance with the requirements set out in Article 39 with respect to the new waste in question;		concerned and, if that request concerns the addition of new waste <u>wastes or mixtures of wastes</u> , provided that the country concerned has demonstrated compliance with the requirements set out in Article 39 with respect to the new <u>wastes or mixtures of</u> waste in question;	concerned and, if that request concerns the addition of new waste <u>wastes or mixtures of wastes</u> , provided that the country concerned has demonstrated compliance with the requirements set out in Article 39 with respect to the new <u>wastes or mixtures of</u> waste in question; Text Origin: Council Mandate
Article 38(4), point (d)				
6	571 (d) include or remove any other element relevant to ensure that the list contains accurate and updated information.		(d) include or remove any other element relevant to ensure that the list contains accurate and updated information.	(d) include or remove any other element relevant to ensure that the list contains accurate and updated information. Text Origin: Commission Proposal
Article 38(5), first subparagraph				
6	572 5. In the event of any change to the information provided to the Commission under Article 39(3), the countries included in the list referred to in paragraph 1 shall provide an update of the information specified in the form set out in Annex VIII, together with relevant supporting evidence		<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	without delay.			
<i>Article 38(5), second subparagraph</i>				
573	The countries included in the list referred to in paragraph 1 shall in any case, on the fifth year after their initial inclusion, provide to the Commission an update of the information specified in the form set out in Annex VIII, together with relevant supporting evidence.		<i>deleted</i>	<i>deleted</i>
<i>Article 38(5), third subparagraph</i>				
574	After receiving information and evidence referred to in the first and second subparagraphs of this paragraph, the Commission may request additional information from the country concerned to demonstrate that it continues to comply with the requirements set out in Article 39.		<u>5.</u> After receiving information and evidence referred to in the first and second subparagraphs of this paragraph <u>Article 39(4)</u> , the Commission may request additional information from the country concerned to demonstrate that it continues to comply with the requirements set out in Article 39 <u>39(3)</u> .	After receiving information and evidence referred to in the first and second subparagraphs of this paragraph <u>Article 39(4)</u> , the Commission may request additional information from the country concerned to demonstrate that it continues to comply with the requirements set out in Article 39 <u>39(3)</u> . <small>Text Origin: Council Mandate</small>
<i>Article 38(6)</i>				
575	6. Where information becomes		6. Where information becomes	6. Where information becomes

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>available which shows in a plausible manner that the requirements set out in Article 39 are no longer fulfilled for a country which is already included in the list referred to in paragraph 1, the Commission shall invite that country to provide its views on that information, within a maximum period of two months from its invitation to provide comments, together with relevant supporting evidence demonstrating continued compliance with those requirements. That period may be extended by an additional period of two months where the country concerned makes a reasoned request for such extension.</p>		<p>available which shows in a plausible manner that the requirements set out in Article 39 are no longer fulfilled for a country which is already included in the list referred to in paragraph 1, the Commission shall invite that country to provide its views on that information, within a maximum period of two months from its invitation to provide comments, together with relevant supporting evidence demonstrating continued compliance with those requirements. That period may be extended by an additional period of two months where the country concerned makes a reasoned request for such extension.</p>	<p>available which shows in a plausible manner that the requirements set out in Article 39 are no longer fulfilled for a country which is already included in the list referred to in paragraph 1, the Commission shall invite that country to provide its views on that information, within a maximum period of two months from its invitation to provide comments, together with relevant supporting evidence demonstrating continued compliance with those requirements. That period may be extended by an additional period of two months where the country concerned makes a reasoned request for such extension.</p> <p><small>Text Origin: Commission Proposal</small></p>
Article 38(7)				
6	<p>576</p> <p>7. Where the country concerned does not provide its views and the requested supporting evidence within the time limit referred to in the first subparagraph of this paragraph, or where the provided evidence is insufficient to demonstrate continued compliance</p>		<p>7. Where the country concerned does not provide its views and the requested supporting evidence within the time limit referred to in <i>the first subparagraph of this</i> paragraph, <u>6</u> or where the provided evidence is insufficient to demonstrate continued compliance</p>	<p>7. Where the country concerned does not provide its views and the requested supporting evidence within the time limit referred to in <i>the first subparagraph of this</i> paragraph, <u>6</u> or where the provided evidence is insufficient to demonstrate continued compliance</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	with the requirements set out in Article 39, the Commission shall remove that country from the list without undue delay.		with the requirements set out in Article 39, the Commission shall remove that country from the list without undue delay.	with the requirements set out in Article 39, the Commission shall remove that country from the list without undue delay. <small>Text Origin: Council Mandate</small>
Article 38(8)				
6	577 8. The Commission may at any time contact a country included in the list referred to in paragraph 1 to obtain information which is relevant to ensure that this country continues to comply with the requirements set out in Article 39.		8. The Commission may at any time contact a country included in the list referred to in paragraph 1 to obtain information which is relevant to ensure that this country continues to comply with the requirements set out in Article 39.	8. The Commission may at any time contact a country included in the list referred to in paragraph 1 to obtain information which is relevant to ensure that this country continues to comply with the requirements set out in Article 39. <small>Text Origin: Commission Proposal</small>
Article 39				
6	578 Article 39 Requirements for inclusion in the list of countries to which exports are authorised		Article 39 Requirements for inclusion in the list of countries to which exports are authorised	Article 39 Requirements for inclusion in the list of countries to which exports are authorised <small>Text Origin: Council Mandate</small>
Article 39(1)				
6	579 1. Countries to which the OECD		1. Countries to which the OECD	1. Countries to which the OECD

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Decision does not apply and which intend to receive certain waste referred to in Article 37(1) from the Union for recovery shall submit a request to the Commission indicating their willingness to receive that waste and to be included in the list referred to in Article 38. Such request and all related documentation or other communication shall be provided in English language.		Decision does not apply and which intend to receive certain waste <u>wastes or mixtures of wastes</u> referred to in Article 37(1) from the Union, <u>except those which are prohibited in accordance with Article 36(1)</u> , for recovery shall submit a request to the Commission indicating their willingness to receive <u>these specific wastes or mixtures of wastes</u> that waste and to be included in the list referred to in Article 38. Such request and all related documentation or other communication shall be provided in English language.	Decision does not apply and which intend to receive certain waste <u>wastes or mixtures of wastes</u> referred to in Article 37(1) from the Union for recovery shall submit a request to the Commission indicating their willingness to receive <u>these specific wastes or mixtures of wastes</u> that waste and to be included in the list referred to in Article 38. Such request and all related documentation or other communication shall be provided in English language. Text Origin: Council Mandate
Article 39(2)				
6	580	2. The request referred to in paragraph 1 shall be submitted using the form set out in Annex VIII and shall contain all the information specified therein.	2. The request referred to in paragraph 1 shall be submitted using the form set out in Annex VIII and shall contain all the information specified therein.	2. The request referred to in paragraph 1 shall be submitted using the form set out in Annex VIII and shall contain all the information specified therein. Text Origin: Commission Proposal
Article 39(3), first subparagraph				
6	581	3. The country making the request	3. The country making the request	3. The country making the request

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	shall demonstrate that it has put in place and implements all necessary measures to ensure that the waste concerned will be managed in an environmentally sound manner as referred to in Article 56.		shall demonstrate that it has put in place and implements all necessary measures to ensure that the waste concerned will be managed in an environmentally sound manner as referred to in Article 56.	shall demonstrate that it has put in place and implements all necessary measures to ensure that the waste concerned will be managed in an environmentally sound manner as referred to in Article 56. <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph				
6	582 To this end, the country making the request shall demonstrate that:		To this end, the country making the request shall demonstrate that:	To this end, the country making the request shall demonstrate that: <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (a)				
6	583 (a) it has a comprehensive waste management strategy or plan that covers its entire territory and shows its ability and readiness to ensure the environmentally sound management of waste. That strategy or plan shall include at least the following elements:		(a) it has a comprehensive waste management strategy or plan that covers its entire territory and shows its ability and readiness to ensure the environmentally sound management of waste. That strategy or plan shall include at least the following elements:	(a) it has a comprehensive waste management strategy or plan that covers its entire territory and shows its ability and readiness to ensure the environmentally sound management of waste. That strategy or plan shall include at least the following elements: <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (a)(i)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	584	(i) amount of total waste generated in the country on a yearly basis, as well as the amount of waste(s) covered by the scope of this request (“waste concerned by the request”), and estimations on how these amounts would develop in the next 10 years;	(i) <u>the annual</u> amount of total waste generated in the country on a yearly basis , as well as the <u>annual</u> amount of waste(s) covered by the scope of this request ("waste concerned by the request"), and estimations on <u>generated in the country, and</u> how these amounts <u>would are estimated to</u> develop in the next 10 years;	(i) <u>the annual</u> amount of total waste generated in the country on a yearly basis , as well as the <u>annual</u> amount of waste(s) covered by the scope of this request ("waste concerned by the request"), and estimations on <u>generated in the country, and</u> how these amounts <u>would are estimated to</u> develop in the next 10 years; Text Origin: Council Mandate
Article 39(3), second subparagraph, point (a)(ii)				
6	585	(ii) an estimation of the country’s current treatment capacity for waste in general, as well as an estimation of the country’s treatment capacity for the waste(s) concerned by the request, and an evaluation of how these capacities would develop in the next 10 years;	(ii) an estimation of the country’s current treatment capacity for waste in general, as well as an estimation of the country’s treatment capacity for the waste(s) concerned by the request, and an evaluation of how these capacities <u>are estimated to</u> would develop in the next 10 years;	(ii) an estimation of the country’s current treatment capacity for waste in general, as well as an estimation of the country’s treatment capacity for the waste(s) concerned by the request, and an evaluation of how these capacities <u>are estimated to</u> would develop in the next 10 years; Text Origin: Council Mandate
Article 39(3), second subparagraph, point (a)(iii)				
6	586	(iii) the proportion of domestic waste that is separately collected,	(iii) the proportion of domestic waste that is separately collected,	(iii) the proportion of domestic waste that is separately collected,

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	as well as any objectives and measures to increase this rate in the future;		as well as any objectives and measures to increase this rate in the future;	as well as any objectives and measures to increase this rate in the future; <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (a)(iv)				
6	587 (iv) an indication of the proportion of the domestic waste concerned by the request which is landfilled, as well as any objectives and measures to decrease that proportion in the future;		(iv) an indication of the proportion of the domestic waste concerned by the request which is landfilled, as well as any objectives and measures to decrease that proportion in the future;	(iv) an indication of the proportion of the domestic waste concerned by the request which is landfilled, as well as any objectives and measures to decrease that proportion in the future; <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (a)(v)				
6	588 (v) an indication of the proportion of the domestic waste which is recycled, and possible objectives and measures to increase that proportion in the future;		(v) an indication of the proportion of the domestic waste which is recycled, and possible objectives and measures to increase that proportion in the future;	(v) an indication of the proportion of the domestic waste which is recycled, and possible objectives and measures to increase that proportion in the future; <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (a)(vi)				
6	589			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(vi) information on the amount of waste which is littered and on measures taken to prevent and clean up litter;		(vi) information on the amount of waste which is littered and on measures taken to prevent and clean up litter;	(vi) information on the amount of waste which is littered and on measures taken to prevent and clean up litter; <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (a)(vii)				
6	590 (vii) a strategy on how to ensure the environmentally sound management of waste imported into its territory, including the possible impact of such import on the management of waste generated domestically;		(vii) a strategy on how to ensure the environmentally sound management of waste imported into its territory, including the possible impact of such import on the management of waste generated domestically;	(vii) a strategy on how to ensure the environmentally sound management of waste imported into its territory, including the possible impact of such import on the management of waste generated domestically; <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (a)(viii)				
6	591 (viii) information on the methodology used to calculate the data referred to in points (i) to (vi);		(viii) information on the methodology used to calculate the data referred to in points (i) to (vi);	(viii) information on the methodology used to calculate the data referred to in points (i) to (vi); <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (b)				
6	592			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(b) it has a legal framework for waste management in place, which includes at least the following elements:		(b) it has a legal framework for waste management in place, which includes at least the following elements:	(b) it has a legal framework for waste management in place, which includes at least the following elements: Text Origin: Commission Proposal
Article 39(3), second subparagraph, point (b)(i)				
6	593 (i) permitting or licensing systems for waste treatment facilities;		(i) permitting, <u>licensing or registration system(s)</u> - or licensing systems for waste treatment facilities;	(i) permitting, <u>licensing or registration system(s)</u> - or licensing systems for waste treatment facilities; Text Origin: Council Mandate
Article 39(3), second subparagraph, point (b)(ii)				
6	594 (ii) permitting or licensing systems for transport of waste;		(ii) permitting or licensing systems for transport of waste;	(ii) permitting, <u>licensing or registration system(s)</u> - or licensing systems for transport of waste;
Article 39(3), second subparagraph, point (b)(iii)				
6	595 (iii) provisions designed to ensure that the residual waste generated through the recovery operation for the wastes concerned by the request is managed in an environmentally sound manner as		(iii) provisions designed to ensure that the residual waste generated through the recovery operation for the wastes concerned by the request is managed in an environmentally sound manner as	(iii) provisions designed to ensure that the residual waste generated through the recovery operation for the wastes concerned by the request is managed in an environmentally sound manner as

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	referred to in Article 56;		referred to in Article 56;	referred to in Article 56; <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (b)(iv)				
6	596 (iv) adequate pollution controls applying to waste management operations, including emission limits for the protection of air, soil and water and measures to reduce the emissions of greenhouse gases from those operations;		(iv) adequate pollution controls applying to waste management operations, including emission limits for the protection of air, soil and water and measures to reduce the emissions of greenhouse gases from those operations;	(iv) adequate pollution controls applying to waste management operations, including emission limits for the protection of air, soil and water and measures to reduce the emissions of greenhouse gases from those operations; <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (b)(v)				
6	597 (v) provisions on enforcement, inspection and penalties designed to ensure the implementation of domestic and international requirements on waste management and waste shipment;		(v) provisions on enforcement, inspection and penalties designed to ensure the implementation of domestic and international requirements on waste management and waste shipment;	(v) provisions on enforcement, inspection and penalties designed to ensure the implementation of domestic and international requirements on waste management and waste shipment; <small>Text Origin: Commission Proposal</small>
Article 39(3), second subparagraph, point (c)				
6	598			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(c) it is a Party to the multilateral environmental agreements referred to in Annex VIII, and has taken the necessary measures to implement its obligations under those agreements;		(c) it is a Party to the multilateral environmental agreements referred to in Annex VIII, and has taken the necessary measures to implement its obligations under those agreements;	(c) it is a Party to the multilateral environmental agreements referred to in Annex VIII, and has taken the necessary measures to implement its obligations under those agreements; Text Origin: Commission Proposal
Article 39(3), second subparagraph, point (d)				
6	599 (d) it has put in place a strategy for enforcement of domestic legislation on waste management and waste shipment, covering control and monitoring measures, including information on the number of inspections of shipments of waste and of waste management facilities carried out and on penalties imposed in cases of infringements of the relevant domestic rules.		(d) it has put in place a strategy for enforcement of domestic legislation on waste management and waste shipment, covering control and monitoring measures, including information on the number of inspections of shipments of waste and of waste management facilities carried out and on penalties imposed in cases of infringements of the relevant domestic rules.	(d) it has put in place a strategy for enforcement of domestic legislation on waste management and waste shipment, covering control and monitoring measures, including information on the number of inspections of shipments of waste and of waste management facilities carried out and on penalties imposed in cases of infringements of the relevant domestic rules. Text Origin: Commission Proposal
Article 39(4)				
6	599a		<u>4. In the event of any change to the information provided to the Commission under paragraph 3,</u>	<u>4. In the event of any change to the information provided to the Commission under paragraph 3,</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<p><u>the countries included in the list referred to in Article 38 shall provide an update of the information specified in the form set out in Annex VIII, together with relevant supporting evidence without delay.</u></p> <p><u>The countries included in the list referred to in Article 38 shall in any case, on the fifth year after their initial inclusion, provide to the Commission an update of the information specified in the form set out in Annex VIII, together with relevant supporting evidence.</u></p>	<p><u>the countries included in the list referred to in Article 38 shall provide an update of the information specified in the form set out in Annex VIII, together with relevant supporting evidence without delay.</u></p> <p><u>The countries included in the list referred to in Article 38 shall in any case, on the fifth year after their initial inclusion, provide to the Commission an update of the information specified in the form set out in Annex VIII, together with relevant supporting evidence.</u></p> <p>Text Origin: Council Mandate</p>
Article 40				
6	600	Article 40 Assessment of the request for inclusion in the list of countries to which exports are authorised	Article 40 Assessment of the request for inclusion in the list of countries to which exports are authorised	Article 40 Assessment of the request for inclusion in the list of countries to which exports are authorised
Article 40(1)				
Y	601	1. The Commission shall assess the requests submitted pursuant to Article 39 without undue delay	1. The Commission shall assess the requests submitted pursuant to Article 39 without undue delay	1. The Commission shall assess the requests submitted pursuant to Article 39 without undue delay

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	and, if it is satisfied that the requirements set out in that Article are complied with, it shall include the country making the request in the list of countries to which exports are authorised. The assessment shall be based on the information and supporting evidence provided by the country making the request, as well as other relevant information, and aim to determine if the country making the request has put in place and implements all necessary measures to ensure that the waste concerned will be managed in an environmentally sound manner as referred to in Article 56. In order to perform this assessment, the Commission shall use, as points of reference, the relevant provisions in the legislation and guidance referred to in Annex IX.	and, if it is satisfied that the requirements set out in that Article are complied with, it shall include the country making the request in the list of countries to which exports are authorised. The assessment shall be based on the information and supporting evidence provided by the country making the request, as well as other relevant information, and aim to determine if the country making the request has put in place and implements all necessary measures to ensure that the waste concerned will be managed in an environmentally sound manner as referred to in Article 56. In order to perform this assessment, the Commission shall use, as points of reference, the relevant provisions in the legislation and guidance referred to in Annex IX. <u><i>The Commission shall also consult stakeholders, including national experts, relevant industry representatives and non-governmental organisations, in the assessment.</i></u>	and, if it is satisfied that the requirements set out in that Article are complied with, it shall include the country making the request in the list of countries to which exports are authorised. The assessment shall be based on the information and supporting evidence provided by the country making the request, as well as other relevant information, and aim to determine if the country making the request has put in place and implements all necessary measures to ensure that the waste <u>wastes and mixtures of wastes</u> concerned will be managed in an environmentally sound manner as referred to in Article 56. In order to perform this assessment, the Commission shall use, as points of reference, the relevant provisions in the legislation and guidance referred to in Annex IX.	and, if it is satisfied that the requirements set out in that Article are complied with, it shall include the country making the request in the list of countries to which exports are authorised. The assessment shall be based on the information and supporting evidence provided by the country making the request, as well as other relevant information, and aim to determine if the country making the request has put in place and implements all necessary measures to ensure that the waste <u>wastes and mixtures of wastes</u> concerned will be managed in an environmentally sound manner as referred to in Article 56. In order to perform this assessment, the Commission shall use, as points of reference, the relevant provisions in the legislation and guidance referred to in Annex IX.
Article 40(2)				
6	602	2. Where, during the course of its	2. Where, during the course of its	2. Where, during the course of its

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	assessment, the Commission considers that the information provided by the country making the request is incomplete or insufficient to demonstrate compliance with the requirements set out in Article 39, it shall give that country an opportunity to provide additional information within a maximum period of three months. That period may be extended by an additional period of three months where the requesting country makes a reasoned request for such extension.		assessment, the Commission considers that the information provided by the country making the request is incomplete or insufficient to demonstrate compliance with the requirements set out in Article 39, it shall give that country an opportunity to provide additional information within a maximum period of three months. That period may be extended by an additional period of three months where the requesting country makes a reasoned request for such extension.	assessment, the Commission considers that the information provided by the country making the request is incomplete or insufficient to demonstrate compliance with the requirements set out in Article 39, it shall give that country an opportunity to provide additional information within a maximum period of three months. That period may be extended by an additional period of three months where the requesting country makes a reasoned request for such extension. Text Origin: Commission Proposal
Article 40(3)				
603	3. Where the country making the request does not provide the additional information within the time limit referred to in paragraph 2 of this Article, or where the provided additional information is still considered to be incomplete or insufficient to demonstrate compliance with the requirements set out in Article 39, the Commission shall inform without undue delay the country making		3. Where the country making the request does not provide the additional information within the time limit referred to in paragraph 2 of this Article, or where the provided additional information is still considered to be incomplete or insufficient to demonstrate compliance with the requirements set out in Article 39, the Commission shall inform without undue delay the country making	3. Where the country making the request does not provide the additional information within the time limit referred to in paragraph 2 of this Article, or where the provided additional information is still considered to be incomplete or insufficient to demonstrate compliance with the requirements set out in Article 39, the Commission shall inform without undue delay the country making

