



Council of the  
European Union

Brussels, 1 March 2024  
(OR. en)

6983/24

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

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**CODEC 600  
ENV 219  
MI 216  
RELEX 235  
PE 31**

## **INFORMATION NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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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  
- Outcome of the European Parliament's first reading  
(Strasbourg, 26 to 29 February 2024)

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### **I. INTRODUCTION**

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure<sup>1</sup>, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on the Environment, Public Health and Food Safety (ENVI) Pascal CANFIN (RE, FR) presented on behalf of ENVI a compromise amendment (amendment number 159) to the abovementioned proposal for a Regulation, for which Pernille WEISS (EPP, DK) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

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<sup>1</sup> OJ C 145, 30.6.2007, p. 5.

## II. VOTE

When it voted on 27 February 2024, the plenary adopted the compromise amendment (amendment number 159) to the abovementioned proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto<sup>2</sup>.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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<sup>2</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

## P9\_TA(2024)0087

### Shipments of waste

**European Parliament legislative resolution of 27 February 2024 on 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 (COM(2021)0709 – C9-0426/2021 – 2021/0367(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0709),
  - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0426/2021),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 23 February 2022<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 6 December 2023 to approve that position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0290/2022),
1. Adopts its position at first reading hereinafter set out<sup>2</sup>;

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<sup>1</sup> OJ C 275, 18.7.2022, p. 95.

<sup>2</sup> This position replaces the amendments adopted on 17 January 2023 (Texts adopted, P9\_TA(2023)0003).

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**Position of the European Parliament adopted at first reading on 27 February 2024 with a view to the adoption of Regulation (EU) 2024/... of the European Parliament and of the Council on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

*After consulting* the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure<sup>2</sup>,

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<sup>1</sup> OJ C 275, 18.7.2022, p. 95.

<sup>2</sup> *Position of the European Parliament of 27 February 2024.*

Whereas:

- (1) It is necessary to lay **down** rules at Union level to protect the environment and human health against the adverse impacts which **can** result from the shipment of waste. **Those** rules should also contribute to **facilitating the** environmentally sound management of waste, in accordance with the waste hierarchy laid down in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council<sup>3</sup>, as well as to the reduction of **the** 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 **and for reaching climate-neutrality by 2050 at the latest**.
- (2) Regulation (EC) No 1013/2006 of the European Parliament and of the Council<sup>4</sup> has, over the past fifteen years, brought about important improvements to protect the environment and human health against the adverse impacts which **can** result from the shipment of waste. However, the Commission's evaluation of that Regulation has also revealed a number of challenges and shortcomings, which need to be addressed through new regulatory provisions.

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<sup>3</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

<sup>4</sup> 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).

- (3) The European Green Deal, set out in the communication of the Commission of 11 December 2019, 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 ■ shipments *of waste* established under Regulation (EC) No 1013/2006. The New Circular Economy Action Plan, set out in the communication of the Commission of 11 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 export its waste challenges to third countries and that illegal ■ shipments *of waste* are better addressed. In addition to the environmental and social benefits, *such action* can also result in *reducing the Union's* strategic dependencies on raw materials. *Keeping more of the waste generated within the Union will, however, require improved recycling and waste management capacity.* Both the Council in its conclusions on Making the Recovery Circular and Green of 17 December 2020 and the European Parliament in its resolution on the New Circular Economy Action Plan of 10 February 2021 have also called for a revision of the current Union rules on ■ shipments *of waste* established under Regulation (EC) No 1013/2006. *Article 60(2a) of Regulation (EC) No 1013/2006 mandated the Commission to carry out a review of that Regulation by 31 December 2020.*

- (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 *repealed and* replaced by a new Regulation.
- (5) This Regulation *is intended to supplement* the general waste management legislation of the Union, such as Directive 2008/98/EC. It refers to ■ definitions in that Directive, including, the definitions of waste and *of terms related to* waste management ■ . It also *lays down* a number of additional definitions in order to facilitate uniform application of this Regulation.
- (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 disposal<sup>5</sup> (‘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 1994<sup>6</sup>.

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<sup>5</sup> OJ L 39, 16.2.1993, p. 3.

<sup>6</sup> 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).



- (7) This Regulation also implements at Union level an amendment to the Basel Convention<sup>7</sup> (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 *wastes* that are *destined for* disposal and recovery *operations* from countries listed in Annex VII to the Basel Convention to countries *not listed in that Annex*. The Union has ratified the Ban Amendment and implemented it since 1997<sup>8</sup>.
- (8) The Union submitted in October 2020 a notification, covering *shipments* of waste within the Union, to the Secretariat of the Basel Convention under Article 11 of that Convention. In *accordance* with that Article, the Union *can* 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.