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the request that it cannot be included in the list of countries to which exports are authorised and that its request will no longer be processed. In that case, the Commission shall also inform the country making the request of the reasons for that conclusion. This is without prejudice to the possibility of the country making the request to submit a new request pursuant to Article 39.		the request that it cannot be included in the list of countries to which exports are authorised and that its request will no longer be processed. In that case, the Commission shall also inform the country making the request of the reasons for that conclusion. This is without prejudice to the possibility of the country making the request to submit a new request pursuant to Article 39.	the request that it cannot be included in the list of countries to which exports are authorised and that its request will no longer be processed. In that case, the Commission shall also inform the country making the request of the reasons for that conclusion. This is without prejudice to the possibility of the country making the request to submit a new request pursuant to Article 39. <small>Text Origin: Commission Proposal</small>
Section 3				
604	Section 3 Exports to countries to which the OECD Decision applies		Section 3 Exports to countries to which the OECD Decision applies	Section 3 Exports to countries to which the OECD Decision applies <small>Text Origin: Commission Proposal</small>
Article 41				
605	Article 41 General regime for exports of waste		Article 41 General regime for exports of waste	Article 41 General regime for exports of waste <small>Text Origin: Commission Proposal</small>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 41(1)				
6	606	1. Where waste listed in Annex III, IIIA, IIIB or IV, waste not classified or mixtures of wastes not classified under one entry in either Annex III or Annex IV are exported from the Union and destined for recovery in countries to which the OECD Decision applies, with or without transit through countries to which the OECD Decision applies, the provisions of Title II shall apply mutatis mutandis, with the adaptations and additional provisions listed in paragraphs 2, 3 and 5.		1. Where waste listed in Annex III, IIIA, IIIB or IV, waste not classified or mixtures of wastes not classified under one entry in either Annex III or Annex IV <u>referred to in Article 4(2), (2a) and (3)</u> are exported from the Union and destined for recovery in countries to which the OECD Decision applies, with or without transit through countries to which the OECD Decision applies, the provisions of Title II shall apply <u>mutatis mutandis</u> mutatis mutandis , with the adaptations and additional provisions listed in paragraphs 2, 3 and 5. Text Origin: Council Mandate
Article 41(2)				
Y	607	2. The following adaptations shall apply:		2. The following adaptations shall apply:
Article 41(2) point (-a) new				
Y	607a			<u>(-a) the notifier shall provide, annexed to the notification document, documentary evidence that an audit as referred to in</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				<u>Article 43(2) has been carried out in the facility to which waste is being exported, unless the exemption in Article 43(8) applies;</u>
Article 41(2), point (a)				
6	608 (a) mixtures of wastes listed in Annex IIIA destined for an interim operation shall be subject to the procedure of prior written notification and consent if any subsequent interim or non-interim recovery operation or disposal operation is to take place in a country to which the OECD Decision does not apply;		(a) mixtures of wastes listed in Annex IIIA destined for an interim operation shall be subject to the procedure of prior written notification and consent if any subsequent interim or non-interim recovery operation or disposal operation is to take place in a country to which the OECD Decision does not apply;	(a) mixtures of wastes listed in Annex IIIA destined for an interim operation shall be subject to the procedure of prior written notification and consent if any subsequent interim or non-interim recovery operation or disposal operation is to take place in a country to which the OECD Decision does not apply; Text Origin: Commission Proposal
Article 41(2), point (b)				
6	609 (b) waste listed in Annex IIIB shall be subject to the procedure of prior written notification and consent;		(b) waste listed in Annex IIIB <u>and shipments of waste destined for experimental treatment trials referred to in Article 4(4)</u> shall be subject to the procedure of prior written notification and consent;	(b) waste listed in Annex IIIB <u>and shipments of waste destined for experimental treatment trials referred to in Article 4(4)</u> shall be subject to the procedure of prior written notification and consent; Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 41(2), point (ba)			
G	609a		<u>(ba) shipments of waste destined for laboratory analysis referred to in Article 4(4) shall be subject to the procedure of prior written notification and consent, unless the amount of such waste has been determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, and does not exceed 25 kg, in which case the procedural requirements of Article 18 shall apply;</u>	<u>(ba) shipments of waste destined for laboratory analysis referred to in Article 4(4) shall be subject to the procedure of prior written notification and consent, unless the amount of such waste has been determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, and does not exceed 25 kg, in which case the procedural requirements of Article 18 shall apply;</u> Text Origin: Council Mandate
	Article 41(2), point (c)			
G	610	(c) the export of waste referred to in Article 4(5) shall be prohibited;	(c) the export of waste referred to in Article 4(5) <u>4(2a)</u> shall be prohibited;	(c) the export of waste referred to in Article 4(5) <u>4(2a)</u> shall be prohibited; Text Origin: Council Mandate
	Article 41(2), point (ca)			
R	610a		<u>(ca) the export of plastic waste listed in Annex III, IIIA, IIIB or IV, to countries to which the OECD decision applies other than</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>EFTA countries shall be phased out by ... [insert the date four years after the entry into force];</i></u>		
Article 41(2), point (d)				
g	611 (d) the consent as required in accordance with Article 9 may be provided in the form of tacit consent from the competent authority of destination outside the Union.		(d) the consent as required in accordance with Article 9 may be provided in the form of tacit consent from the competent authority of destination outside the Union.	(d) the consent as required in accordance with Article 9 may be provided in the form of tacit consent from the competent authority of destination outside the Union. <u>Text Origin: Commission Proposal</u>
Article 41(2), point (e)				
y	611a		<u><i>(e) the consent to a shipment of certain waste in accordance with Article 9 shall be withdrawn by the competent authority of dispatch when an implementing act in accordance with Article 42(4) entered into force that prohibits the export of such waste to the country concerned.</i></u>	
Article 41(3), first subparagraph				
y	612 3. As regards exports of waste		3. As regards exports of waste	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	listed in Annex IV, the adaptations and additional provisions listed in Article 35(2) and Article 35(3), points (a) to (e), shall apply.		listed in Annex IV referred to in <u>Article 4(2)</u> , the adaptations and additional provisions listed in Article 35(2), <u>points (a), (ba), (c), (ca) and (cb)</u> and Article 35(3), points (a) to (e) <u>(b) to (g)</u> , shall apply.	
Article 41(3a)				
6	612a		<u>3a. As regards exports of waste listed referred to in Article 4(3), the person who arranges the shipment shall ensure that the information to be provided by the facility according to Article 18(4) and (5) shall be included in a system referred to in Article 26, unless those facilities are connected to a system referred to in Article 26.</u>	<u>3a. As regards exports of waste listed referred to in Article 4(3), the person who arranges the shipment shall ensure that the information to be provided by the facility according to Article 18(4) and (5) shall be included in a system referred to in Article 26, unless those facilities are connected to a system referred to in Article 26.</u> Text Origin: Council Mandate
Article 41(3), second subparagraph				
6	613	In addition, the contract referred to in Article 6 shall contain the following terms and conditions:	In addition, the contract referred to in Article 6 shall contain the following terms and conditions:	<i>deleted</i>
Article 41(3), second subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
6	614	(a) where a facility issues an incorrect certificate of recovery with the consequence that the financial guarantee is released, the consignee shall bear the costs arising from the duty to return the waste to the area of jurisdiction of the competent authority of dispatch and from its recovery or disposal in an alternative and environmentally sound manner;	<i>deleted</i>	<i>deleted</i>
<i>Article 41(3), second subparagraph, point (b)</i>				
6	615	(b) the facility shall, within three days of receipt of the waste for recovery, send signed copies of the completed movement document, except for the certificate of recovery referred to in point (c), to the notifier and the competent authorities concerned;	<i>deleted</i>	<i>deleted</i>
<i>Article 41(3), second subparagraph, point (c)</i>				
6	616	(c) the facility shall, as soon as possible but no later than 30 days after completion of the recovery, and in any case no later than one calendar year after the receipt of the waste, under its responsibility,	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	certify that the recovery has been completed and shall send signed copies of the movement document containing that certification to the notifier and to the competent authorities concerned.			
<i>Article 41(3), third subparagraph</i>				
6	617 The notifier shall, within three working days of receipt of the copies referred to in points (b) and (c), make the information contained in those copies available via electronic means in accordance with Article 26.		<i>deleted</i>	<i>deleted</i>
<i>Article 41(4)</i>				
6	618 4. The shipment of waste subject to the prior written notification and consent may take place only if all the following conditions are fulfilled:		4. The shipment of waste subject to the prior written notification and consent may take place only if all the following conditions are fulfilled:	4. The shipment of waste subject to the prior written notification and consent may take place only if all the following conditions are fulfilled: <small>Text Origin: Commission Proposal</small>
<i>Article 41(4), point (a)</i>				
6	619 (a) the notifier has received		(a) the notifier has received	(a) the notifier has received

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	written consent from the competent authorities of dispatch, destination and, where appropriate, transit or, the competent authorities of destination and transit outside the Union have provided tacit consent or such tacit consent can be assumed and the conditions laid down in the respective decisions have been met;		written consent from the competent authorities of dispatch, destination and, where appropriate, transit or, the competent authorities of destination and transit outside the Union have provided tacit consent or such tacit consent can be assumed and the conditions laid down in <u>those consents or their annexes</u> the respective decisions have been met;	written consent from the competent authorities of dispatch, destination and, where appropriate, transit or, the competent authorities of destination and transit outside the Union have provided tacit consent or such tacit consent can be assumed and the conditions laid down in <u>those consents or their annexes</u> the respective decisions have been met; Text Origin: Council Mandate
Article 41(4), point (b)				
y	620	(b) Article 35(4), points (b), (c) and (d), is complied with.	(b) Article 35(4), points (b), (c) and (d), <u>point (b)</u> is complied with.	y
Article 41(5)				
y	621	5. Where an export as referred to in paragraph 1 of waste listed in Annex IV is in transit through a country to which the OECD Decision does not apply, the following adaptations shall apply:	5. Where an export as referred to in paragraph 1 of waste listed in Annex IV <u>referred to in Art. 4(2)</u> is in transit through a country to which the OECD Decision does not apply, the following adaptations shall apply:	y
Article 41(5), point (a)				
y	622			y

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(a) the competent authority of transit of the country to which the OECD Decision does not apply shall have 60 days after the date of transmission of its acknowledgement of receipt of the notification, to provide, where the country concerned has decided not to require prior written consent and has informed the other Parties to the Basel Convention thereof in accordance with Article 6(4) of that Convention, tacit consent or to give a written consent with or without conditions;		(a) the competent authority of transit of the country to which the OECD Decision does not apply shall have 60 days after the date of transmission of its acknowledgement of receipt of the <u>a properly completed</u> notification, to provide, where the country concerned has decided not to require prior written consent and has informed the other Parties to the Basel-Convention thereof in accordance with Article 6(4) of that Convention, tacit consent or to give a written consent with or without conditions;	
Article 41(5), point (b)				
y	623 (b) the competent authority of dispatch in the Union shall take the decision to consent to the shipment as referred to in Article 9 only after having received tacit or written consent from the competent authority of transit of the country to which the OECD Decision does not apply, and not earlier than 61 days after the date of transmission of the acknowledgement of receipt of the competent authority of transit, unless the competent authority of dispatch has received		(b) the competent authority of dispatch in the Union shall take the decision to consent to the shipment as referred to in Article 9 only after having received tacit or written consent from the competent authority of transit of the country to which the OECD Decision does not apply, and not earlier than 61 days after the date of transmission of the acknowledgement of receipt of the <u>a properly completed notification by a</u> competent authority of transit <u>outside the</u>	y

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the written consent of the other competent authorities concerned, in which case it may take the decision as referred to in Article 9 before that time limit.		<u>Union</u> , unless the competent authority of dispatch has received the written consent of the other competent authorities concerned, in which case it may take the decision as referred to in Article 9 before that time limit.	
Article 41(6)				
6	624 6. Where waste is exported, it shall be destined for recovery operations within a facility which, under applicable national law, is operating or is authorised to operate in the country of destination.		6. Where waste is exported, it shall be destined for recovery operations within a facility which, under applicable national law, is operating or is authorised to operate in the country of destination.	6. Where waste is exported, it shall be destined for recovery operations within a facility which, under applicable national law, is operating or is authorised to operate in the country of destination. Text Origin: Commission Proposal
Article 41(7)				
6	625 7. Where a customs office of export or a customs office of exit discovers an illegal shipment, it shall without delay inform the competent authority in the country of that customs office thereof. That competent authority shall:		7. Where a customs office of export or a customs office of exit discovers an illegal shipment, it shall without delay inform the competent authority in the country of that customs office thereof. That competent authority shall: <u>The provisions in Article 35(6) shall apply.</u>	7. Where a customs office of export or a customs office of exit discovers an illegal shipment, it shall without delay inform the competent authority in the country of that customs office thereof. That competent authority shall: <u>The provisions in Article 35(6) shall apply.</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
	Article 41(7), point (a)			
G	626	(a) without delay inform the competent authority of dispatch in the Union of the illegal shipment; and	deleted	deleted
	Article 41(7), point (b)			
G	627	(b) ensure detention of the waste until the competent authority of dispatch has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained.	deleted	deleted
	Article 42			
G	628	Article 42 Monitoring of export and safeguard procedure	Article 42 Monitoring of export and safeguard procedure	Article 42 Monitoring of export and safeguard procedure Text Origin: Commission Proposal
	Article 42(1)			
Y	629			

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>1. The Commission shall monitor the levels of export of waste from the Union to countries to which the OECD Decision applies, with a view to ensuring that such exports do not lead to serious environmental or human health damages in the country of destination. As part of such monitoring, the Commission shall assess requests from natural or legal persons which are accompanied by relevant information and data showing that export of waste from the Union leads to serious environmental or human health damages in a country to which the OECD Decision applies.</p>	<p>1. The Commission shall monitor the levels of export<u>exports</u> of waste from the Union to countries to which the OECD Decision applies, with a view to ensuring that such exports do not lead to serious environmental or human health damages<u>fulfil the requirements of environmentally sound management as referred to in Article 56</u> in the country of destination and do not cause substantial adverse effects on the management of domestic waste in that country. As part of such monitoring, the Commission shall assess requests from natural or legal persons which are accompanied by relevant information and data showing that export of waste from the Union leads to serious environmental or human health damages<u>does not fulfil the requirements of environmentally sound management as referred to in Article 56</u> in a country to which the OECD Decision applies or cause substantial adverse effects on the management of domestic waste in that country.</p>	<p>1. The Commission shall monitor the levels of export of waste from the Union to countries to which the OECD Decision applies, with a view to ensuring that such exports do not lead to serious environmental or human health damages in the country of destination. As part of such monitoring, the Commission shall assess requests from natural or legal persons which are accompanied by relevant information and data showing that export of waste from the Union leads to serious environmental or human health damages in a country to which the OECD Decision applies.</p>	<p>1. The Commission shall monitor the the levels of export of waste from the Union to countries to which the OECD Decision applies, with a view to ensuring that such exports do not lead to serious <u>significant</u> environmental or human health damages in the country of destination. As part of such monitoring, the Commission shall assess requests from natural or legal persons which are accompanied by relevant information and data showing that export management of waste exported from the Union leads to serious environmental or human health damages <u>does not fulfil the requirements of environmentally sound management as referred to in Article 56</u> in a third country to which the OECD Decision applies, or that such exports cause substantial adverse effects on the management of waste generated in that country.</p>
Article 42(2) first subparagraph new				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
y	629a			<u>2. In cases where:</u>
	Article 42(2) first subparagraph point a)			
y	630	<p>2. In cases where the export of waste from the Union to a country to which the OECD Decision applies has considerably increased within a short period of time, and there is insufficient evidence available demonstrating that the country concerned has the ability to recover this waste in an environmentally sound manner as referred to in Article 56, or where there is evidence that the country concerned fails to meet the requirements of Article 56 for this waste, or that there are substantial adverse effects on the management of domestic waste in that country due to the importation of waste from the Union <u>there is insufficient evidence available demonstrating that the country concerned has the ability to recover this waste in an environmentally sound manner as referred to in Article 56, or where there is evidence that the country concerned fails to meet the requirements of Article 56 for this waste, or that there are substantial adverse effects on the management of domestic waste in that country due to the importation of waste from the Union</u> there is insufficient evidence available demonstrating that the country concerned has the ability to recover this waste in an environmentally sound manner as referred to in Article 56, the Commission shall request the competent authorities of the country concerned to provide, within 60 days, information on the conditions under which the waste</p>	<p>2. In cases where <u>there is insufficient evidence available demonstrating that</u> the export of waste from the Union to a country to which the OECD Decision applies has considerably increased within a short period of time, and there is insufficient evidence available demonstrating that the country concerned has the ability to recover this waste in an environmentally sound manner as referred to in Article 56, <u>has the ability to recover certain waste in an environmentally sound manner as referred to in Article 56, including due to a considerable increase of the export of such waste from the Union to the country concerned,</u> the Commission shall request the competent authorities of the country concerned to provide, within 60 days, information on the conditions under which the waste in question is recovered and the ability of the country concerned to manage the waste in <u>question</u> <u>an environmentally sound manner as referred to in Article 56.</u> The</p>	<p>2. In cases where a) there is insufficient evidence available demonstrating that the export of waste from the Union to a country to which the OECD Decision applies has considerably increased within a short period of time, and there is insufficient evidence available demonstrating that the country concerned has the ability to recover this waste in an environmentally sound manner as referred to in Article 56, <u>has the ability to recover certain waste in an environmentally sound manner as referred to in Article 56, including due to the export of such waste from the Union to the country concerned,</u> the Commission shall request the competent authorities of the country concerned to provide, within 60 days, information on the conditions under which the waste in question is recovered and the ability of the country concerned to manage the waste in question <u>The Commission may grant an extension of this time limit if the country concerned makes a</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		in question is recovered and the ability of the country concerned to manage the waste in question, <u>including any domestic waste that may be affected by imports</u> . The Commission may grant an extension of this time limit if the country concerned makes a reasoned request for an extension thereof.	Commission may grant an extension of this time limit if the country concerned makes a reasoned request for an extension thereof.	<u>reasoned request for an extension thereof.</u>
	Article 42(2) first subparagraph point b) new			
Y	630a			<u>b) or where there is evidence that the country concerned fails to meet the requirements of Article 56 for this waste, or</u>
	Article 42(2) first subparagraph point c) new			
Y	630b			<u>c) there is evidence that there are substantial adverse effects on the management of waste generated in that country due to the export of waste from the Union,</u>
	Article 42(2) second subparagraph new			
Y	630c			<u>the Commission shall request the competent authorities of the country concerned to provide, within 60 days, information on the conditions under which the waste in question is recovered, the effect of the export of the waste from the</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				<u>Union on the management of the waste generated in that country and the ability of the country concerned to manage this waste in an environmentally sound manner as referred to in Article 56. The Commission may grant an extension of this time limit if the country concerned makes a reasoned request for an extension thereof.</u>
Article 42(3)				
6	631 3. The request referred to in paragraph 2 shall aim to verify that the country concerned has:		3. The request referred to in paragraph 2 shall aim to verify that the country concerned has:	3. The request referred to in paragraph 2 shall aim to verify that the country concerned has: Text Origin: Commission Proposal
Article 42(3), point (a)				
y	632 (a) put in place and implemented an adequate legal framework for the import and management of the waste concerned, as well as adequate measures to ensure the environmentally sound management of the residual waste generated through the recovery of the waste concerned;	(a) put in place and implemented an adequate legal framework for the import and management of <u>the management of domestic and imported</u> waste concerned , as well as adequate measures to ensure the environmentally sound management of the <u>waste imported into its territory as well as of the</u> residual waste generated through	(a) put in place and implemented an adequate legal framework for the import and management of the waste concerned <u>in an environmentally sound manner</u> , as well as adequate measures to ensure the environmentally sound management of the residual waste generated through the recovery of the waste concerned;	(a) put in place and implemented an adequate legal framework for the import and management of the waste concerned <u>(both imported waste and waste generated in the country) in an environmentally sound manner</u> , as well as adequate measures to ensure the environmentally sound management of the residual waste

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		the recovery of the <u>that</u> waste concerned ;		generated through the recovery of the waste concerned;
	Article 42(3), point (aa) new			
Y	632a			<u>(aa) put in place separate reporting on the amount of waste generated in the country concerned and of waste imported into that country;</u>
	Article 42(3), point (b)			
Y	633	(b) sufficient capacity in its territory allowing the waste concerned to be managed in an environmentally sound manner, taking into consideration the increased volume of waste imported into its territory;	(b) sufficient capacity in its territory allowing the waste concerned to be managed in an environmentally sound manner, taking into consideration the increased volume of waste, <u>which may be present due to the waste imported</u> into its territory;	(b) sufficient capacity in its territory allowing the waste concerned to be managed in an environmentally sound manner, taking into consideration the increased volume of waste imported into its territory;
	Article 42(3), point (c)			
Y	634	(c) put in place an adequate strategy to address the possible negative impact of an increase in the import of the waste concerned on the collection and management of the waste generated domestically;	(c) put in place an adequate strategy to address the possible negative impact of an increase in <u>measures, including separate reporting of waste generated domestically and waste imported, to ensure that</u> the import of the	(c) put in place an adequate strategy to address the possible negative impact of an increase in <u>including measures to ensure that the import of waste concerned has no substantial adverse effect</u> on the collection and management of

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		waste concerned <u>has no substantial adverse effect</u> on the collection and management of the waste generated domestically;		the waste generated domestically;
Article 42(3), point (d)				
Y	635 (d) put in place and implemented adequate enforcement measures to address possible illegal shipments or treatment of the waste concerned.	(d) put in place and implemented adequate enforcement measures to address possible illegal shipments or <u>non-environmentally sound</u> treatment of the waste concerned.	(d) put in place and implemented adequate enforcement measures to address possible illegal shipments or treatment of the waste concerned.	(d) put in place and implemented adequate enforcement measures <u>to ensure that the waste concerned is managed in an environmentally sound manner</u> and address possible illegal shipments or treatment of the waste concerned.
Article 42(3a)				
Y	635a	<u>3a. For the purpose of the verifications referred to in paragraph 3, the Commission shall, where relevant, consult relevant stakeholders.</u>		<u>3a. For the purpose of the verifications referred to in paragraph 3, the Commission shall, where relevant, consult relevant stakeholders.</u>
Article 42(4), first subparagraph				
R	636 4. Where, further to the request referred to in paragraph 2, the country concerned does not provide sufficient evidence as referred to in paragraph 3 that the	4. Where, further to the request referred to in paragraph 2, the country concerned does not provide sufficient evidence as referred to in paragraph 3 that the	4. Where, further to the request referred to in paragraph 2, the country concerned does not provide sufficient evidence as referred to in paragraph 3 that the	4. Where, further to the request referred to in paragraph 2, the country concerned does not provide sufficient evidence as referred to in paragraph 3 that the

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	waste is managed in an environmentally sound manner in accordance with Article 56, the Commission is empowered to adopt delegated acts in accordance with Article 76 to supplement this Regulation by prohibiting the export of the waste concerned to this country.	waste is managed in an environmentally sound manner in accordance with Article 56, <u>or that there are no substantial adverse effects on the management of domestic waste as a consequence of the waste import</u> , the Commission is empowered to adopt delegated acts in accordance with Article 76 to supplement this Regulation by prohibiting the export of the waste concerned to this country.	waste is managed in an environmentally sound manner in accordance with Article 56, the Commission is empowered to adopt delegated acts in accordance with Article 76 to supplement this Regulation by prohibiting the export of the waste concerned to this country <u>implementing acts to prohibit the export of the waste concerned to this country. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).</u>	waste is managed in an environmentally sound manner in accordance with Article 56, <u>or that there are no substantial adverse effects on the management of waste generated in that country as a consequence of the waste exported from the Union</u> , the Commission is empowered to adopt [delegated] <u>[implementing]</u> acts in accordance with Article 76 to [supplement this Regulation by] prohibiting the export of the waste concerned to this country. <u>[Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 77(2).]</u>
Article 42(4), second subparagraph				
637	This prohibition shall be lifted by the Commission, when the Commission has sufficient evidence that the waste concerned will be managed in an environmentally sound manner.		This <u>A</u> prohibition shall be lifted by the Commission, when the Commission has sufficient evidence that the waste concerned will be managed in an environmentally sound manner.	This <u>A</u> prohibition shall be lifted by the Commission, when the Commission has sufficient evidence that the waste concerned will be managed in an environmentally sound manner <u>and that there are no substantial adverse effects on the management waste generated in that country as a consequence of the waste exported from the</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				<u>Union.</u> Text Origin: Council Mandate
Chapter 3				
638	Chapter 3 Additional obligations		Chapter 3 Additional obligations	Chapter 3 Additional obligations Text Origin: Council Mandate
Article 43				
639	Article 43 Obligations on exporters		Article 43 Obligations on exporters	Article 43 Obligations on exporters Text Origin: Commission Proposal
Article 43(1)				
640	1. A natural or legal person shall only export waste from the Union if it can demonstrate that the facilities which are to receive the waste in the country of destination will manage it in an environmentally sound manner as referred to in Article 56.		1. A natural or legal person <u>notifier or person who arranges a shipment</u> shall only export waste from the Union if it can demonstrate that the facilities which are to receive the waste in the country of destination will manage it in an environmentally sound manner as referred to in Article 56.	1. A natural or legal person <u>notifier or person who arranges a shipment</u> shall only export waste from the Union if it can demonstrate that the facilities which are to receive the waste in the country of destination will manage it in an environmentally sound manner as referred to in Article 56.

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
				Text Origin: Council Mandate
	Article 43(1a)			
y	640a	<u><i>1a. A natural or legal person exporting waste from the Union shall also ensure that the facility which will manage the waste in the country of destination has set up internal reporting channels, including adequate protection of whistle-blowers.</i></u>		
	Article 43(2) first subparagraph			
	641 2. In order to fulfil the obligation referred to in paragraph 1, a natural or legal person intending to export waste from the Union shall ensure that the facilities which will manage the waste in the country of destination have been subject to an audit by an independent and accredited third party with appropriate qualifications.	2. In order to fulfil the obligation referred to in paragraph 1, a natural or legal person intending to export waste from the Union shall ensure that the facilities which will manage the waste in the country of destination have been subject to an audit by an independent and accredited third party with appropriate qualifications. <u><i>The third party carrying out the audit shall be certified in accordance with Union or internationally recognised standards, such as ISO 19011:2018, and the exporter shall obtain written confirmation</i></u>	2. In order to fulfil the obligation referred to in paragraph 1, a natural or legal person <u><i>notifier or person who arranges a shipment</i></u> intending to export waste from the Union shall ensure that the facilities which will manage the waste in the country of destination have been subject to an audit by an independent and accredited third party with appropriate qualifications, <u><i>either by commissioning an audit or make use of an audit made available in accordance with paragraph 5.</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u>of that certification prior to exporting. In order to safeguard the independence and objectivity of the audit, the natural or legal person that has commissioned it shall not intervene in the execution of the audit in any way.</u>		
Article 43(2), second subparagraph				
641a			<u>This audit shall be carried out by a third party which shall:</u>	
Article 43(2), second subparagraph, point (a)				
641b			<u>(a) be independent from the notifier or person who arranges the shipment;</u>	
Article 43(2), second subparagraph, point (b)				
641c			<u>(b) be accredited by an official body from a public authority; and</u>	
Article 43(2), second subparagraph, point (c)				
641d			<u>(c) have appropriate qualifications in the area of audits and waste treatment.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 43(2a)				
641e			<u>2a. The Commission shall, at the latest by [OP: Please insert date of 24 months after the date of entry into force of this Regulation], adopt a delegated act supplementing paragraph 2 establishing:</u>	
Article 43(2a), point (a)				
641f			<u>(a) the criteria on the basis of which a third party is considered independent from the notifier or person who arranges the shipment;</u>	
Article 43(2a), point (b)				
641g			<u>(b) the procedure for the accreditation of the third party, or the criteria for an accreditation procedure by an official body from a public authority to be able to accredit a third party for carrying out an audit pursuant to paragraph 2;</u>	
Article 43(2a), point (c)				
641h				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>(c) a list of professional qualifications for carrying out an audit pursuant to paragraph 2.</u>	
Article 43(2b)				
641i			<u>2b. In adopting the delegated act pursuant to paragraph 2a, the Commission shall take into account the criteria for independency of auditors, the procedure and criteria for accreditation as auditors and the professional qualifications required for auditors set out in relevant Union legislation. The delegated act shall be adopted in accordance with Article 76.</u>	
Article 43(3)				
642	3. The audit referred to in paragraph 2 shall verify compliance of the facility concerned with the criteria laid down in Annex X. A legal or natural person shall not export waste to a facility which does not comply with those criteria.		3. The audit referred to in paragraph 2 shall <u>include both physical and documentary checks and shall</u> verify compliance of the facility concerned with the criteria laid down in Annex X. A legal or natural person shall not export waste to a facility which does not comply with those criteria.	3. The audit referred to in paragraph 2 shall <u>include both physical and documentary checks and shall</u> verify compliance of the facility concerned with the criteria laid down in Annex X. A legal or natural person shall not export waste to a facility which does not comply with those criteria.

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 43(3a)				
642a			<u>3a. A notifier or person who arranges a shipment shall not export waste to a facility which does not comply with the criteria laid down in Annex X.</u>	<u>3a. A notifier or person who arranges a shipment shall not export waste to a facility which does not comply with the criteria laid down in Annex X.</u>
Article 43(4), first subparagraph				
643	4. A natural or legal person intending to export waste shall ensure that the facility which will manage the waste in the country of destination has been subject to an audit referred to in paragraph 2 prior to exporting waste to the facility concerned and that the audit is repeated at regular intervals, following a risk-based approach, with a minimum frequency of every three years after the first audit.	4. A natural or legal person intending to export waste shall ensure that the facility which will manage the waste in the country of destination has been subject to an audit referred to in paragraph 2 prior to exporting waste to the facility concerned and that the audit is repeated at regular intervals, following a risk-based approach, with a minimum frequency of every three years after the first audit <u>that was carried out no longer than two years prior to exporting waste to the facility concerned.</u> -	4. A natural or legal person <u>notifier or person who arranges a shipment</u> intending to export waste shall ensure that the facility which will manage the waste in the country of destination has been subject to an audit referred to in paragraph 2 <u>which has demonstrated compliance of the facility with the criteria in Annex X</u> prior to exporting waste to the facility concerned. <u>The notifier or person who arranges a shipment shall ensure</u> and that the audit is repeated at regular intervals, following a risk-based approach <u>based on a risk assessment</u> , with a minimum frequency of every three years after the first audit.	
Article 43(4), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
644	A natural or legal person exporting waste from the Union shall also carry out an ad-hoc audit without delay in case it receives plausible information that a facility no longer complies with the criteria laid down in Annex X.	A natural or legal person exporting waste from the Union shall also carry out an ad-hoc audit without delay in case it receives plausible information <u>evidence</u> that a facility no longer complies with the criteria laid down in Annex X.	A natural or legal <u>notifier or</u> person exporting waste from the Union <u>who arranges a shipment exporting waste</u> shall also carry out <u>commission</u> an ad-hoc audit without delay in case it receives plausible information that a facility no longer complies with the criteria laid down in Annex X. <u>In case an ad-hoc audit demonstrates that a facility no longer complies with the criteria laid down in Annex X, the notifier or the person who arranges the shipment shall immediately stop the export of waste to that facility and inform the competent authorities of dispatch concerned.</u>	
Article 43(5)				
645	5. A natural or legal person that has commissioned or carried out an audit for a given facility in accordance with paragraph 2 shall ensure that such audit be made available to other natural or legal person intending to export waste to the facility in question, under fair commercial conditions.		5. A natural or legal <u>notifier or a</u> person that has commissioned or carried out <u>who arranges a shipment that has commissioned</u> an audit for a given facility in accordance with paragraph 2 shall ensure that such audit be made available to other natural or legal person <u>notifiers or persons who arrange a shipment</u> intending to export waste to the facility in	5. A natural or legal <u>notifier or a</u> person that has commissioned or carried out <u>who arranges a shipment that has commissioned</u> an audit for a given facility in accordance with paragraph 2 shall ensure that such audit be made available to other natural or legal person <u>notifiers or persons who arrange a shipment</u> intending to export waste to the facility in

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			question, under fair commercial conditions.	question, under fair commercial conditions.
Article 43(5a)				
645a			<u>5a. A notifier or a person who arranges a shipment shall notify the Commission of audits they have commissioned in accordance with paragraphs 2 and 4, and which have demonstrated compliance of a facility with the criteria laid down in Annex X. The notification shall contain the following information:</u>	
Article 43(5a), point (a)				
645b			<u>(a) name and contact details of the facility that has been subject to an audit;</u>	
Article 43(5a), point (b)				
645c			<u>(b) name and contact details of the notifier or the person who arranges the shipment that has commissioned the audit;</u>	
Article 43(5a), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
645d			<u>(c) name and contact details of the third party that has carried out the audit;</u>	
Article 43(5a), point (d)				
645e			<u>(d) the date of the audit;</u>	
Article 43(5a), point (e)				
645f			<u>(e) the types of wastes, as listed in Annexes III, IIIA, IIIB or IV or in the list of waste referred to in Article 7 of Directive 2008/98/EC;</u>	
Article 43(5a), point (f)				
645g			<u>(f) the recovery operations (R-codes), as referred to in Annex II of Directive 2008/98/EC.</u>	
Article 43(5b)				
645h			<u>5b. The Commission shall establish and keep up to date a register with information on facilities received in accordance with paragraph 5a. The Commission shall make the</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>information in the register publicly available.</u>	
Article 43(6)				
646	6. Upon request by a competent authority or an authority involved in inspections, a natural or legal person shall provide documentary evidence that audits as referred to in paragraph 2 have been carried out in all facilities to which they are exporting the waste in question. Such documentary evidence shall be provided in a language acceptable to the competent authorities concerned.		6. Upon request by a competent authority or an authority involved in inspections, a natural or legal <u>notifier or a person who arranges a shipment</u> shall provide documentary evidence that audits as referred to in paragraph 2 have been carried out in all facilities to which they are exporting the waste in question. Such documentary evidence shall be provided in a language acceptable to the competent authorities concerned.	6. Upon request by a competent authority or an authority involved in inspections, a natural or legal <u>notifier or a person who arranges a shipment</u> shall provide documentary evidence that audits as referred to in paragraph 2 have been carried out in all facilities to which they are exporting the waste in question. Such documentary evidence shall be provided in a language acceptable to the competent authorities concerned.
Article 43(7)				
647	7. Natural or legal persons exporting waste outside the Union shall on a yearly basis make information on how they comply with their obligations under this Article publicly available by electronic means.		7. Natural or legal persons <u>A notifier or a person who arranges a shipment</u> exporting waste outside the Union shall on a yearly basis make information on how they comply with their obligations under this Article publicly available by electronic means.	7. Natural or legal persons <u>A notifier or a person who arranges a shipment</u> exporting waste outside the Union shall on a yearly basis make information on how they comply with their obligations under this Article publicly available by electronic means.
Article 43(7), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
647a		<u>Natural or legal persons exporting waste outside the Union shall provide an audit report, formulated on the basis of the audit as referred to in paragraph 2, to the Commission prior to exporting that waste.</u>		
Article 43(7a)				
647b		<u>7a. The Commission shall establish and maintain a central, publicly accessible and up-to date register of audited facilities. The register shall contain the names and location of the audited facilities and the date of the most recent audit. The information shall not include confidential business information or information about the person commissioning the audit. Disclosure of personal data protected in accordance with the Regulation (EU) 2016/679 ('GDPR') shall also be prevented.</u>		
Article 43(8)				
648	8. Where an international agreement between the Union and	8. Where an international agreement between the Union and	8. Where an international agreement between the Union and	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>a third country to which the OECD Decision applies recognises that the facilities in that third country will manage waste in an environmentally sound manner, in accordance with the criteria laid down in Annex X, natural and legal persons which intend to export waste to that third country shall be exempted from the obligation in paragraph 2.</p>	<p>a third country to which the OECD Decision applies recognises that the facilities in that third country will manage waste in an environmentally sound manner, <u>as referred to in Article 56 and</u> in accordance with the criteria laid down in Annex X, natural and legal persons which intend to export waste to that third country shall be exempted from the obligation in paragraph 2.</p> <p><u>A natural or legal person exporting waste from the Union to a facility in a third country with which the Union has concluded an international agreement shall carry out ad-hoc audit without delay in the event it receives evidence that a facility no longer complies with the criteria laid down in Annex X. The natural or legal person shall in such a case notify the competent authorities of dispatch of that evidence as well as its plans to carry out an ad-hoc audit.</u></p>	<p>a third country to which the OECD Decision applies recognises that the facilities in that third country will manage waste in an environmentally sound manner, in accordance with the criteria laid down in Annex X, natural and legal persons <u>notifiers or persons who arrange the shipment</u> which intend to export waste to that third country shall be exempted from the obligation in paragraph 2 <u>paragraphs 2, 3, 3a, 4, 5, 5a and 6.</u></p>	
	Article 43(9)			
649	9. Upon request by a competent authority or an authority involved		9. Upon request by a competent authority or an authority involved	9. Upon request by a competent authority or an authority involved

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	in inspections, a natural or legal person that is exempted pursuant to paragraph 8, shall provide documentary evidence of the relevant international agreement as mentioned in that paragraph in a language acceptable to the competent authorities concerned.		in inspections, a natural or legal person that is exempted pursuant to paragraph 8. <u>The Commission shall provide documentary evidence of the make information on relevant international agreement as mentioned in that agreements referred to in paragraph in a language acceptable to the competent authorities concerned.</u> <u>8 publicly available on its website.</u>	in inspections, a natural or legal person that is exempted pursuant to paragraph 8. <u>The Commission shall provide documentary evidence of the make the information on relevant international agreement as mentioned in that agreements referred to in paragraph in a language acceptable to the competent authorities concerned.</u> <u>8 publicly available on its website.</u>
Article 43(9a)				
649a		<u>9a. The Commission shall adopt guidelines with regard to the application of this Article.</u>		
Article 44				
650	Article 44 Obligations on Member States of export		Article 44 Obligations on Member States of export	
Article 44(1)				
651	1. Member States shall take all the measures necessary to ensure that legal and natural persons under their national jurisdiction do no		1. <u>In case of exports from the Union,</u> Member States shall take all the measures necessary to ensure that legal and natural	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	export waste in cases where the conditions laid down in Articles 36 to 43 for such export are not met.		persons under their national jurisdiction do not export waste in cases where the conditions laid down in Articles 36 to 43 for such export are not met <u>and that exported waste is managed in an environmentally sound manner.</u>	
Article 44(2), first subparagraph				
652	2. Member States shall carry out regular verifications, following a risk-based approach, to ensure that natural and legal persons exporting waste from the Union comply with the obligations referred to in Article 43.		<i>deleted</i>	
Article 44(2), second subparagraph				
653	Where Member States are in possession of plausible information, which indicates that natural or legal persons exporting waste from the Union are not complying with their obligations under Article 43 they shall carry out the necessary verifications.		<i>deleted</i>	
Chapter 4				
654				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Chapter 4 General provisions		Chapter 4 General provisions	
Article 45				
655	Article 45 Exports to the Antarctic		Article 45 Exports to the Antarctic	
Article 45, first paragraph				
656	Exports of waste from the Union to the Antarctic shall be prohibited.		Exports of waste from the Union to the Antarctic shall be prohibited.	
Article 46				
657	Article 46 Exports to overseas countries or territories		Article 46 Exports to overseas countries or territories	
Article 46(1)				
658	1. Exports from the Union to an overseas country or territory of waste destined for disposal in that country or territory shall be prohibited.		1. Exports from the Union to an overseas country or territory of waste destined for disposal in that country or territory shall be prohibited.	
Article 46(2)				
659				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	2. As regards exports of waste destined for recovery in overseas countries or territories, the prohibition set out in Article 36 shall apply mutatis mutandis.		2. As regards exports of waste destined for recovery in overseas countries or territories, the prohibition set out in Article 36 shall apply mutatis mutandis.	
Article 46(3)				
660	3. As regards exports of waste destined for recovery in overseas countries or territories not covered by the prohibition set out in Article 36, the provisions of Title II shall apply mutatis mutandis.		3. As regards exports of waste destined for recovery in overseas countries or territories not covered by the prohibition set out in Article 36, the provisions of Title II shall apply mutatis mutandis.	
Title V				
661	Title V Imports into the Union from third countries		Title V Imports into the Union from third countries	
Chapter 1				
662	Chapter 1 Imports of waste for disposal		Chapter 1 Imports of waste for disposal	
Article 47				
663	Article 47 Prohibition of imports		Article 47	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>Prohibition of imports of waste destined for disposal</u> Prohibition of imports	
Article 47(1)				
664	1. Imports into the Union of waste destined for disposal shall be prohibited except imports coming from:		1. Imports into the Union of waste destined for disposal shall be prohibited except imports coming from:	
Article 47(1), point (a)				
665	(a) countries which are Parties to the Basel Convention;		(a) countries which are Parties to the Basel Convention;	
Article 47(1), point (b)				
666	(b) other countries with which the Union, or the Union and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Union legislation and in accordance with Article 11 of the Basel Convention;		(b) other countries with which the Union, or the Union and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Union legislation and in accordance with Article 11 of the Basel Convention;	
Article 47(1), point (c)				
667	(c) other countries with which		(c) other countries with which	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or		individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or	
Article 47(1), point (d)				
668	(d) other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (b) or (c) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.		(d) other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (b) or (c) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.	
Article 47(2), first subparagraph				
669	2. In exceptional cases, Member States may conclude bilateral agreements and arrangements for the disposal of specific waste in those Member States, where such waste will not be managed in an environmentally sound manner in the country of dispatch.		2. In exceptional cases, Member States may conclude bilateral agreements and arrangements for the disposal of specific waste in those Member States, where such waste will not be managed in an environmentally sound manner in the country of dispatch.	
Article 47(2), second subparagraph				
670				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	These agreements and arrangements shall:		These agreements and arrangements shall:	
Article 47(2), second subparagraph, point (a)				
671	(a) be compatible with Union legislation and in accordance with Article 11 of the Basel Convention.		(a) be compatible with Union legislation and in accordance with Article 11 of the Basel Convention.	
Article 47(2), second subparagraph, point (b)				
672	(b) guarantee that the disposal operations will be carried out in an authorised facility and will comply with the requirements for environmentally sound management as referred to in Article 56; and		(b) guarantee that the disposal operations will be carried out in an authorised facility and will comply with the requirements for environmentally sound management as referred to in Article 56 ; <u>and 56(1), Article 13 of Directive 2008/98/EC and other Union legislation on waste, in particular the Union legislation referred to in Annex IX, part 1;</u>	
Article 47(2), second subparagraph, point (c)				
673	(c) 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.		(c) 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. <u>and</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 47(2), second subparagraph, point (d)				
674	(d) be notified to the Commission prior to their conclusion or, in emergency situations, at the latest up to one month after conclusion.		(d) be notified to the Commission prior to their conclusion or, in emergency situations, at the latest up to one month after conclusion.	
Article 47(3)				
675	3. Bilateral or multilateral agreements or arrangements referred to in paragraph 1, points (b) and (c), shall be based on the procedural requirements of Article 48.		3. Bilateral or multilateral agreements or arrangements referred to in paragraph 1, points (b) and (c), shall be based on the procedural requirements of Article 48.	
Article 47(4)				
676	4. The countries referred to in paragraph 1, points (a), (b) and (c), shall be required to present a prior duly motivated request to the competent authority of the Member State of destination 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 as referred to in Article 56.		4. The countries referred to in paragraph 1, points (a), (b) and (c), shall be required to present a prior duly motivated request to the competent authority of the Member State of destination 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 as referred to in Article 56.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 48				
677	Article 48 Procedural requirements for imports		Article 48 <u>Procedural requirements for imports of waste destined for disposal</u> Procedural requirements for imports	
Article 48(1)				
678	1. Where waste destined for disposal is imported into the Union from countries that are Parties to the Basel Convention, the provisions of Title II shall apply mutatis mutandis, with the adaptations and additional provisions set out in paragraphs 2 and 3.		1. Where waste destined for disposal is imported into the Union from countries that are Parties to the Basel Convention, <u>or in cases referred to in Article 47(1), point (d)</u> , the provisions of Title II shall apply mutatis mutandis <i>mutatis mutandis</i> , with the adaptations and additional provisions set out in paragraphs 2 and 3.	
Article 48(2)				
679	2. The following adaptations shall apply:		2. The following adaptations shall apply:	
Article 48(2), point (a)				
680	(a) the notifier shall submit the		(a) the notifier shall submit the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	notification request in accordance with Article 26, unless the notifier is not established within the Union and has no access to a system referred to in Article 26, in which case the notification request, and in particular the information and documentation referred to in Article 5(3) shall be provided to the competent authorities concerned by post, fax or email with digital signature;		notification request in accordance with Article 26, unless the notifier <u>a notifier that</u> is not established within the Union and has no access to a system referred to in Article 26, in which case <u>may submit</u> the notification request, and in particular the <u>and any requested additional</u> information and documentation <u>to the competent authorities concerned by post, or if accepted by all parties involved, by</u> referred to in Article 5(3) shall be provided to the competent authorities concerned by post, fax or email with <u>digital signature in case of email with digital signature, any stamp or signature required shall be replaced by the</u> digital signature;	
Article 48(2), point (b)				
681	(b) the notifier shall submit any additional information, and in particular the information and documentation referred to in Article 5(4) in accordance with Article 26, unless the notifier is not established within the Union and has no access to a system referred to in Article 26, in which case that information shall be provided by		<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	post, fax or email with digital signature, to the competent authorities concerned;			
<i>Article 48(2), point (c)</i>				
682	(c) the notifier, or where the notifier is not established within the Union and has no access to a system referred to in Article 26, the competent authority of destination in the Union, shall ensure that all relevant information is included in that system;		(c) the notifier, or where the notifier is not established within the Union and has no access to a system referred to in Article 26, the competent authority of destination in the Union, shall ensure that all relevant information, <u>at least the notification document including any annexes, the movement document including any annexes, the written consents, information about tacit consents and the conditions</u> , is included in that system;	
<i>Article 48(2), point (d)</i>				
683	(d) the competent authorities of transit and destination in the Union shall inform the competent authorities concerned in the countries of transit and dispatch outside the Union of any request for information and documentation from their side and of their decision on the planned shipment,		(d) the competent authorities of transit and destination <u>authority of destination and any competent authority of transit</u> in the Union shall inform the competent authorities concerned in the countries <u>authority of dispatch and any competent authority</u> of transit and dispatch _ outside the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	by post, fax or email with digital signature, unless the competent authorities in the countries concerned have access to the central system referred to in Article 26(2);		Union of any request for information and documentation from their side and of their decision on the planned shipment, by post, <u>or if accepted by all parties involved, by fax or email with digital signature,</u> unless signature unless the competent authorities in the countries concerned have access to the central system referred to in Article 26(2);	
Article 48(2), point (da)				
683a			<u>(da) the information to be provided to the competent authority of dispatch and any competent authority of transit outside the Union according to Articles 7, 8, 16 and 17 shall be provided by post, or if accepted by all parties involved, by fax or email with digital signature, unless those authorities are connected to a system referred to in Article 26;</u>	
Article 48(2), point (e)				
684	(e) the competent authority of transit outside the Union shall have		(e) the <u>a</u> competent authority of transit outside the Union shall have	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	60 days after the date of transmission of its acknowledgement of receipt of the notification, to provide, if the country concerned has decided not to require prior written consent and has informed the other Parties to the Basel Convention thereof in accordance with Article 6(4) of that Convention, tacit consent or to give a written consent with or without conditions;		60 days after the date of transmission of its acknowledgement of receipt of the <u>a properly completed</u> notification, to provide, if the country concerned has decided not to require prior written consent and has informed the other Parties to the Basel Convention thereof in accordance with Article 6(4) of that Convention, tacit consent or to give a written consent with or without conditions;	
Article 48(2), point (f)				
685	(f) in the cases referred to in Article 46(1), point (d) involving situations of crisis, peacemaking, peacekeeping or war, the consent of the competent authorities of dispatch shall not be required.		(f) in the cases referred to in Article 46(1) <u>47(1)</u> , point (d) involving situations of crisis, peacemaking, peacekeeping or war, the consent of the competent authorities of dispatch shall not be required.	
Article 48(3)				
686	3. The following additional provisions shall apply:		3. The following additional provisions shall apply:	
Article 48(3), point (-a)				
686a				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>(-a) the competent authority of destination may, if necessary, require a financial guarantee or equivalent insurance, or an additional financial guarantee or equivalent insurance, after having reviewed the amount of cover of any financial guarantee or equivalent insurance established by the notifier;</u>	
Article 48(3), point (a)				
687	(a) the competent authority of transit in the Union shall provide an acknowledgement of receipt of the notification to the notifier, with copies to the competent authorities concerned;		(a) the <u>a</u> competent authority of transit in the Union shall provide an acknowledgement of receipt of the a properly completed notification to the notifier, with copies to the competent authorities concerned <u>in case they have no access to a system referred to in Article 26;</u>	
Article 48(3), point (b)				
688	(b) the competent authorities of destination and, where appropriate, transit in the Union shall ensure that the customs office of entry is informed of their decisions to consent to the shipment;		(b) the competent authorities <u>authority</u> of destination and, where appropriate, any <u>competent authority of</u> transit in the Union shall ensure that <u>the inform the</u> customs office of entry is informed of their decisions	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			to consent to the shipment;	
Article 48(3), point (c)				
689	(c) a copy of the movement document shall be delivered by the carrier to the customs office of entry either by post, fax or email with digital signature, or, where the customs office of entry has access to it, via the central system referred to in Article 26(2); and		(c) a copy of the movement document shall be delivered by the carrier to the customs office of entry either by post <u>or if accepted by all parties involved, by</u> , fax or email with digital signature, or, where the customs office of entry has access to it, via the central system referred to in Article 26(2); and	
Article 48(3), point (d)				
690	(d) as soon as the waste has been released for a customs procedure by the customs authorities at entry, the customs office of entry shall inform the competent authorities of destination and transit in the Union that the waste has entered the Union.		(d) as soon as the waste has been released for a customs procedure by the customs authorities at entry, the customs office of entry shall inform the competent authorities <u>authority</u> of destination and <u>any competent authority of</u> transit in the Union that the waste has entered the Union.	
Article 48(4)				
691	4. The shipment may take place only if all the following conditions		4. The shipment may take place only if all the following conditions	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	are fulfilled:		are fulfilled:	
Article 48(4), point (a)				
692	(a) the notifier has received written consent from the competent authorities of dispatch, destination and, where appropriate, transit and the conditions laid down in that consent have been met;		(a) the notifier has received written consent from the competent authorities of dispatch, destination and, where appropriate, transit and the conditions laid down in that consent <u>those consents or their annexes</u> have been met;	
Article 48(4), point (b)				
693	(b) a contract between the notifier and the consignee as referred to in Article 6 has been concluded and is effective;		(b) a contract between the notifier and the consignee as referred to in Article 6 has been concluded and is effective;	
Article 48(4), point (c)				
694	(c) a financial guarantee or equivalent insurance as referred to in Article 7 has been established and is effective; and		(c) a financial guarantee or equivalent insurance as referred to in Article 7 has been established and is effective; and	
Article 48(4), point (d)				
695	(d) environmentally sound management as referred to in		(d) environmentally sound management as referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 33 is ensured.		Article 33 ⁵⁶ is ensured.	
Article 48(5)				
696	5. Where a customs office of entry discovers an illegal shipment, it shall without delay inform the competent authority in the country of that customs office. That competent authority shall:		5. Where a customs office of entry discovers an illegal shipment, it shall without delay inform the competent authority in the country of that customs office. That competent authority shall:	
Article 48(5), point (a)				
697	(a) without delay inform the competent authority of destination in the Union of the illegal shipment, after which that competent authority shall inform the competent authority of dispatch outside the Union; and		(a) without delay inform the competent authority of destination in the Union of the illegal shipment, after which that competent authority shall inform the competent authority of dispatch outside the Union; and	
Article 48(5), point (b)				
698	(b) ensure detention of the waste until the competent authority of dispatch outside the Union has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained.		(b) ensure detention of the waste until the competent authority of dispatch outside the Union has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>and</u>	
Article 48(5), point (c)				
698a			<u>(c) without delay communicate the decision of the competent authority of dispatch referred to in (b) to the customs office of entry that discovered the illegal shipment.</u>	
Article 48(6) first subparagraph				
699	6. Where waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping operations is shipped, by those armed forces or relief organisations or on their behalf, any competent authority of transit and the competent authority of destination in the Union shall be informed in advance concerning the shipment and its destination.		6 6. Where waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping operations is shipped <u>imported</u> , by those armed forces or relief organisations or <u>by a natural or legal person</u> on their behalf, <u>those armed forces or relief organisations shall inform</u> any competent authority of transit and the competent authority of destination in the Union, <u>or in urgent cases where the disposal or recovery facility is not known at the time of the shipment, the competent authority responsible for the area of the first place of destination</u> shall be informed in advance concerning the shipment	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			and its destination.	
Article 48(6), second subparagraph				
699a			<u>The information provided according to the first subparagraph shall accompany the shipment, unless it is provided via a system in accordance with Article 26.</u>	
Article 48(6a), first subparagraph				
699b			<u>6a. By [OP: Please insert the date of 24 months following the date of entry into force of this Regulation], the Commission shall adopt an implementing act detailing the information to be provided according to the first subparagraph of paragraph 6 and the related timing.</u>	
Article 48(6a), second subparagraph				
699c			<u>Such information shall be sufficient to enable authorities to carry out inspections, and provide details on the persons involved in the shipments, the date of the shipment, the waste quantity, the</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>waste identification, the designation and composition of the waste, the recovery or disposal facility, the code for the recovery or disposal operation and the countries involved.</u>	
Article 48(6a), third subparagraph				
699d			<u>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 77(2).</u>	
Chapter 2				
700	Chapter 2 Imports of waste for recovery		Chapter 2 Imports of waste for recovery	
Article 49				
701	Article 49 Prohibition of imports		Article 49 <u>Article 49</u> <u>Prohibition of imports of waste destined for recovery</u> Prohibition of imports	
Article 49(1)				
702	1. All imports into the Union of		1. All Imports into the Union of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	waste destined for recovery shall be prohibited except for imports coming from:		waste destined for recovery shall be prohibited except for imports coming from:	
Article 49(1), point (a)				
703	(a) countries to which the OECD Decision applies;		(a) countries to which the OECD Decision applies;	
Article 49(1), point (b)				
704	(b) other countries which are Parties to the Basel Convention;		(b) other countries which are Parties to the Basel Convention;	
Article 49(1), point (c)				
705	(c) other countries with which the Union, or the Union and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Union legislation and in accordance with Article 11 of the Basel Convention;		(c) other countries with which the Union, or the Union and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Union legislation and in accordance with Article 11 of the Basel Convention;	
Article 49(1), point (d)				
706	(d) other countries with which individual Member States have concluded bilateral agreements or		(d) other countries with which individual Member States have concluded bilateral agreements or	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	arrangements in accordance with paragraph 2; or		arrangements in accordance with paragraph 2; or	
Article 49(1), point (e)				
707	(e) other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (c) or (d) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.		(e) other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (c) or (d) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.	
Article 49(2), first subparagraph				
708	2. In exceptional cases, individual Member States may conclude bilateral agreements and arrangements for the recovery of specific waste in those Member States, where such waste will not be managed in an environmentally sound manner, in the country of dispatch.		2. In exceptional cases, individual Member States may conclude bilateral agreements and arrangements for the recovery of specific waste in those Member States, where such waste will not be managed in an environmentally sound manner, in the country of dispatch.	
Article 49(2), second subparagraph				
709	In such cases Article 47(2), second		In such cases Article 47(2), second	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	subparagraph, shall apply.		subparagraph, shall apply.	
Article 49(3)				
710	3. Bilateral or multilateral agreements or arrangements entered into in accordance with paragraph 1, points (c) and (d), shall be based on the procedural requirements set out in Article 48 in so far as may be relevant.		3. Bilateral or multilateral agreements or arrangements entered into in accordance with paragraph 1, points (c) and (d), shall be based on the procedural requirements set out in Article 48 in so far as may be relevant.	
Article 50				
711	Article 50 Procedural requirements for imports from a country to which the OECD Decision applies		Article 50 <u>Procedural requirements for imports from a country to which the OECD Decision applies or from other areas during situations of crisis or war</u> Procedural requirements for imports from a country to which the OECD Decision applies	
Article 50(1)				
712	1. Where waste destined for recovery is imported into the Union from countries and through countries to which the OECD		1. Where waste destined for recovery is imported into the Union from countries and through countries to which the OECD	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Decision applies, the provisions of Title II shall apply <i>mutatis mutandis</i> , with the adaptations and additional provisions set out in paragraphs 2 and 3.		Decision applies, <u>or in cases referred to in Article 49(1), point (e)</u> , the provisions of Title II shall apply <i>mutatis mutandis</i> <i>mutatis mutandis</i> , with the adaptations and additional provisions set out in paragraphs 2 and 3.	
Article 50(2)				
713	2. The following adaptations shall apply:		2. The following adaptations shall apply:	
Article 50(2), point (a)				
714	(a) the consent as required in accordance with Article 9 may be provided in the form of tacit consent from the competent authority of dispatch outside the Union;		(a) the consent as required in accordance with Article 9 may be provided in the form of tacit consent from the competent authority of dispatch outside the Union;	
Article 50(2), point (aa)				
714a			<u>(aa) shipments of waste destined for experimental treatment trials referred to in Article 4(4) shall be subject to the procedure of prior written notification and consent;</u>	
Article 50(2), point (ab)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
714b			<u>(ab) shipments of waste destined for laboratory analysis referred to in Article 4(4) shall be subject to the procedure of prior written notification and consent, unless the amount of such waste has been determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, and does not exceed 25 kg, in which case the procedural requirements of Article 18 shall apply;</u>	
Article 50(2), point (b)				
715	(b) in the cases referred to in Article 49(1), point(e), involving situations of crisis, peacemaking, peacekeeping or war, the consent of the competent authorities of dispatch shall not be required.		<i>deleted</i>	
Article 50(2), point (ba)				
715a			<u>(ba) the provisions in Article 48(2), points (a) to (e).</u>	
Article 50(3)				
716				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	3. The following additional provisions shall apply: Article 48(2), points (a) to (e), and Article 48(3), points (b), (c) and (d).		3. The following additional provisions shall apply: Article 48(2) 48(3) , points (a) to (e), and Article 48(3), points (-a), (b), (c) and (d).	
Article 50(4)				
717	4. The shipment may take place only if all the following conditions are fulfilled:		4. The shipment may take place only if all the following conditions are fulfilled:	
Article 50(4), point (a)				
718	(a) the notifier has received written consent from the competent authorities of dispatch, destination and, where appropriate, transit or tacit consent from the competent authority of dispatch outside the Union has been provided or can be assumed and the conditions laid down in the respective decisions have been met;		(a) the notifier has received written consent from the competent authorities of dispatch, destination and, where appropriate, transit or tacit consent from the competent authority of dispatch outside the Union has been provided or can be assumed and the conditions laid down in the <u>those consents or their annexes or in the</u> respective decisions have been met;	
Article 50(4), point (b)				
719	(b) a contract between the notifier and the consignee as referred to in Article 6 has been concluded and is		(b) a contract between the notifier and the consignee as referred to <u>the conditions specified</u> in Article 6	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	effective;		<i>has been concluded and is effective; 48(4), points (b), (c) and (d)</i>	
Article 50(4), point (c)				
720	(c) a financial guarantee or equivalent insurance as referred to in Article 7 has been established and is effective; and		<i>deleted</i>	
Article 50(4), point (d)				
721	(d) environmentally sound management as referred to in Article 56 is ensured.		<i>deleted</i>	
Article 50(5)				
722	5. Where a customs office of entry discovers an illegal shipment, it shall without delay inform the competent authority in the country of that customs office. That competent authority shall:		5. Where a customs office of entry discovers an illegal shipment, it shall without delay inform the competent authority in the country of that customs office. That competent authority shall. <u>The provisions in Article 48(5) and (6) shall apply.</u>	
Article 50(5), point (a)				
723				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(a) without delay inform the competent authority of destination in the Union after which that competent authority shall inform the competent authority of dispatch outside the Union of the illegal shipment; and		<i>deleted</i>	
<i>Article 50(5), point (b)</i>				
724	(b) ensure detention of the waste until the competent authority of dispatch outside the Union has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained.		<i>deleted</i>	
<i>Article 51</i>				
725	Article 51 Procedural requirements for imports from or through a country to which the OECD Decision does not apply		Article 51 Procedural requirements for imports from or through a country to which the OECD Decision does not apply	
<i>Article 51, first paragraph</i>				
726	Where waste destined for recovery is imported into the Union from a		Where waste destined for recovery is imported into the Union from a	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	country to which the OECD Decision does not apply or through any country to which the OECD Decision does not apply and which is also Party to the Basel Convention, Article 48 shall apply <i>mutatis mutandis</i> .		country to which the OECD Decision does not apply or through any country to which the OECD Decision does not apply and which is also Party to the Basel Convention, Article 48 shall apply <u><i>mutatis mutandis</i></u> <i>mutatis mutandis</i> .	
Chapter 3				
727	Chapter 3 Additional obligations		Chapter 3 Additional obligations	
Article 52				
728	Article 52 Obligations of Member States of import		Article 52 <u><i>Obligations of competent authorities of destination in the Union</i></u> <i>Obligations of Member States of import</i>	
Article 52(1)				
729	1. In the case of imports into the Union, the competent authority of destination in the Union shall require and take the necessary steps to ensure that any waste shipped into its area of jurisdiction is managed without endangering		1. In the case of imports into the Union, the competent authority of destination in the Union shall require and take the necessary steps to ensure that any waste shipped into its area of jurisdiction is managed <i>without endangering</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	human health and without using processes or methods which could harm the environment, and in accordance with Article 13 of Directive 2008/98/EC and other Union legislation on waste throughout the period of shipment, including recovery or disposal in the country of destination.		human health and without using processes or methods which could harm the environment <u>in an environmentally sound manner.</u> , and in accordance with Article 13 of Directive 2008/98/EC and other Union legislation on waste, <u>in particular the Union legislation referred to in Annex IX, part 1,</u> throughout the period of shipment, including recovery or disposal in the country of destination.	
Article 52(2)				
730	2. The competent authority referred to in paragraph 1 shall also prohibit imports of waste from third countries where it has reason to believe that the waste will not be managed in accordance with the requirements set out in paragraph 1.		2. The competent authority referred to in paragraph 1 shall also prohibit imports of waste from third countries where it has reason to believe that the waste will not be managed in accordance with the requirements set out in paragraph 1.	
Chapter 4				
731	Chapter 4 Imports from overseas countries or territories		Chapter 4 Imports from overseas countries or territories	
Article 53				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
732	Article 53 Imports from overseas countries or territories		Article 53 Imports from overseas countries or territories	
Article 53(1)				
733	1. Where waste is imported into the Union from overseas countries or territories, Title II shall apply <i>mutatis mutandis</i> .		1. Where waste is imported into the Union from overseas countries or territories, Title II shall apply <u><i>mutatis mutandis</i></u> <i>mutatis mutandis</i> .	
Article 53(2)				
734	2. An overseas country or territory and the Member State to which it is linked may apply national procedures of that Member State to shipments from the overseas country or territory to that Member State in case no other countries are involved in the shipment as transit country.		2. An overseas country or territory and the Member State to which it is linked may apply national procedures of that Member State to shipments from the overseas country or territory to that Member State in case no other countries are involved in the shipment as <u><i>country of transit</i></u> <i>transit country</i> .	
Article 53(3)				
735	3. Member States which apply paragraph 2 shall notify the Commission of the national procedures applied.		3. Member States which apply paragraph 2 shall notify the Commission of the national procedures applied.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Title VI				
736	Title VI Transit through the Union from and to third countries		Title VI Transit through the Union from and to third countries	
Article 54				
737	Article 54 Transit through the Union of waste destined for disposal		Article 54 Transit through the Union of waste destined for disposal	
Article 54, first paragraph				
738	Where waste destined for disposal is shipped through Member States from and to third countries, Article 48 shall apply <i>mutatis mutandis</i> , with the following adaptations and additional provisions:		Where waste destined for disposal is shipped through Member States from and to third countries, Article 48 shall apply <i>mutatis mutandis</i> <i>mutatis mutandis</i> , with the following adaptations and additional provisions:	
Article 54, first paragraph, point (a)				
739	(a) the first and last competent authority of transit in the Union shall, where appropriate, ensure that the customs office of entry and the customs office of exit are informed of their respective decisions to consent to the		(a) the first and last competent authority of transit in the Union shall, where appropriate, ensure that <i>inform</i> the customs office of entry and the customs office of exit are informed of their respective decisions to consent to the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	shipment or, if they have provided tacit consent, of the acknowledgement in accordance with Article 48(3), point (a);		shipment or, if they have provided tacit consent, of the acknowledgement in accordance with Article 48(3), point (a);	
Article 54, first paragraph, point (b)				
740	(b) the customs office of exit shall, as soon as the waste has left the Union, inform the competent authority(ies) of transit in the Union that the waste has left the Union.		(b) the customs office of exit shall, as soon as the waste has left the Union, inform the competent authority(ies) of transit in the Union that the waste has left the Union.	
Article 54, first paragraph, point (c)				
740a			<u><i>(c) a competent authority of transit in the Union may, if necessary, require a financial guarantee or equivalent insurance, or an additional financial guarantee or equivalent insurance, after having reviewed the amount of cover of any financial guarantee or equivalent insurance established by the notifier.</i></u>	
Article 55				
741	Article 55		Article 55	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Transit through the Union of waste destined for recovery		Transit through the Union of waste destined for recovery	
Article 55(1)				
742	1. Where waste destined for recovery is shipped through Member States from and to a country to which the OECD Decision does not apply, Article 54 shall apply <i>mutatis mutandis</i> .		1. Where waste destined for recovery is shipped through Member States from and to a country to which the OECD Decision does not apply, Article 54 shall apply <i>mutatis mutandis</i> .	
Article 55(2)				
743	2. Where waste destined for recovery is shipped through Member States from and to a country to which the OECD Decision applies, Article 50 shall apply <i>mutatis mutandis</i> , with the following adaptations and additional provisions:		2. Where waste destined for recovery is shipped through Member States from and to a country to which the OECD Decision applies, Article 50 shall apply <i>mutatis mutandis</i> , with the following adaptations and additional provisions:	
Article 55(2), point (a)				
744	(a) the first and last competent authority of transit in the Union shall, where appropriate, ensure that the customs office of entry and		(a) the first and last competent authority of transit in the Union shall, where appropriate, ensure <i>inform</i> the customs office of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the customs office of exit are informed of their respective decisions to consent to the shipment or, if they have provided tacit consent, of the acknowledgement in accordance with Article 48(3), point (a);		entry and the customs office of exit are informed of their respective decisions to consent to the shipment or, if they have provided tacit consent, of the acknowledgement in accordance with Article 48(3), point (a);	
Article 55(2), point (b)				
745	(b) the customs office of exit shall, as soon as the waste has left the Union, inform the competent authorities of transit in the Union that the waste has left the Union.		(b) the customs office of exit shall, as soon as the waste has left the Union, inform the competent authorities of transit in the Union that the waste has left the Union.	
Article 55(2), point (c)				
745a			<u>(c) where waste is shipped through one or more Member States from and to a third country the competent authorities of transit in the Union may, if necessary, require a financial guarantee or equivalent insurance, or an additional financial guarantee or equivalent insurance, after having reviewed the amount of cover of any financial guarantee or equivalent insurance established by the notifier.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 55(3)				
746	3. Where waste destined for recovery is shipped through Member States from a country to which the OECD Decision does not apply to a country to which the OECD Decision applies or vice versa, paragraph 1 shall apply as regards the country to which the OECD Decision does not apply and paragraph 2 shall apply as regards the country to which the OECD Decision applies.		3. Where waste destined for recovery is shipped through Member States from a country to which the OECD Decision does not apply to a country to which the OECD Decision applies or vice versa, paragraph 1 shall apply as regards the country to which the OECD Decision does not apply and paragraph 2 shall apply as regards the country to which the OECD Decision applies.	
Title VII				
747	Title VII Environmentally sound management and enforcement		Title VII Environmentally sound management and enforcement	
Chapter 1				
748	Chapter 1		Chapter 1	
Article 56				
749	Article 56		Article 56	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Environmentally sound management		Environmentally sound management	
Article 56(1)				
750	1. The waste producer, the notifier and any other undertaking involved in a shipment of waste or its recovery or disposal shall take the necessary steps to ensure that any waste shipped is managed without endangering human health and in an environmentally sound manner throughout the period of shipment and during the recovery and disposal of the waste.		1. The waste producer, the notifier, <u>the person who arranges a shipment</u> and any other undertaking involved in a shipment of waste or its recovery or disposal shall take the necessary steps to ensure that any waste shipped is managed without endangering human health and in an environmentally sound manner throughout the period of shipment and during the recovery and disposal of the waste.	
Article 56(2)				
751	2. For the purposes of export of waste, the waste shipped shall be deemed to be managed in an environmentally sound manner as regards the recovery or disposal operation concerned, where it can be demonstrated that the waste will be managed in accordance with human health and environmental protection requirements that are broadly equivalent to the human	2. For the purposes of export of waste, the waste shipped shall be deemed to be managed in an environmentally sound manner as regards the recovery or disposal operation concerned, where it can be demonstrated that the waste, <u>as well as any residual waste generated through the recovery operation</u> , will be managed in accordance with human health and	2. For the purposes of export of waste, the waste shipped shall be deemed to be managed in an environmentally sound manner as regards the recovery or disposal operation concerned, where it can be demonstrated that the waste, <u>as well as any residual waste generated through the recovery or disposal operation</u> , will be managed in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>health and environmental protection requirements laid down in Union legislation. When assessing such broad equivalence, full compliance with requirements stemming from Union legislation shall not be required, but it should be demonstrated that the requirements applied in the country of destination ensure a similar level of protection of human health and the environment than the requirements stemming from Union legislation.</p>	<p>environmental protection requirements that are broadly<i>considered</i> equivalent to the human health and environmental protection requirements laid down in Union legislation, <u>in particular those referred to in part 1 of Annex IX, and using as points of reference the international guidance as specified in part 2 of that same Annex and respecting the international Conventions on labour rights, as referred to in part 2a of the same Annex.</u> When assessing such broad<i>considered</i> equivalence, full compliance with requirements stemming from Union legislation shall not be required, but it should<i>shall</i> be demonstrated that the requirements applied <u>and enforced</u> in the country of destination ensure a similar level of protection of human health and the environment than the requirements stemming from Union legislation.</p>	<p>human health, <u>climate</u> and environmental protection requirements that are broadly equivalent to the human health and environmental protection requirements laid down in Union legislation. When assessing such broad equivalence, full compliance with requirements stemming from Union legislation shall not be required, but it should be demonstrated that the requirements applied in the country of destination ensure a similar level of protection of human health and the environment than the requirements stemming from Union legislation. <u>In order to perform this assessment in relation to Union legislation, the relevant provisions in the Union legislation and the international guidance referred to in Annex IX shall be used as points of reference.</u></p>	
Article 56(2a)				
751a		<p><u>2a. By insert the date 18 months after the date of publication of this regulation], the Commission shall</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>adopt guidelines clarifying the use of relevant best available techniques with respect to the assessment of equivalence.</i></u>		
Article 56(2b)				
751b		<u><i>2b. By [insert the date 2 years after the date of entry into force of this Regulation], the Commission shall publish a report on the establishment of mandatory recycled content targets for products, particularly but not limited to, products made out of plastic, if not already applicable under Union legislation. Where appropriate, that report shall be accompanied by legislative proposals.</i></u>		
Article 56(2c)				
751c		<u><i>2c. The Commission shall, by ... [OJ: please insert the date one year after the date of entry into force of this Regulation], publish a report assessing the impacts on environmentally sound management of plastic waste within the Union related to the phase-out of exports of plastic</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u>waste outside of the Union and EFTA countries. Where appropriate, it shall be accompanied by measures to mitigate identified adverse impacts on the Union waste management capacity for environmentally sound management of plastic waste and promote innovation and investments in that sector.</u>		
Chapter 2				
752	Chapter 2 Enforcement		Chapter 2 Enforcement	
Section 1				
753	Section 1 Inspections by the Member States and penalties		Section 1 Inspections by the Member States and penalties	
Article 57				
754	Article 57 Inspections		Article 57 Inspections	
Article 57(1)				
755	1. Member States shall, for the purpose of enforcing this		1. Member States shall, for the purpose of enforcing this	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Regulation, carry out inspections of establishments, undertakings, brokers and dealers in accordance with Article 34 of Directive 2008/98/EC, and inspections of shipments of waste and of the related recovery or disposal.		Regulation, carry out <u>ensure that</u> inspections of establishments, undertakings, brokers and dealers in accordance with Article 34 of Directive 2008/98/EC, and inspections of shipments of waste and of the related recovery or disposal, <u>are carried out</u> .	
Article 57(2)				
756	2. Inspections of shipments shall take place at least in one of the following points:		2. Inspections of shipments shall take place at least in one of the following points:	
Article 57(2), point (a)				
757	(a) at the point of origin, carried out with the waste producer, waste holder or notifier;		(a) at the point of origin, carried out with the waste producer, <u>collector</u> , waste holder, <u>notifier or person who arranges the shipment</u> or notifier ;	
Article 57(2), point (aa)				
757a		<u>(aa) at collection, at storage and at sorting facilities;</u>		
Article 57(2a)				
757b				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<p><u>2a. Member States shall carry out inspections to prevent and detect illegal shipments of waste on the basis of a Union risk-based targeting mechanism.</u></p> <p><u>In order to ensure the harmonisation of inspections, the Commission shall adopt implementing acts to define the detailed elements of the Union risk-based targeting mechanism. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 77(2).</u></p>		
Article 57(2), point (b)				
758	(b) at the point of destination, including interim and non-interim recovery or disposal, carried out with the consignee or the facility;		(b) at the point of destination, including interim and non-interim recovery or disposal, carried out with the consignee or the facility;	
Article 57(2), point (c)				
759	(c) at the borders of the Union;		(c) at the borders of the Union;	
Article 57(2), point (d)				
760	(d) during the shipment within the		(d) during the shipment within the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Union.		Union.	
Article 58				
761	Article 58 Documentation and evidence		Article 58 Documentation and evidence	
Article 58(1)				
762	1. Inspections of shipments shall include at least verification of documents, confirmation of the identity of the actors involved in those shipments and, where appropriate, physical checking of the waste.	1. Inspections of shipments shall include at least verification of documents, confirmation of the identity of the actors involved in those shipments and, where <i>appropriate</i> , physical checking of the waste.	1. Inspections of shipments shall include at least verification of documents, confirmation of the identity of the actors involved in those shipments and, where appropriate, physical checking of the waste.	
Article 58(2), first subparagraph				
763	2. In order to ascertain that a substance or object being carried by road, rail, air, sea or inland waterway is not waste, the authorities involved in inspections may require the natural or legal person who is in possession of the substance or object concerned, or who arranges the carriage thereof, to submit documentary evidence:		2. In order to ascertain that a substance or object being carried by road, rail, air, sea or inland waterway is not waste, the authorities involved in inspections may require the natural or legal person who is in possession of the substance or object concerned, or who arranges the carriage thereof, to submit documentary evidence:	
Article 58(2), first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
764	(a) as to the origin and destination of the substance or object concerned; and		(a) as to the origin and destination of the substance or object concerned; and	
Article 58(2), first subparagraph, point (aa)				
764a		<u><i>(aa) as to the audit report pursuant to Article 42;</i></u>		
Article 58(2), first subparagraph, point (b)				
765	(b) that it is not waste, including, where appropriate, evidence of functionality.		(b) that it is not waste, including, where appropriate, evidence of functionality.	
Article 58(2), second subparagraph				
766	For the purpose of the first subparagraph, the protection of the substance or object concerned against damage during transportation, loading and unloading, such as adequate packaging and appropriate stacking, shall also be ascertained.		For the purpose of the first subparagraph, the protection of the substance or object concerned against damage during transportation, loading and unloading, such as adequate packaging and appropriate stacking, shall also be ascertained.	
Article 58(2), third subparagraph				
766a			<u><i>In order to distinguish between</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>used goods and waste, for the purpose of inspection, the criteria laid down in, and pursuant to, Article 28(1), point (c), and Article 28(1b) shall apply.</i></u>	
Article 58(2), fourth subparagraph				
767	<p>The provisions of this paragraph shall be without prejudice to the application of Article 23(2) and Annex VI to Directive 2012/19/EU of the European Parliament and of the Council¹.</p> <p>¹ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38).</p>		<p>The provisions of this paragraph shall be without prejudice to the application of Article 23(2) and Annex VI to Directive 2012/19/EU of the European Parliament and of the Council¹.</p> <p>¹ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38).</p>	
Article 58(3), first subparagraph				
768	<p>3. The authorities involved in inspections may conclude that the substance or object concerned is waste where:</p>		<p>3. The authorities involved in inspections may conclude that the substance or object concerned is waste where:</p>	
Article 58(3), first subparagraph, point (a)				
769	<p>(a) the evidence referred to in paragraph 2 or required under other</p>		<p>(a) the evidence referred to in paragraph 2 or required under other</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Union legislation to ascertain that a substance or object is not waste, has not been submitted within the period specified by them; or		Union legislation to ascertain that a substance or object is not waste, has not been submitted within the period specified by them; or	
Article 58(3), first subparagraph, point (b)				
770	(b) they consider the evidence and information available to them to be insufficient to reach a conclusion, or they consider the protection provided against damage referred to in the second subparagraph of paragraph 2 to be insufficient.		(b) they consider the evidence and information available to them to be insufficient to reach a conclusion, or they consider the protection provided against damage referred to in the second subparagraph of paragraph 2 to be insufficient.	
Article 58(3), second subparagraph				
771	Where the authorities have concluded that a substance or object is waste in accordance with the first subparagraph, the carriage of the substance or object concerned or the shipment of waste concerned shall be considered as an illegal shipment. Consequently, it shall be dealt with in accordance with Articles 24 and 25 and the authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.		Where the authorities have concluded that a substance or object is waste in accordance with the first subparagraph, the carriage of the substance or object concerned or the shipment of waste concerned shall be considered as an illegal shipment. Consequently, it shall be dealt with in accordance with Articles 24 and 25 and the authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 58(4)				
772	4. In order to ascertain whether a shipment of waste complies with this Regulation, the authorities involved in inspections may require the notifier, the person who arranges the shipment, the waste holder, the carrier, the consignee and the facility that receives the waste to submit relevant documentary evidence to them within a period specified by them.		4. In order to ascertain whether a shipment of waste complies with this Regulation, the authorities involved in inspections may require the notifier, the person who arranges the shipment, the waste holder, the carrier, the consignee and the facility that receives the waste to submit relevant documentary evidence to them within a period specified by them, <u>and may detain the goods in a shipment and, when necessary, the means of transport containing the goods, and suspend the transport of the goods until such documentation has been provided.</u>	
Article 58(5)				
773	5. In order to ascertain whether a shipment of waste subject to the general information requirements set out in Article 18 is destined for recovery operations which are in accordance with Article 56, the authorities involved in inspections may require the person who arranges the shipment to submit	5. In order to ascertain whether a shipment of waste subject to the general information requirements set out in Article 18 is destined for recovery operations which are in accordance with Article 56, the authorities involved in inspections may <u>shall</u> require the person who arranges the shipment to submit	5. In order to ascertain whether a shipment of waste subject to the general information requirements set out in Article 18 is destined for recovery operations which are in accordance with Article 56, the authorities involved in inspections may require the person who arranges the shipment <u>and the</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	relevant documentary evidence, provided by the interim and non-interim recovery facility and, if necessary, approved by the competent authority of destination.	<u>the audit report required in Article 42 as well as, where appropriate</u> relevant documentary evidence, provided by the interim and non-interim recovery facility and, if necessary, approved by the competent authority of destination.	<u>consignee</u> to submit relevant documentary evidence, provided by the interim and non-interim recovery facility and, if necessary, approved by the competent authority of destination <u>or, in cases of export from the Union, documentary evidence on the audit carried out in accordance with Article 43.</u>	
Article 58(6)				
774	6. Where the evidence referred to in paragraph 4 has not been submitted to the authorities involved in inspections within the period specified by them, or they consider the evidence and information available to them to be insufficient to reach a conclusion, the shipment concerned shall be considered as an illegal shipment and shall be dealt with in accordance with Articles 24 and 25. The authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.	6. Where the evidence referred to in paragraph 4 <u>or paragraph 5</u> has not been submitted to the authorities involved in inspections within the period specified by them, or they consider the evidence and information available to them to be insufficient to reach a conclusion, the shipment concerned shall be considered as an illegal shipment and shall be dealt with in accordance with Articles 24 and 25. The authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.	6. Where the evidence referred to in paragraph 4 <u>paragraphs 4 and 5</u> has not been submitted to the authorities involved in inspections within the period specified by them, or they consider the evidence and information available to them to be insufficient to reach a conclusion, the shipment concerned shall be considered as an illegal shipment and shall be dealt with in accordance with Articles 24 and 25. The authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.	
Article 58(7)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
775	<p>7. The Commission is empowered to adopt, by means of implementing acts, a correlation table between the codes of the combined nomenclature, provided for in Council Regulation (EEC) No 2658/87¹ and the entries of waste listed in Annex III, Annex IIIA, Annex IIIB, Annex IV, and Annex V to this Regulation. The Commission shall keep this act updated, in order to reflect changes to that nomenclature and to the entries listed in those Annexes, as well as to include any new waste-related codes of the Harmonised System Nomenclature that the World Customs Organisation may adopt. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 77(2). Commission Implementing Regulation (EU) 2016/1245² shall remain in force until the empowerment referred to in the present Article is exercised by the Commission.</p> <p>¹ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff; OJ L 256, 7.9.1987, p. 1–675</p> <p>² Commission Implementing Regulation</p>		<p>7. The Commission is empowered to adopt, by means of implementing acts, a correlation table between the codes of the combined nomenclature, provided for in Council Regulation (EEC) No 2658/87¹ and the entries of waste listed in Annex III, Annex IIIA, Annex IIIB, Annex IV, and Annex V to this Regulation. The Commission shall keep this act updated, in order to reflect changes to that nomenclature and to the entries listed in those Annexes, as well as to include any new waste-related codes of the Harmonised System Nomenclature that the World Customs Organisation may adopt. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 77(2). Commission Implementing Regulation (EU) 2016/1245² shall remain in force until the empowerment referred to in the present Article is exercised by the Commission.</p> <p>¹ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff; OJ L 256, 7.9.1987, p. 1–675</p> <p>² Commission Implementing Regulation</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(EU) 2016/1245 of 28 July 2016 setting out a preliminary correlation table between codes of the Combined Nomenclature provided for in Council Regulation (EEC) No 2658/87 and entries of waste listed in Annexes III, IV and V to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 204, 29.7.2016, p. 11).		(EU) 2016/1245 of 28 July 2016 setting out a preliminary correlation table between codes of the Combined Nomenclature provided for in Council Regulation (EEC) No 2658/87 and entries of waste listed in Annexes III, IV and V to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 204, 29.7.2016, p. 11).	
Article 59				
776	Article 59 Inspection plans		Article 59 Inspection plans	
Article 59(1), first subparagraph				
777	1. Member States shall establish, in respect of their entire geographical territory, one or more plans, either separately or as a clearly defined part of other plans, for inspections to be carried out pursuant to Article 57(1) ('inspection plan').		1. Member States shall <u>ensure that establish</u> , in respect of their entire geographical territory, one or more plans <u>are established</u> , either separately or as a clearly defined part of other plans, for inspections to be carried out pursuant to Article 57(1) ('inspection plan').	
Article 59(1), second subparagraph				
778	Inspection plans shall be based on a risk assessment covering specific waste streams and sources of illegal shipments, the results of		Inspection plans shall be based on a risk assessment covering specific waste streams and sources of illegal shipments, the results of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	previous inspections and considering, where appropriate, intelligence-based data such as data on investigations by police and customs authorities and analyses of criminal activities. That risk assessment shall aim, inter alia, to identify the minimum number and frequency of inspections required, including physical checks on establishments, undertakings, brokers, dealers and shipments of waste or on the related recovery or disposal.		previous inspections and considering, where appropriate, intelligence-based data such as data on investigations by police and customs authorities and analyses of criminal activities, <u>including relevant information related to the management of waste being exported</u> . That risk assessment shall aim, inter alia, to identify the minimum number and frequency of inspections required, including physical checks on establishments, undertakings, brokers, dealers and shipments of waste or on the related recovery or disposal.	
Article 59(2)				
779	2. Inspection plans shall include, at least, the following elements:	2. <u>Inspection plans shall include the minimum number of physical checks of facilities and waste shipments in line with the risk assessment conducted pursuant to article 59, paragraph 1. The plans shall not contain any details about operational programming. The</u> inspection plans shall include, at least, the following elements:	2. Inspection plans shall include, at least, the following elements:	
Article 59(2), point (a)				
780				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(a) the objectives and priorities of the inspections, including a description of how those objectives and priorities have been identified;		(a) the objectives and priorities of the inspections, including a description of how those objectives and priorities have been identified;	
Article 59(2), point (b)				
781	(b) the geographical area covered by the inspection plan;		(b) the geographical area covered by the inspection plan;	
Article 59(2), point (c)				
782	(c) information on planned inspections, including on physical checks;	(c) information on <u>the number and types of</u> planned inspections, including on physical checks;	(c) information on planned inspections, including on physical checks;	
Article 59(2), point (d)				
783	(d) the tasks assigned to each authority involved in inspections;		(d) the tasks assigned to each authority involved in inspections;	
Article 59(2), point (e)				
784	(e) arrangements for cooperation between authorities involved in inspections;		(e) arrangements for cooperation between authorities involved in inspections;	
Article 59(2), point (f)				
785				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	(f) information on the training of inspectors on matters relating to inspections; and		(f) information on the training of inspectors on matters relating to inspections; and	
Article 59(2), point (g)				
786	(g) information on the human, financial and other resources for the implementation of the inspection plan.		(g) information on the human, financial and other resources for the implementation of the inspection plan.	
Article 59(2), point (ga)				
786a		<u>(ga) information as to how concerns or irregularities can be reported to a prescribed organisation, as provided for in the relevant Union legislation on whistleblowing.</u>		
Article 59(2a)				
786b		<u>2a. Member States shall ensure that the outcome of the inspections carried out pursuant to the plans referred to in this Article, any remedial actions taken by the relevant authorities as a follow up to those inspections, the names of the operators involved in illegal</u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<u><i>shipments, and the penalties imposed are available to the public, including electronically.</i></u>		
Article 59(3)				
787	3. An inspection plan shall be reviewed at least every three years and, where appropriate, updated. That review shall evaluate to which extent the objectives and other elements of that inspection plan have been implemented.		3. An inspection plan shall be reviewed at least every three years and, where appropriate, updated. That review shall evaluate to which extent the objectives and other elements of that inspection plan have been implemented.	
Article 59(4)				
788	4. Without prejudice to applicable confidentiality requirements, Member States shall notify the Commission of the inspection plans referred to in paragraph 1 and any substantial revisions thereof every three years, and for the first time one year after the date of entry into force of this Regulation.		4. Without prejudice to applicable confidentiality requirements, Member States shall notify the Commission of the inspection plans referred to in paragraph 1 and any substantial revisions thereof every three years, and for the first time one year after the date of entry into force of this Regulation.	
Article 59(5)				
789	5. The Commission shall review the inspection plans notified by the Member States in accordance with	5. The Commission shall review the inspection plans notified by the Member States in accordance with	5. The Commission shall review the inspection plans notified by the Member States in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	paragraph 4 and, if appropriate, draw up reports, based on the review of these plans, on the implementation of this Article. Such reports may include, inter alia, recommendations on priorities of inspections and on enforcement cooperation and coordination between the relevant authorities involved in inspections. Such reports may also be presented, where appropriate, in the meetings of the waste shipment enforcement group established under Article 63.	paragraph 4 and, if appropriate, draw up reports, based on the review of these plans, on the implementation of this Article <u>within 1 year of the reception of the inspection plans. Such reports shall take into account the flows, tonnage and value of waste to third countries to identify relevant priorities.</u> Such reports may include, inter alia, recommendations on priorities of inspections and on enforcement cooperation and coordination between the relevant authorities involved in inspections. Such reports may also be presented, where appropriate, in the meetings of the waste shipment enforcement group established under Article 63, <u>and shall be made available to the European Parliament and the European Council.</u>	paragraph 4 and, if appropriate, draw up reports, based on the review of these plans, on the implementation of this Article. Such reports may include, inter alia, recommendations on priorities of inspections and on enforcement cooperation and coordination between the relevant authorities involved in inspections. Such reports may also be presented, where appropriate, in the meetings of the waste shipment enforcement group established under Article 63.	
Article 60				
790	Article 60 Penalties		Article 60 Penalties	
Article 60(1)				
791	1. Member States shall lay down		1. <u>Without prejudice to the</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>the rules on administrative penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and of any subsequent amendment affecting them.</p>		<p><u>obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council</u>¹, Member States shall lay down the rules on administrative penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and of any subsequent amendment affecting them.</p> <p><u>1. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law(OJ L 328, 6.12.2008, p. 28).</u></p>	
Article 60(2)				
792	<p>2. When determining the type and level of penalties to be imposed in case of infringements, the competent authorities of the Member States shall give due regard to the following criteria:</p>		<p>2. When determining the type and level of penalties to be imposed in case of infringements, the competent authorities of the Member States shall<u>Member States shall ensure that the penalties established pursuant to</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<i>this Article</i> give due regard to the following, <i>as applicable</i> <i>criteria</i> :	
Article 60(2), point (a)				
793	(a) the nature, gravity and duration of the infringement;		(a) the nature, gravity and <i>duration</i> <i>extent</i> of the infringement;	
Article 60(2), point (b)				
794	(b) where appropriate, the intentional or negligent character of the infringement;		<i>deleted</i>	
Article 60(2), point (c)				
795	(c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;		<i>deleted</i>	
Article 60(2), point (d)				
796	(d) the economic benefits derived from the infringement by the natural or legal person held responsible, insofar as they can be		<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	determined;			
<i>Article 60(2), point (e)</i>				
797	(e) the environmental damage caused by the infringement, insofar as it can be determined;		(e) the environmental damage caused by the infringement, insofar as it can be determined;	
<i>Article 60(2), point (f)</i>				
798	(f) any action taken by the natural or legal person held responsible to mitigate or remedy the damage caused;		<i>deleted</i>	
<i>Article 60(2), point (g)</i>				
799	(g) the level of cooperation of the natural or legal person held responsible with the competent authority;		<i>deleted</i>	
<i>Article 60(2), point (h)</i>				
800	(h) previous infringements by the natural or legal person held responsible;		(h) previous infringements by the natural or legal person held responsible <u>the repetitive or singular character of the infringement</u> ;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 60(2), point (i)				
801	(i) any action aiming to circumvent or obstruct administrative controls and		<i>deleted</i>	
Article 60(2), point (j)				
802	(j) any other aggravating or mitigating factor applicable to the circumstances of the case.		<i>deleted</i>	
Article 60(3)				
803	3. The Member States shall at least be able to impose the following penalties in case of infringements of this Regulation:		<u>3.</u> The Member States shall at least be able to impose the following penalties in case of infringements of this Regulation, <i>where relevant</i> :	
Article 60(3), point (a)				
804	(a) fines;		(a) fines;	
Article 60(3), point (b)				
805	(b) confiscation of revenues gained by the natural or legal person from a transaction related to the infringement;		<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
<i>Article 60(3), point (c)</i>				
806	(c) suspension or revocation of the authorisation to carry out activities related to management and shipment of waste insofar as these activities fall under the scope of this Regulation;		(c) <u>time-limited</u> suspension or revocation of the authorisation to carry out activities related to management and shipment of waste insofar as these activities fall under the scope of this Regulation;	
<i>Article 60(3), point (d)</i>				
807	(d) exclusion from public procurement procedures.		(d) <u>time-limited</u> exclusion from public procurement procedures.	
<i>Article 60(4)</i>				
807a			<u>4. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.</u>	
<i>Section 2</i>				
808	Section 2 Enforcement cooperation		Section 2 Enforcement cooperation	
<i>Article 61</i>				
809				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 61 Enforcement cooperation at national level		Article 61 Enforcement cooperation at national level	
Article 61, first paragraph				
810	Member States shall establish, as regards all relevant competent authorities involved in enforcement of this Regulation, effective mechanisms to enable them to cooperate and coordinate domestically concerning the development and implementation of enforcement policies and activities to address illegal shipments of waste, including for the establishment and implementation of the inspection plans.		Member States shall <u>maintain or</u> establish, as regards all relevant competent authorities involved in enforcement of this Regulation <u>in their territory, including competent authorities and the authorities involved in inspections</u> , effective mechanisms to enable them to cooperate and coordinate domestically concerning the development and implementation of enforcement policies and activities to address illegal shipments of waste, including for the establishment and implementation of the inspection plans.	
Article 62				
811	Article 62 Enforcement cooperation between Member States		Article 62 Enforcement cooperation between Member States	
Article 62(1)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
812	<p>1. Member States shall cooperate, bilaterally and multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments. They shall exchange relevant information on shipments of waste, flows of waste, operators and facilities and share experience and knowledge on enforcement measures, including the risk assessment carried out pursuant to Article 59(1), within established structures, in particular, through the waste shipment enforcement group established under Article 63.</p>		<p>1. Member States shall cooperate, bilaterally and multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments. They shall exchange relevant information on shipments of waste, flows of waste, operators and facilities <u>related to such prevention and detection</u> and share experience and knowledge on enforcement measures, including the risk assessment carried out pursuant to Article 59(1), within established structures, in particular, through the waste shipment enforcement group established under Article 63.</p>	
Article 62(2)				
813	<p>2. Member States shall identify those members of their permanent staff responsible for the cooperation referred to in paragraph 1 and identify the focal points for the physical checks referred to in Article 58(1). That information shall be sent to the Commission which shall distribute to those members a compiled list.</p>		<p>2. Member States shall identify those <u>the authority or authorities and the</u> members of their permanent staff responsible for the cooperation referred to in paragraph 1 and <u>also</u> identify <u>an authority or authorities and responsible members of their permanent staff as</u> the focal points for the physical checks referred to in Article 58(1). That information <u>The Member States</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			shall be sent <u>send that information</u> to the Commission which shall distribute to those <u>compile the information and make it available to the identified authorities and</u> members a compiled list of their <u>permanent staff</u> .	
Article 62(3)				
814	3. 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 present in that Member State.		3. At the request of <u>an authority in</u> another Member State, <u>an authority of</u> a Member State may take enforcement action against persons suspected of being engaged in the illegal shipment of waste who are present in that Member State.	
Article 63				
815	Article 63 Waste shipment enforcement group		Article 63 Waste shipment enforcement group	
Article 63(1)				
816	1. An enforcement group shall be established to facilitate and improve cooperation and coordination between the Member States in order to prevent and		1. An enforcement group shall be established to facilitate and improve cooperation and coordination between the Member States in order to prevent and	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	detect illegal shipments (the ‘waste shipment enforcement group’).		detect illegal shipments (the ‘waste shipment enforcement group’).	
Article 63(2)				
817	2. The waste shipment enforcement group shall consist of the designated permanent staff responsible for the cooperation referred to in Article 62(2) and may also include further representatives of each Member State's relevant authorities with responsibility for enforcement of this Regulation. It shall be chaired by the representative(s) of the Commission.		2. The waste shipment enforcement group shall consist of <u>up to three representatives per Member State, selected from</u> the designated permanent staff responsible for the cooperation referred to in Article 62(2) and may also include further representatives of each Member State's relevant authorities with responsibility for enforcement of this Regulation <u>or from permanent staff of other relevant authorities involved in enforcement of this Regulation, to be nominated by the Member States, which will inform the Commission</u> . It shall be chaired <u>co-chaired</u> by the representative(s) of the Commission <u>and by a representative of a Member State elected by the group</u> .	
Article 63(3)				
818	3. The waste shipment enforcement group shall be a		3. The waste shipment enforcement group shall be a forum	

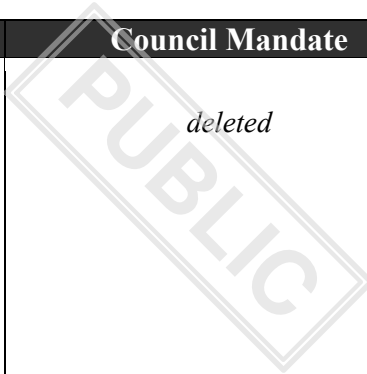
	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>forum for sharing information and intelligence on general trends relating to illegal shipments of waste, risk-based assessments carried out by Member States, and enforcement activities, as well as for exchanging views on best practices and for facilitating cooperation and coordination between relevant authorities. The waste shipment enforcement group may examine any technical question relating to the enforcement of this Regulation raised by the chairperson, either on his or her own initiative or at the request of the members of the group or the committee referred to in Article 77.</p>		<p>for sharing information <u>relevant for the prevention and detection of illegal shipments, including information</u> and intelligence on general trends relating to illegal shipments of waste, risk-based assessments carried out by <u>the authorities of the</u> Member States, and <u>experience and knowledge on enforcement activities measures</u>, as well as for exchanging views on best practices and for facilitating cooperation and coordination between relevant authorities. The waste shipment enforcement group may examine any technical question relating to the enforcement of this Regulation raised by the chairperson, either on his or her own initiative or at the request of the members of the group or the committee referred to in Article 77.</p>	
Article 63(3a)				
818a		<p><u>3a. The waste shipment enforcement group shall publish an annual report on trends in illegal shipments and best practices to tackle such shipments, as recommended by Member State competent authorities.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 63(3b)				
818b		<u><i>3b. Within two years of its establishment, the waste shipment enforcement group shall propose to the Commission an action plan to tackle illegal shipments of waste. The proposal for an action plan shall be updated at least every four years based on new or persistent trends in illegal shipments and enforcement activities.</i></u>		
Article 63(4)				
819	4. The waste shipment enforcement group shall meet at least twice a year. In addition to the members referred to in paragraph 2, the chairperson may invite to the meetings, where appropriate, representatives of other relevant institutions, bodies, offices, agencies or networks.	4. The waste shipment enforcement group shall meet at least twice a year. In addition to the members referred to in paragraph 2, the chairperson may invite to the meetings, where appropriate, representatives of other relevant institutions, bodies, offices, agencies <u>networks or other stakeholders</u> or networks .	4. The waste shipment enforcement group shall meet <u>regularly</u> , at least twice <u>once</u> a year. <u>The group shall cooperate with other relevant institutions, bodies, offices, agencies, or networks</u> . In addition to the members referred to in paragraph 2, the chairperson may invite to the meetings, where appropriate, representatives of other relevant institutions, bodies, offices, agencies or networks.	
Article 63(5)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
820	5. The Commission shall convey the opinions expressed in the waste shipment enforcement group to the committee referred to in Article 77.		5. <u>In case the committee referred to in Article 77 raises any questions to the waste shipment enforcement group,</u> the Commission shall convey the opinions expressed in the waste shipment enforcement group <u>in relation to such questions</u> to the committee referred to in Article 77.	
Section 3				
821	Section 3 Actions performed by the Commission		Section 3 Actions performed by the Commission	
Article 64				
822	Article 64 General provisions		Article 64 General provisions	
Article 64(1)				
823	1. In order to fight against infringements of the provisions of this Regulation, to support and complement the enforcement activities of the Member States, and to contribute to a uniform application of this Regulation throughout the Union, the		1. In order to fight against infringements of the provisions of this Regulation, <u>Without prejudice to Council Regulation 515/97¹, the Commission shall exercise the powers conferred onto it by Articles 64 to 68 in order</u> to support and complement the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Commission shall exercise the powers conferred onto it by Articles 64 to 68.		enforcement activities of the Member States, and to contribute to a uniform application implementation of this Regulation throughout the Union, the Commission shall exercise the powers conferred onto it by Articles 64 to 68. <u>1. [1] Council Regulation 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82 of 22.3.1997, p. 1).</u>	
Article 64(2)				
824	2. These powers are without prejudice to:		<i>deleted</i>	
Article 64(2), point (a)				
825	(a) the primary responsibility of the Member States to ensure and enforce compliance with this Regulation; and		<i>deleted</i>	
Article 64(2), point (b)				
826				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>(b) the powers conferred onto the Commission or the European Anti-Fraud Office (OLAF), respectively, in other legal acts, in particular in Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council¹, Council Regulation 515/97², or Council Regulation 2185/96³.</p> <p>1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1)</p> <p>2. Council Regulation 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82 of 22.3.1997, p. 1).</p> <p>3. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities(OJ L 292 of 15.11.1996, p. 2).</p>	<p>(b) the powers conferred onto the Commission, <u>the European Prosecutor's Office</u> or the European Anti-Fraud Office (OLAF), respectively, in other legal acts, in particular <u>Council Regulation (EU) 2017/1939^{1a}</u>, in Regulation (EU, Euratom) 883/2013 of the European Parliament and of the Council¹, Council Regulation 515/97², or Council Regulation 2185/96³.</p> <p><u>1a. Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).</u></p> <p>1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1)</p> <p>2. Council Regulation 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82 of 22.3.1997, p. 1).</p> <p>3. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning</p>	<p><i>deleted</i></p>	



	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities(OJ L 292 of 15.11.1996, p. 2).		
<i>Article 64(3) first subparagraph</i>				
827	3. The Commission may exercise the powers conferred onto it by this Regulation on its own initiative, on the request of one or more Member States, or on a complaint if there is sufficient suspicion that the carriage of the substance or object concerned or the shipment of waste concerned constitutes an illegal shipment.		<u>3. The Commission may exercise the powers conferred onto it by this Regulation <i>with respect to shipments of waste that fall under the scope of application of this Regulation pursuant to Article 2(1), which are of a complex nature and potentially have serious adverse effects on human health or the environment and where the investigation needed has a cross-border dimension involving at least two countries. The Commission may initiate actions according to these powers</i> on its own initiative, on the request of <i>the authorities of</i> one or more Member States, or on a complaint if there is sufficient suspicion that the carriage of the substance or object concerned or the shipment of waste concerned constitutes an illegal shipment. <i>The Commission may also forward such complaints to the competent authorities of the</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>Member States concerned.</u>	
Article 64(3), second subparagraph				
827a			<u>If the Commission decides not to act, it shall reply to the authority of the Member States or the persons who sent the complaint in a reasonable time, stating the reasons why they believe there is no sufficient suspicion, unless there are reasons of public interest, such as protecting the confidentiality of administrative or criminal proceedings, not to do so.</u>	
Article 64(3), third subparagraph				
827b			<u>The Commission shall also provide the Member States with assistance in organising close and regular cooperation between their competent authorities pursuant to the provisions of Article 68.</u>	
Article 64(4)				
828	4. The Commission may exercise the powers conferred onto it by this Regulation with respect to shipments of waste that fall under		<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the scope of application of this Regulation pursuant to Article 2(1), and in particular with respect to such shipments that affect several countries or that have serious adverse effects on human health and/or the environment.			
Article 64(5)				
829	5. In exercising its powers, the Commission shall take into account the inspections in progress or already carried out in respect of the same shipments by a Member State pursuant to this Regulation.		5. In exercising its powers, the Commission shall take into account the inspections, <u>prosecuting, legal or administrative proceedings</u> in progress or already carried out in respect of the same shipments by <u>the authorities of</u> a Member State pursuant to this Regulation <u>and shall ensure not to interfere with such proceedings. When exercising its powers, the Commission shall take into account any request of postponement from an authority of a Member State through its permanent staff responsible for cooperation or through the focal points referred to in Article 62(2).</u>	
Article 64(6)				
830	6. On completion of its actions,		6. On completion of its actions, the	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>the Commission shall draw up a report. If the Commission concludes that the carriage of the substance or object concerned or the shipment of waste concerned constitutes an illegal shipment, it shall inform the competent authorities of the country or countries concerned accordingly and recommend that such an illegal shipment is dealt with in accordance with Articles 24 and 25. Such authorities may apply penalties in accordance with Article 60. The Commission may also recommend certain follow-up to the relevant authorities, and, where necessary inform the Union institutions, bodies, offices and agencies concerned.</p>		<p>Commission shall draw up a report. If the Commission concludes that the carriage of the substance or object concerned or the shipment of waste concerned constitutes an illegal shipment, it shall inform the competent authorities of the country or countries concerned accordingly and recommend that such an illegal shipment is dealt with in accordance with Articles 24 and 25. Such authorities may apply penalties in accordance with Article 60. The Commission may also recommend certain follow-up to the relevant authorities <u>of the Member States</u>, and, where necessary inform the Union institutions, bodies, offices and agencies concerned.</p>	
Article 64(7), first subparagraph				
831	<p>7. Reports drawn up on the basis of paragraph 6, together with all evidence in support and annexed thereto, shall constitute admissible evidence:</p>		<p>7<u>6a</u>. Reports drawn up on the basis of paragraph 6, together with all evidence in support and annexed thereto, shall constitute admissible evidence:</p>	
Article 64(7), first subparagraph, point (a)				
832	<p>(a) in judicial proceedings of a</p>		<p>(a) in judicial proceedings of a</p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	non-criminal nature before national courts and in administrative proceedings in the Member States;		non-criminal nature before national courts and in administrative proceedings in the Member States;	
Article 64(7), first subparagraph, point (b)				
833	(b) in criminal proceedings of the Member State in which their use proves necessary in the same way and under the same conditions as administrative reports drawn up by national administrative inspectors and shall be subject to the same evaluation rules as those applicable to administrative reports drawn up by national administrative inspectors and shall have the same evidentiary value as such reports;		(b) in criminal proceedings of the Member State in which their use proves necessary in the same way and under the same conditions as administrative reports drawn up by national administrative inspectors <u>authorities</u> and shall be subject to the same evaluation rules as those applicable to administrative reports drawn up by national administrative inspectors <u>authorities</u> and shall have the same evidentiary value as such reports;	
Article 64(7), first subparagraph, point (c)				
834	(c) in judicial proceedings before the Court of Justice of the European Union.		(c) in judicial proceedings before the Court of Justice of the European Union.	
Article 64(7), second subparagraph				
834a			<u>The power of the Court of Justice of the European Union and national courts and competent</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>authorities to freely assess the evidential value of the reports drawn up by the Commission according to paragraph 6 shall not be affected by this Regulation.</u>	
Article 65				
835	Article 65 Inspections by the Commission		Article 65 Inspections by the Commission	
Article 65(1)				
836	1. The Commission may carry out inspections of shipments pursuant to Article 57(2) of this Regulation.		1. The Commission may, <u>in accordance with Article 64</u> , carry out inspections of shipments pursuant to Article 57(2) <u>57(1) and (2)</u> of this Regulation.	
Article 65(1a)				
836a			<u>1a. The Commission may only carry out an inspection where there is sufficient suspicion for an illegal shipment of waste.</u>	
Article 65(2), first subparagraph				
837	2. The Commission shall prepare and conduct inspections in close		2. The Commission shall prepare and conduct inspections in close	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	cooperation with the relevant authorities of the Member State concerned.		cooperation with the relevant authorities of the Member State concerned. <u>Such cooperation shall include the exchange of information and the exchange of views on the planning of the inspections and the steps that will be taken. The Commission shall take into account any inspections, ongoing prosecuting, legal or administrative proceedings by administrative or judicial authorities of a Member State.</u>	
Article 65(2), second subparagraph				
838	The Commission shall give notice in good time of the object, purpose and legal basis of inspections to the focal points referred to in Article 62(2) in the Member State concerned in whose territory the inspection is to be conducted, so that such authorities may provide the requisite assistance. To that end, officials of the Member State concerned may participate in the inspections.		The Commission shall give notice in good time <u>15 days in advance</u> of the object, purpose and legal basis of inspections to the focal points referred to in Article 62(2) in the Member State concerned in whose territory the inspection is to be conducted, so that such <u>relevant</u> authorities may provide the requisite assistance. To that end, officials of the <u>relevant authorities of the</u> Member State concerned <u>shall be given opportunity to</u> may participate in the inspections. <u>In urgent cases, if it is not possible to respect the 15 days' notice, the Commission shall</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>give notice at the first useful moment.</u>	
Article 65(2), third subparagraph				
839	In addition, upon request of the Member State concerned, the inspections may be carried out jointly by the Commission and the relevant authorities of that Member State.		In addition, upon request of the Member State concerned, the inspections may <u>shall</u> be carried out jointly by the Commission and the relevant authorities of that Member State.	
Article 65(3)				
840	3. The staff and other accompanying persons authorised by the Commission to conduct an inspection shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection.		3. The staff and other accompanying persons authorised by the Commission to conduct an inspection shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection.	
Article 65(4)				
841	4. The staff of the Commission that conduct an inspection shall be empowered to:		4. The staff of the Commission that conduct an inspection shall be empowered to:	
Article 65(4), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
842	(a) have access to any premises, land and means of transport of the person who arranges the shipment, the holder, the carrier, the consignee or the facility that receives the waste;		(a) have access to any premises, land and means of transport of the <u>notifier, the</u> person who arranges the shipment, the <u>waste producer, the waste</u> holder, the carrier, the consignee or the facility that receives the waste;	
Article 65(4), point (b)				
843	(b) examine any relevant documents related to the subject-matter and purpose of the inspections, irrespective of the medium on which they are stored, and to take or obtain in any form copies of or extracts from such documents;		(b) examine any relevant documents related to the subject-matter and purpose of the inspections, irrespective of the medium on which they are stored, and to take or obtain in any form copies of or extracts from such documents;	
Article 65(4), point (c)				
844	(c) ask the notifier, the person who arranges the shipment, the holder, the carrier, the consignee or the facility that receives the waste for explanations on facts or documents relating to the subject-matter and purpose of the inspections and to record the answers;		(c) ask the notifier, the person who arranges the shipment, the <u>waste producer, the waste</u> holder, the carrier, the consignee or the facility that receives the waste for explanations on facts or documents relating to the subject-matter and purpose of the inspections and to record the answers;	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 65(4), point (d)				
845	(d) take and record statements from the notifier, the person who arranges the shipment, the holder, the carrier, the consignee or the facility that receives the waste related to the subject-matter and purpose of the inspections;		(d) take and record statements from the notifier, the person who arranges the shipment, the <u>waste producer, the waste</u> holder, the carrier, the consignee or the facility that receives the waste related to the subject-matter and purpose of the inspections;	
Article 65(4), point (e)				
846	(e) physically check the waste and take samples of the waste for laboratory tests, where appropriate.		(e) physically check the waste and take samples of the waste for laboratory tests, where appropriate.	
Article 65(5)				
847	5. The notifier, the person who arranges the shipment, the waste holder, the waste carrier, the consignee and the facility that receives the waste shall cooperate with the Commission in the course of its inspections.		5. The notifier, the person who arranges the shipment, the waste <u>producer, the waste</u> holder, the waste carrier, the consignee and the facility that receives the waste shall cooperate with the Commission in the course of its inspections.	
Article 65(6)				
848	6. The authorities of the Member States involved in inspections on		6. The authorities of the Member States involved in inspections on	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the shipments of waste in whose territory the inspection of the Commission is to be conducted shall, at the request of the Commission, provide the necessary assistance to the staff of the Commission.		the shipments of waste in whose territory the inspection of the Commission is to be conducted shall, at the request of the Commission, provide the necessary assistance to the staff of the Commission.	
Article 65(7)				
849	7. The notifier, the person who arranges the shipment, the waste holder, the waste carrier, the consignee and the facility that receives the waste are required to submit to inspections of the Commission.		7. The notifier, the person who arranges the shipment, the waste <u>producer, the waste</u> holder, the waste carrier, the consignee and the facility that receives the waste are required to submit <u>themselves</u> to inspections of the Commission.	
Article 65(8)				
850	8. Where the Commission finds that the notifier, the person who arranges the shipment, the waste holder, the waste carrier, the consignee or the facility that receives the waste opposes an inspection, the Member State concerned shall afford the Commission the necessary assistance, requesting where appropriate the assistance of enforcement authorities, so as to		8. Where the Commission finds that the notifier, the person who arranges the shipment, the waste <u>producer, the waste</u> holder, the waste carrier, the consignee or the facility that receives the waste opposes an inspection, the <u>relevant authorities of the</u> Member State concerned shall, afford the Commission the necessary assistance, requesting where appropriate the assistance of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	enable the Commission to conduct its inspection. If such an assistance requires authorisation from a judicial authority according to national rules, such authorisation shall be applied for.		enforcement authorities, so as to enable the Commission to conduct its inspection. If such an assistance requires authorisation from a judicial authority according to national rules, such authorisation shall be applied for.	
Article 66				
851	Article 66 Requests for information		Article 66 Requests for information	
Article 66(1)				
852	1. The Commission may interview any natural or legal person who consents to be interviewed for the purpose of collecting all necessary information relating to the relevant waste shipments.		1. The Commission may interview any natural or legal person who consents to be interviewed for the purpose of collecting all necessary information relating to the relevant waste shipments.	
Article 66(2), first subparagraph				
853	2. Where such an interview is conducted in the premises of an establishment, undertaking, broker or dealer, the Commission shall inform the focal points referred to in Article 62(2) in the Member State concerned in whose territory		2. Where such an interview is conducted in the premises of an establishment, undertaking, broker or dealer, the Commission shall inform the focal points referred to in Article 62(2) in the Member State concerned in whose territory	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	the interview takes place. If so requested by the authority of that Member State, its officials may assist the staff of the Commission to conduct the interview.		the interview takes place. If so requested by the authority of that Member State, its officials may assist the staff of the Commission to conduct the interview.	
Article 66(2), second subparagraph				
853a			<u><i>The invitation to an interview shall be sent to the person in question with at least 10 working days' notice. That notice period may be shortened with the express consent of the person concerned or on duly reasoned grounds of urgency of the inspection.</i></u>	
Article 66(2), third subparagraph				
853b			<u><i>In the latter case, the notice period shall not be less than 24 hours. The invitation shall include a list of the rights of the person concerned, in particular the right to be assisted by a person of his/her choice.</i></u>	
Article 66(3)				
854	3. The Commission may request legal or natural persons responsible		3. The Commission may request legal or natural persons responsible	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	for an establishment or an undertaking, or any broker and dealer to provide all necessary information relating to the relevant waste shipments. The Commission shall state the legal basis and the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided.		for an establishment or an undertaking, or any broker and dealer to provide all necessary information relating to the relevant waste shipments. The Commission shall state the legal basis and the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided.	
Article 66(4)				
855	4. The Commission shall without delay forward a copy of the request to the relevant authorities of the Member State in whose territory the seat of the establishment, undertaking, broker or dealer is situated and to the authorities of the Member State whose territory is affected.		4. The Commission shall without delay forward a copy of <u>make available</u> the request to the relevant authorities of the Member State in whose territory the seat of the establishment, undertaking, broker or dealer is situated and to the authorities of the Member State whose territory is affected.	
Article 66(5)				
856	5. Where the establishment, undertaking, broker or dealer does not provide the requested information, or the Commission considers the information it received to be insufficient to reach a conclusion, Article 58(5) shall		5. Where the establishment, undertaking, broker or dealer does not provide the requested information, or the Commission considers the information it received to be insufficient to reach a conclusion, Article 58(5) <u>the</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	apply, mutatis mutandis.		<u>second sentence of Article 58(6)</u> shall apply, <u>mutatis mutandis</u> mutatis mutandis .	
Article 67				
857	Article 67 Procedural guarantees		Article 67 Procedural guarantees	
Article 67(1), first subparagraph				
858	1. The Commission shall carry out inspections and request information in full respect of the procedural guarantees of the person who arranges the shipment, the waste holder, the waste carrier, the consignee or the facility that receives the waste, including:		1. The Commission shall carry out inspections and request information in full respect of <u>in compliance with</u> the procedural guarantees of the notifier, the <u>producer, the waste</u> holder, the waste carrier, the consignee or the facility that receives the waste, including: <u>set out in this Article.</u>	
Article 67(1a), first subparagraph				
858a			<u>1a. The notifier, the person who arranges the shipment, the waste producer, the waste holder, the waste carrier, the consignee or the facility that receives the waste shall have:</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 67(1a), first subparagraph, point (a)				
859	(a) the right not to make self-incriminating statements;		(a) the right not to make self-incriminating statements;	
Article 67(1a), first subparagraph, point (b)				
860	(b) the right to be assisted by a person of choice;		(b) the right to be assisted by a person of choice;	
Article 67(1a), first subparagraph, point (c)				
861	(c) the right to use any of the official languages of the Member State where the inspection takes place;		(c) the right to use any of the official languages of the Member State where the inspection takes place;	
Article 67(1a), first subparagraph, point (d)				
862	(d) the right to comment on facts concerning them;		(d) the right to comment on facts concerning them, <u>once the inspection has been completed and before the adoption of a report pursuant to Article 64(6). The invitation to comment shall include a summary of the facts concerning the person in question and shall indicate an adequate time limit for submitting comments. In duly justified cases where necessary to preserve the</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>confidentiality of the inspection or of an on-going or future administrative or criminal investigation by a national authority, the Commission may decide to defer the invitation to comment;</u>	
Article 67(1a), first subparagraph, point (e)				
863	(e) the right to receive a copy of the record of interview and either approve it or add observations.		(e) the right to receive a copy of the record of interview and either approve it or add observations.	
Article 67(1a), first subparagraph, point (f)				
863a			<u>(f) where the Commission has made judicial recommendations pursuant to Article 64(6), and without prejudice to the confidentiality rights of whistle-blowers and informants, and in accordance with the applicable confidentiality and data protection rules, the person in question may request the Commission to provide the report drawn up under Article 64(6) to the extent that it relates to that person. The Commission shall grant access only with the explicit consent of all recipients of the report.</u>	


	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 67(1a), second subparagraph				
864	The Commission shall seek evidence for and against the person who arranges the shipment, the waste holder, the waste carrier, the consignee or the facility that receives the waste, and carry out inspections and request information objectively and impartially and in accordance with the principle of the presumption of innocence.		The Commission shall seek evidence for and against the <u>notifier, the</u> person who arranges the shipment, the waste <u>producer, the waste</u> holder, the waste carrier, the consignee or the facility that receives the waste, and carry out inspections and request information objectively and impartially and in accordance with the principle of the presumption of innocence.	
Article 67(2)				
865	2. The Commission shall carry out inspections and request information in full respect of applicable confidentiality and Union data protection rules.		2. The Commission shall carry out <u>ensure the confidentiality of the inspections, of the interview and of the</u> and request <u>carried out pursuant to this section.</u> Information <u>transmitted or obtained in the course of the inspections, interview and requests pursuant to this section shall be subject to</u> in full respect of applicable confidentiality and Union data protection rules.	
Article 68				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
866	Article 68 Mutual assistance		Article 68 Mutual assistance	
Article 68(1)				
867	1. In order to ensure compliance with the relevant requirements set out in this Regulation, Member States and the Commission shall provide each other assistance in accordance with this Article.		<i>deleted</i>	
Article 68(2)				
868	2. Within the scope of Article 2(1) and without prejudice to Articles 61 and 62 of this Regulation, provisions of Article 2 paragraph 1, indents 3 to 5, 7 and 8, Articles 3, 4(1) until 'legislation' and (2), 5 to 14, 15(1) and 16 to 18 of Regulation (EC) No 515/97 shall apply mutatis mutandis to the cooperation between the competent national and Union authorities implementing this Regulation; references to 'customs and agricultural legislation' shall be understood to refer to this Regulation.		2. <i>Within the scope of Article 2(1) For the purposes of applying this Regulation</i> and without prejudice to Articles 61 and 62 of this Regulation, provisions of Article 2 paragraph 1, indents 3 to 5, 7 and 8 <i>Regulation (EC) No 515/97, except for Article 2a, Articles 3, 4(1) until 'legislation' and (2), 5 to 14, 15(1) and 16 to 18 of Regulation (EC) No 515/97</i> <u>18a to 18e, Titles IV to VII, and the Annex</u> , shall apply <i>mutatis mutandis</i> to the cooperation between the competent national and Union <i>relevant</i> authorities <i>implementing this</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<i>Regulation; references to 'customs and agricultural legislation' shall be understood to refer to this Regulation of the Member States and the Commission implementing the provisions in this section.</i>	
Title VIII				
869	Title VIII Final provisions		Title VIII Final provisions	
Article 68a				
869a			<u>Article 68a</u> <u>Format of communications</u>	
Article 68a, first paragraph				
869b			<u>Where the provisions in Article 26 do not apply or where actors outside the Union are not connected to the central system referred to in Article 26(2), the relevant actors may submit and exchange information and documents referred to in this Regulation by post, fax, email with digital signature, e-mail without</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>digital signature followed by post or, where agreed between the actors concerned, by email without digital signature. In case of email with digital signature, any stamp or signature required shall be replaced by the digital signature.</u>	
Article 69				
870	Article 69 Reporting		Article 69 Reporting	
Article 69(1)				
871	1. Before the end of each calendar year, each Member State shall send the Commission a copy of the report which, in accordance with Article 13(3) of the Basel Convention, it has drawn up and submitted to the Secretariat of that Convention for the previous calendar year.		1. Before the end of each calendar year, each Member State shall <u>submit to</u> send the Commission a copy of the report which, in accordance with Article 13(3) of the Basel Convention, it has drawn up and submitted to the Secretariat of that Convention for the previous calendar year.	
Article 69(2)				
872	2. Before the end of each calendar year, Member States shall also draw up a report for the previous		2. Before the end of each calendar year, Member States shall also draw up a report for the previous	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	<p>year, based on the additional reporting questionnaire in Annex XI, and send it to the Commission. Within a month of transmission of that report to the Commission, Member States shall make the section of that report relating to Articles 57(1) and 60(1), including Table 5 of Annex XI, publicly available, electronically via the internet, together with any explanation that the Member States consider to be appropriate. The Commission shall compile a list of the Member States' hyperlinks referred to in the section relating to Article 57(1) in Annex XI and make it publicly available on its website.</p>		<p><u>calendar</u> year, based on the additional reporting questionnaire in Annex XI, and send <u>submit</u> it to the Commission. Within a month of transmission <u>submission</u> of that report to the Commission, Member States shall make the section of that report relating to Articles <u>24</u>, 57(1) and 60(1), including Table 5 of Annex XI, publicly available, electronically via the internet, together with any explanation that the Member States consider to be appropriate, <u>and inform the Commission on the related hyperlinks</u>. The Commission shall compile a list of the Member States' hyperlinks referred to in the section relating to Article 57(1) in Annex XI and make it publicly available on its website.</p>	
Article 69(3)				
873	<p>3. The reports drawn up by Member States in accordance with paragraphs 1 and 2 shall be submitted to the Commission in an electronic version.</p>		<p>3. The reports drawn up by Member States in accordance with paragraphs 1 and 2 shall be submitted to the Commission in an electronic version.</p>	
Article 69(3a)				
873a				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<p><u>3a. The Commission shall assess and present a report to the Council and the European Parliament on how the financial obligations under-extended producer responsibility should apply to used goods or waste shipped from the Union.</u></p>		
Article 69(3b)				
873b		<p><u>3b. Using data from the central system, as well as data from reports by relevant EU agencies, this report shall present an analysis of shipments and treatment of specific waste streams, identified as illegal practices in this regard, of implementation of this Regulation, including compliance by competent authorities with deadlines set out in this Regulation, and of the contribution by the sector towards the transition to a circular economy and climate neutrality by 2050 in accordance with Regulation (EU) 2021/1119 of the European Parliament and of the Council (the ‘European Climate Law’).</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 69(3c)				
873c		<u><i>3c. The waste shipment enforcement group, the correspondents and the sector-specific climate dialogues and partnerships within the waste sector shall be invited to review and give comments on the report ahead of its publication.</i></u>		
Article 69(3d)				
873d		<u><i>3d. In accordance with Regulation (EU) 2021/1119 of the European Parliament and of the Council, the Commission shall facilitate sector-specific climate dialogues and partnerships within the waste sector of the economy.</i></u>		
Article 69(4), first subparagraph				
874	4. The Commission shall review the data reported in accordance with this Article and publish a report with the results of its review.		4. The Commission shall review the data reported in accordance with this Article and publish a report with the results of its review.	
Article 69(4), second subparagraph				
875	The European Environment		The European Environment	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Agency shall support the Commission in the task of monitoring the implementation of the Regulation by, when appropriate, drawing up reports providing an analysis of the shipments of specific waste streams, and of their environmental impacts.		Agency shall support the Commission in the task of monitoring the implementation of the Regulation by, when appropriate, drawing up reports providing an analysis of the shipments of specific waste streams, and of their environmental impacts.	
Article 69(4), third subparagraph				
876	The report mentioned in the first subparagraph shall be drawn up for the first time by [OP: Please insert date of the end of the fifth year after the date of entry into force of this Regulation] and every four years thereafter.	The report mentioned in the first subparagraph shall be drawn up for the first time by [OP: Please insert date of the end of the fifth <u>third</u> year after the date of entry into force of this Regulation] and every four <u>three</u> years thereafter.	The report mentioned in the first subparagraph shall be drawn up for the first time by <u>[OP: Please insert date of the end of the fifth year after the date of entry into force of this Regulation]</u> [OP: Please insert date of the end of the fifth year after the date of entry into force of this Regulation] and every four years thereafter.	
Article 70				
877	Article 70 International cooperation		Article 70 International cooperation	
Article 70, first paragraph				
878				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Member States, where 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.		Member States, where 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 71				
879	Article 71 Designation of competent authorities		Article 71 Designation of competent authorities	
Article 71, first paragraph				
880	Member States shall designate the competent authority or authorities responsible for the implementation of this Regulation. Each Member State shall designate only one single competent authority of transit.		Member States shall designate the competent authority or authorities responsible for the implementation of this Regulation. Each Member State shall designate only one single competent authority of transit.	
Article 72				
881				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 72 Designation of correspondents		Article 72 Designation of correspondents	
Article 72, first subparagraph				
882	Member States and the Commission shall each designate one or more correspondents responsible for informing or advising persons or undertakings making enquiries relating to the implementation of this Regulation. The Commission correspondent shall forward to the correspondents of the Member States any questions put to him or her which concern the Member States, and vice versa.		Member States and the Commission shall each designate one or more correspondents responsible for informing or advising persons or undertakings making enquiries relating to the implementation of this Regulation. The Commission correspondent shall forward to the correspondents of the Member States any questions put to him or her which concern the Member States, and vice versa.	
Article 72, second subparagraph				
882a		<u><i>The Commission shall, if requested by Member States or if otherwise appropriate, periodically hold a meeting of the correspondents. During those meetings, correspondents shall examine the questions raised by the implementation of this Regulation, and may also discuss other relevant topics related to the implementation of this</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
		<p><u>Regulation. Particular attention may be given to discussions on the monitoring the state of the Union market for shipments of waste, to enabling the exchange of best practices, information and facilitating cooperation between competent authorities, with the aim of removing barriers to the harmonisation of practices of shipments of waste between Member States and the implementation of environmentally sound techniques for waste management.</u></p> <p><u>Relevant stakeholders shall be invited to the meetings of the correspondents, or parts of those meetings, where appropriate.</u></p>		
Article 72, third subparagraph				
882b		<p><u>Relevant stakeholders shall be invited to the meetings of the correspondents, or parts of those meetings, where appropriate.</u></p>		
Article 73				
883	Article 73 Designation of customs offices of		Article 73 Designation of customs offices of	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	entry and exit		entry and exit	
Article 73, first paragraph				
884	Member States may designate specific customs offices of entry and exit for shipments of waste entering and leaving the Union. Where Member States decide to designate such customs offices, no shipment of waste shall be allowed to use any other border crossing points within a Member State for the purposes of entering or leaving the Union.		Member States may designate specific customs offices of entry and exit for shipments of waste entering and leaving the Union. Where Member States decide to designate such customs offices, no shipment of waste shall be allowed to use any other border crossing points within a Member State for the purposes of entering or leaving the Union.	
Article 74				
885	Article 74 Notification of, and information regarding, designations		Article 74 Notification of, and information regarding, designations	
Article 74(1)				
886	1. Member States shall notify the Commission of designations of:		1. Member States shall notify the Commission of designations of:	
Article 74(1), point (a)				
887	(a) competent authorities, pursuant		(a) competent authorities, pursuant	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	to Article 71;		to Article 71;	
Article 74(1), point (b)				
888	(b) correspondents, pursuant to Article 72;		(b) correspondents, pursuant to Article 72;	
Article 74(1), point (c)				
889	(c) where relevant, customs offices of entry and exit, pursuant to Article 73.		(c) where relevant, customs offices of entry and exit, pursuant to Article 73.	
Article 74(2)				
890	2. In relation to the designations referred to in paragraph 1, Member States shall provide the Commission with the following information:		2. In relation to the designations referred to in paragraph 1, Member States shall provide the Commission with the following information:	
Article 74(2), point (a)				
891	(a) name(s);		(a) name(s);	
Article 74(2), point (b)				
892	(b) postal address(es);		(b) postal address(es);	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 74(2), point (c)				
893	(c) e-mail address(es);		(c) e-mail address(es);	
Article 74(2), point (d)				
894	(d) telephone number(s);		(d) telephone number(s);	
Article 74(2), point (e)				
895	(e) languages acceptable to the competent authorities.		(e) languages acceptable to the competent authorities.	
Article 74(3)				
896	3. Member States shall immediately notify the Commission of any changes in the information referred to in paragraph 2.		3. Member States shall immediately notify the Commission of any changes in the information referred to in paragraph <u>paragraphs 1 and 2</u> .	
Article 74(4)				
897	4. The information referred to in paragraph 2, as well as any changes in that information shall be submitted to the Commission in electronically.		4. The information referred to in paragraph <u>paragraphs 1 and 2</u> , as well as any changes in that information shall be submitted to the Commission in electronically.	
Article 74(5)				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
898	5. The Commission shall publish on its web-site lists of the designated competent authorities, correspondents and, where relevant, customs offices of entry and exit, and shall update those lists as appropriate.		5. The Commission shall publish on its web-site lists of the designated competent authorities, correspondents and, where relevant, customs offices of entry and exit, and shall update those lists as appropriate.	
Article 75				
899	Article 75 Amendment of Annexes I to X		Article 75 <i>Amendment of Annexes I to XI</i> Amendment of Annexes I to X	
Article 75(1)				
900	1. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annexes IA, IB, IC, II, III, IIIA, IIIB, IV, V, VI and VII in order to take account of changes agreed under the Basel Convention and the OECD Decision, or in case of Annex IC, in order to adapt it to the implementation of Article 26 after [OP: Please insert the date two years after the date of entry into force of the Regulation].		1. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annexes IA, IB, IC , II, III, IIIA, IIIB, IV, V, VI, <i>VII and XI and VII</i> in order to take account of changes agreed under the Basel Convention and the OECD Decision, or in case of Annex IC, in order to adapt it to the implementation of Article 26 after <i>[OP: Please insert the date two years after the date of entry into force of the Regulation]</i> .	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 75(1a)				
900a		<u><i>1a. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex III, in particular Part I, paragraph 2, point (fa) in order to modify contamination thresholds.</i></u>		
Article 75(2)				
901	2. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex IIIA, in order to, following the submission of a request by a Member State or on its own initiative, include in that Annex mixtures of two or more wastes listed in Annex III, where those wastes are not mixed to an extent which prevents their recycling in an environmentally sound manner, and, where necessary, provide that one or more of the entries in Annex IIIA shall not apply for exports to countries to which the OECD Decision does not apply.		2. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex IIIA, in order to, following the submission of a request by a Member State or on its own initiative, include in that Annex mixtures of two or more wastes listed in Annex III, <u><i>provided that the composition of those mixtures does not impair their environmentally sound recovery, and, where it is demonstrated that the mixture of waste in question will be managed</i></u> <i>where those wastes are not mixed to an extent which prevents their recycling</i> in an environmentally sound manner, <i>and, where necessary</i> <u><i>within the Union or in</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>countries to which the OECD Decision applies</i></u> , provide that one or more of the entries in Annex IIIA <u><i>shall only apply for shipments between Member States, or</i></u> shall not apply for exports to countries to which the OECD Decision does not apply.	
Article 75(3)				
902	3. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex IIIB, in order to, following the submission of a request by a Member State or on its own initiative, include in that Annex wastes not listed in Annex III, Annex IV or Annex V, and provide that one or more of the entries in Annex IIIB shall not apply for exports to countries to which the OECD Decision does not apply.		3. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex IIIB, in order to, following the submission of a request by a Member State or on its own initiative, include in that Annex <u><i>non-hazardous</i></u> wastes not listed in Annex III, Annex IV or Annex V, and, <u><i>where it is demonstrated that the waste in question will be managed in an environmentally sound manner within the Union or in countries to which the OECD Decision applies</i></u> , provide that one or more of the entries in Annex IIIB <u><i>shall only apply for shipments between Member States or</i></u> shall not apply for exports to countries to which the OECD Decision does not apply.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 75(3a)				
902a		<p><u>3a. By ... [insert the date 12 months after the date of publication of this regulation], the Commission shall assess adding entries on mixtures of waste such as used footwear, clothing and other textile products, including the mixtures of these, mineral wool, as well as mattresses to Annex IIIB. Where appropriate, that assessment shall be accompanied by a delegated act in accordance with Article 76 to amend Annex IIIB.</u></p>		
Article 75(4)				
903	<p>4. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend the form and content of the information referred to in that Annex.</p>		<p>4. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend <u>Annex VIII as regards</u> the form and content of the information referred to in that Annex, <u>based on experiences gained during implementation and to update the form and information in that Annex regarding Union legislation and international guidance as regards</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u><i>environmentally sound management on the basis of developments in the relevant international fora or at Union level and to take account of scientific and technical progress.</i></u>	
Article 75(5)				
904	5. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex IX, in order to update the lists of Union legislation and international guidance as regards environmentally sound management.		5. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex IX, in order to update the lists of Union legislation and international guidance as regards environmentally sound management <u><i>on the basis of developments in the relevant international fora or at Union level.</i></u>	
Article 75(6)				
905	6. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex X as regards the criteria contained in that Annex.		6. The Commission is empowered to adopt delegated acts in accordance with Article 76 to amend Annex X as regards the criteria contained in that Annex, <u><i>based on experiences gained during implementation and to update the information in that Annex regarding Union</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>legislation and international guidance on the basis of developments in the relevant international fora or at Union level as regards environmentally sound management and to take account of scientific and technical progress.</u>	
Article 76				
906	Article 76 Exercise of the delegation		Article 76 Exercise of the delegation	
Article 76(1)				
907	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 76(2)				
908	2. The delegation of power referred to in Articles 14(3), 28(4), 38(1), 42(4) and 75 shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. The Commission shall		2. The delegation of power referred to in Articles 14(3), <u>15(5a), 26(1a), 28(4), 36(5), 43(2a),</u> 28(4), 38(1), 42(4) and 75 shall be conferred on the Commission for a period of five years from the date of entry into	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 76(3)				
909	3. The delegation of power referred to in Articles 14(3), 38(1), 42(4) and 75 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		3. The delegation of power referred to in Articles 14(3), 38(1), 42(4) <u>15(5a), 26(1a), 28(4), 36(5), 43(2a)</u> , and 75 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
Article 76(4)				
910	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 76(5)				
911	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 76(6)				
912	6. A delegated act adopted pursuant to Articles 14(3), 28(4), 38(1), 42(4) and 75 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have		6. A delegated act adopted pursuant to Articles 14(3), <u>15(5a), 26(1a), 28(4), 36(5), 43(2a), , 28(4), 38(1), 42(4)</u> and 75 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
Article 77				
913	Article 77 Committee procedure		Article 77 Committee procedure	
Article 77(1)				
914	1. The Commission shall be assisted by the committee established by Article 39 of Directive 2008/98/EC. That committee is a committee within the meaning of Regulation (EU) No 182/2011.		1. The Commission shall be assisted by the committee established by Article 39 of Directive 2008/98/EC. That committee is <u>shall be</u> a committee within the meaning of Regulation (EU) No 182/2011.	
Article 77(2), first subparagraph				
915	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 77(2), second subparagraph				
916				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.		Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	
Article 78				
917	Article 78 Amendment to Regulation (EU) No 1257/2013		Article 78 <u>Amendments to Regulation (EU) No 1257/2013</u> Amendment to Regulation (EU) No 1257/2013	
Article 78, first paragraph				
917a			<u>Regulation (EU) No 1257/2013 is amended as follows:</u>	
Article 78 (1), first paragraph				
917b			<u>(1) In Article 3(2), the chapeau is replaced by the following:</u>	
Article 78 (1) amending provision, first paragraph				
917c			" <u>For the purposes of Article 6(2)(a), Article 7(2)(d) and</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>Articles 13, 15 and 16.”;</u>	”
Article 78, first paragraph				
918	In Article 6(2) of Regulation (EU) No 1257/2013, point (a) is replaced by the following:		<u>(2)</u> In Article 6(2) of Regulation (EU) No 1257/2013 , point (a) is replaced by the following:	
Article 78, first paragraph, amending provision, first paragraph				
919	“ (a) are only recycled at ship recycling facilities that are included in the European List and, in the case of ships which become waste in the Union, only at those facilities included in the European List which are located in countries listed in Annex VII to the Basel Convention. ”		“ (a) are only recycled at ship recycling facilities that are included in the European List and, in the case of ships which become <u>are considered as hazardous</u> waste, <u>are located in an area under the national jurisdiction of a Member State and are exported from</u> in the Union, only at those facilities included in the European List which are located in countries listed in Annex VII to the Basel Convention. ”	
Article 79				
920	Article 79		Article 79	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Amendment to Regulation (EU) No 2020/1056		Amendment to Regulation (EU) No 2020/1056	
Article 79, first paragraph				
921	In Article 2(1)(a) of Regulation (EU) No 2020/1056, point (iv) is replaced by the following:		<i>In Article 2(1)(a) of Regulation (EU) No 2020/1056, point (iv) is replaced by the following <u>is amended as follows</u>:</i>	
Article 79 (1)				
921a			<u>(1) in Article 2(1)(a), point (iv) is replaced by the following:</u>	
Article 79, first paragraph, amending provision, first paragraph				
922	“ (iv) Article 16(1) and Article 18(3) of Regulation (EU) No [OP please insert the number of this act]; this Regulation is without prejudice to controls by customs offices provided for in relevant provisions of Union legal acts; ”		“ (iv) Article <u>9(2)</u> , 16(1) and Article 18(3) <u>18(1b)</u> of Regulation (EU) No [OP please insert the number of this act] [OP please insert the number of this act] ; this Regulation is without prejudice to controls by customs offices provided for in relevant provisions of Union legal acts;	
Article 79 (2), first paragraph				
922a				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>(2) in Article 5, the following paragraph is inserted:</u>	
Article 79 (2), first paragraph amending provision				
922b			<u>"1a. By way of derogation to paragraph 1, competent authorities shall accept regulatory information, including additional information, pursuant to Regulation (EU) No [OP please insert the number of this act] as from 24 months after the date of entry into force of that Regulation [n° new WSR]." (to be aligned with final compromise on date of application of obligation for authorities in Art 82 new WSR);</u>	
Article 79 (3)				
922c			<u>(3) in Article 7, the following paragraph is inserted:</u>	
Article 79 (3), first paragraph a, amending provision				
922d			<u>"3a. By way of derogation to paragraph 3, elements referred to in paragraph 1 that are related to information requirements set out in the provisions referred to in</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>point (iv) of Article 2(1)(a) shall be adopted no later than the date referred to in Article 26 (4) of Regulation [n° new WSR].</u>	
Article 79 (4), first paragraph				
922e			<u>(4) in Article 8, the following paragraph is inserted:</u>	
Article 79(4), amending provision				
922f			<u>" 3a. By way of derogation to paragraph 3, elements referred to in paragraph 1 that are specifically related to the accessing and processing by the authorities of regulatory information in relation to requirements set out in the provisions referred to in point (iv) of Article 2(1)(a), including the communication with the economic operators in relation to that information, shall be adopted no later than the date referred to in Article 26 (4) of Regulation [n° new WSR].</u>	
Article 79 (5), first paragraph				
922g				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>(5) in Article 9, the following paragraph is inserted:</u>	
Article 79, first paragraph, amending provision				
922h			<u>" 2a. By way of derogation to paragraph 2, elements referred to in paragraph 1 that are specifically related to the processing of regulatory information in relation to requirements set out in the provisions referred to in point (iv) of Article 2(1)(a) shall be adopted no later than the date referred to in Article 26 (4) of Regulation [n° new WSR]."</u>	
Article 80				
923	Article 80 Review		Article 80 Review	
Article 80, first paragraph				
924	By 31 December 2035, the Commission shall, taking into account, inter alia, the reports drawn up in accordance with Article 69, and the review referred	By 31 December 2035 <u>2030</u> , the Commission shall, taking into account, inter alia, the reports drawn up in accordance with Article 69, and the review referred	By 31 December 2035, the Commission shall, taking into account, inter alia, the reports drawn up in accordance with Article 69, and the review referred	By 31 December 2035, the Commission shall, taking into account, inter alia, the reports drawn up in accordance with Article 69, and the review referred to in Article 59(5), carry out a

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	to in Article 59(5), carry out a review of this Regulation and submit a report on the results thereof to the European Parliament and to the Council, accompanied, if the Commission deems it appropriate, by a legislative proposal.	to in Article 59(5), carry out a review of this Regulation and submit a report on the results thereof to the European Parliament and to the Council, accompanied, if the Commission deems it appropriate, by a legislative proposal.	to in Article 59(5), carry out a review of this Regulation and submit a report on the results thereof to the European Parliament and to the Council, accompanied, if the Commission deems it appropriate, by a legislative proposal.	review of this Regulation and submit a report on the results thereof to the European Parliament and to the Council, accompanied, if the Commission deems it appropriate, by a legislative proposal. <u><i>The Commission shall, during its review and as a part of its report, assess in particular the efficiency of the procedure of prior written notification and consent laid down in Chapter 1 of Title II, and notably the related timelines.</i></u>
Article 80, first paragraph a				
924a		<u><i>By 31 December [2038], the Commission shall review the data and justifications underpinning the decision to restrict the export of plastic waste outside of the Union and EFTA countries, with a view to assessing the proportionality of that measure.</i></u>		
Article 80, second paragraph				
924b			<u><i>The Commission shall, during its review and as a part of its report, assess whether the principle of equality in Union law has been</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>respected and evaluate in this context possible impacts to any Member State's competitiveness, taking rectifying measures where deemed necessary.</u>	
Article 81				
925	Article 81 Repeal and transitional provisions		Article 81 Repeal and transitional provisions	
Article 81(1), first subparagraph				
926	1. Regulation (EC) No 1013/2006 is repealed with effect from [OP: Please insert the date two months after the date of entry into force of this Regulation].		1. Regulation (EC) No 1013/2006 is repealed with effect from [<u>OP: Please insert the date of entry into force of this Regulation</u>] OP: Please insert the date two months after the date of entry into force of this Regulation].	
Article 81(1), second subparagraph				
927	However, the provisions set out in Articles 4, 7, 8 and 9, Article 14(4) and (5), and Articles 15, 16, 18, 26, 35, 38, 41, 42, 43, 44, 45, 47 and 48, 50, 51, 54 and 55 of Regulation (EC) No 1013/2006 shall continue to apply until [OP: Please insert the date two years		<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	after the date of entry into force of this Regulation] and Article 37 of that Regulation shall continue to apply until [OP: Please insert the date three years after the date of entry into force of this Regulation].			
<i>Article 81(1), third subparagraph</i>				
928	References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XII.		<i>deleted</i>	
<i>Article 81(1a),</i>				
928a			<u><i>1a. However, the provisions of Regulation (EC) No 1013/2006 shall continue to apply until [OP: Please insert the date 24 months after the date of entry into force of this Regulation] except for:</i></u>	
<i>Article 81(1a), point a</i>				
928b			<u><i>a. Article 37 that shall continue to apply until [OP: Please insert the date 36 months after the date of</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>entry into force of this Regulation];</u>	
Article 81(1a), point b				
928c			<u>b. Article 51 that shall continue to apply until 31 December [OP Please insert the calendar year 15 months after the date of entry into force of this Regulation].</u>	
Article 81(2)				
929	2. Regulation (EC) No 1013/2006 shall also continue to apply to shipments that have been notified in accordance with Article 4 of that Regulation and for which the competent authority of destination has given its acknowledgement in accordance with Article 8 of that Regulation before [OP: Please insert the date two months after the date of entry into force of this Regulation]. For those shipments, the provisions of this Regulation shall not apply.		2. Regulation (EC) No 1013/2006 shall also continue to apply to shipments that have been notified <u>for which a notification has been submitted</u> in accordance with Article 4 of that Regulation and for which the competent authority of destination has given its acknowledgement in accordance with Article 8 of that Regulation before [<u>OP: Please insert the date 24 months after the date of entry into force of this Regulation</u> OP: Please insert the date two months after the date of entry into force of this Regulation]. For those	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			shipments, the provisions of this Regulation shall not apply.	
Article 81(2a)				
929a			<u>2a. Commission Regulation (EC) No 1418/2007 is repealed with effect from [OP: Please insert the date 36 months after the date of entry into force of this Regulation].</u>	
Article 81(3)				
930	3. Shipments for which the competent authorities concerned have given their consent in accordance with Article 9 of Regulation (EC) No 1013/2006 shall be completed not later than one year from [OP: Please insert the date one year after the date of entry into force of this Regulation].		3. Shipments <u>The recovery or disposal of waste in a shipment</u> for which the competent authorities concerned have given their consent in accordance with Article 9 of Regulation (EC) No 1013/2006 shall be completed not later than one year from [<u>OP: Please insert the date 36 months after the date of entry into force of this Regulation</u> OP: Please insert the date one year after the date of entry into force of this Regulation].	
Article 81(3a)				
930a			<u>3a. Shipment for which the</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
			<u>competent authorities concerned have given their consent in accordance with Article 14(2) of Regulation (EC) No 1013/2006 shall be completed not later than three years from [OP: Please insert the date 24 months after the date of entry into force of this Regulation].</u>	
Article 81(3b)				
930b			<u>3b. A pre-consent of a facility in accordance with Article 14 of Regulation (EC) No 1013/2006 shall cease to be valid not later than five years from [OP: Please insert the date of entry into force of this Regulation].</u>	
Article 81(3c)				
930c			<u>3c. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XII.</u>	
Article 82				
931				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	Article 82 Entry into force and application		Article 82 Entry into force and application	
Article 82, first paragraph				
932	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		<u>1.</u> This Regulation shall enter into force on the twentieth day following that of its publication in the <u>Official Journal of the European Union</u> Official Journal of the European Union .	
Article 82, second paragraph				
933	It shall apply from two months after the entry into force of the Regulation.		<u>2.</u> It shall apply from two <u>[OP: Please insert the date 24</u> months after the entry into force of the Regulation] .	
Article 82, third paragraph				
934	However, Articles 5, 8 and 9, Article 14(14) and (15), Articles 15, 16, 18, Article 26(1), (2) and (3), and Articles 35, 41, 47, 48, 49, 50, 51, 54 and 55 from [OP: Please insert the date two years after the date of entry into force of the Regulation] and Articles 37, 38, 39, 40, 43 and 44 shall apply from [OP: Please insert the date three		However, Articles 5, 8 and 9, Article 14(14) and (15), Articles 15, 16, 18, Article 26(1), (2) and (3), and Articles 35, 41, 47, 48, 49, 50, 51, 54 and 55 from [OP: Please insert the date two years after the date of entry into force of the Regulation] and Articles 37, 38, 39, 40, 43 and 44 <u>3. However, in relation to the following</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	years after the date of entry into force of the Regulation].		<u>provisions, the following dates of application</u> shall apply from [OP: Please insert the date three years after the date of entry into force of the Regulation] .	
Article 82 (3), point a				
934a			<u>a) Articles 7(10), 15(5a), 18(12), 26(4), 28 (1b) and (4), 30, 38 to 40, 42, 48(6), 58(7), 63 and 75 to 79 from the date of entry into force of this Regulation;</u>	
Article 82 (3), point b				
934b			<u>b) Articles 37, 43 and 44 from [OP: Please insert the date 36 months after the date of entry into force of the Regulation];</u>	
Article 82(3), point c				
934c			<u>c) Article 69 from 1 January [OP Please insert the calendar year following the year specified in Article 81(1a)].</u>	
Article 82, fourth paragraph				
935				

	Commission Proposal	EP Mandate	Council Mandate	Presidency proposal
	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
936	Done at Brussels,		Done at Brussels,	
Formula				
937	For the European Parliament		For the European Parliament	
Formula				
938	The President		The President	
Formula				
939	For the Council		For the Council	
Formula				
940	The President		The President	