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<sup>7</sup> Amendment to the Basel Convention ('Ban Amendment') adopted by Decision III/1 of the Parties to the Basel Convention.

<sup>8</sup> Council Decision 97/640/EC of 22 September 1997 *on* the approval, on behalf of the Community, of the *amendment to the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention), as laid down in Decision III/1 of the Conference of the Parties* (OJ L 272, 4.10.1997, p. 45) and Council Regulation (EC) No 120/97 of 20 January 1997 *amending* Regulation (EEC) 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).

- (9) In view of the fact that the Union has approved the *Organisation for Economic Co-operation and Development (OECD)* Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations<sup>9</sup> (‘the OECD Decision’), it is necessary to incorporate the content of that Decision, including its amendments, in Union legislation.
- (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 *the* uniform application of rules on shipments *of waste* throughout the Union.
- (11) *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, as well as material efficiency and the need to reduce the environmental footprint of waste should be taken into account.*
- (12) It is necessary to avoid duplication with applicable Union legislation on the transport of certain materials that could *be classified* as waste under this Regulation.

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<sup>9</sup> OECD/LEGAL/0266.

- (13) *Collection and conduction of wastewater through sewage systems pursuant to relevant Union legislation should not be considered as transport of waste under this Regulation.*
- (14) *In order to properly implement and enforce this Regulation, Member States should take the necessary measures to ensure that waste is not shipped under the guise of used goods, secondhand goods, by-products or substances or objects that have reached end-of-waste status.*
- (15) 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.

- (16) It is necessary to avoid duplication with Regulation (EC) No 1069/2009 of the European Parliament and of the Council<sup>10</sup>, which already contains provisions covering the overall consignment, channelling and movement *of animal by-products, including* collection, transport, handling, processing, use, recovery or disposal, record keeping, accompanying documents and traceability, within, into and *outside* of the Union.

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<sup>10</sup> 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).

(17) Regulation (EU) No 1257/2013 of the European Parliament and of the Council<sup>11</sup> 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. ***Such ships, when becoming waste are generally classified as hazardous waste, except when all hazardous substances and materials have been removed from them.*** Following the 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 ***are considered waste and are exported from*** the Union are made subject to the relevant Union rules ***regarding shipment of waste, including those*** 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 ***its*** scope and which ***are considered hazardous waste and exported from*** the Union ***should*** 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.

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<sup>11</sup> 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).

**(18) *In order to avoid putting an unnecessary burden on Member State's competent authorities and judicial systems in enforcing this Regulation, a shipment should not be considered illegal where only minor clerical errors occur in the notification or movement document, or in the document resulting from the completion of the form set out in Annex VII ('Annex VII document'), such as typographical errors in the information provided when filling out the notification or movement documents or Annex VII documents or omission of part of the contact details for one of the persons involved in the shipment. However, such exceptions to the definition of what constitutes an illegal shipment should be strictly limited to mistakes of a minor clerical nature which occur exceptionally, do not significantly alter the substance of those documents and do not affect the achievement of the objectives of this Regulation.***

**I**

(19) *It is appropriate, for the purpose of ensuring optimal supervision and control, to require prior written consent to shipments of waste destined for recovery, in particular hazardous wastes, wastes not listed in Annex III, Annex IIIA or Annex IIIB and wastes containing or contaminated with persistent organic pollutants (POPs) meeting or exceeding a concentration limit specified in Annex IV to Regulation (EU) 2019/1021 of the European Parliament and of the Council<sup>12</sup>. 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.*

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<sup>12</sup> *Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45).*

- (20) *To take account of innovation in waste treatment technology with regard to environmentally sound management, as well as of changes in consumer behaviour with regard to the sorting of waste, it is essential that Annexes IIIA and IIIB be continuously updated. The Commission should in particular assess whether to add entries on mixtures of waste footwear, waste clothing and other textile waste to Annex IIIA, as well as on mineral wool and mattresses to Annex IIIB.*
- (21) *A well-functioning Union market for shipments of waste 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. In order to achieve that objective, the Commission should facilitate sector-specific climate dialogues and partnerships by bringing together key stakeholders in the waste sector in accordance with Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>13</sup>.*

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<sup>13</sup> *Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).*



(22) **█** In order to support the achievement of targets to increase recycling and reduce disposal of waste set out in Directive 2008/98/EC and Council Directive 1999/31/EC<sup>14</sup>, **all** shipments of waste *destined* for disposal in another Member State should be **█** prohibited **as a general rule**. Shipments of waste *destined* for disposal should be allowed only in exceptional cases **where certain conditions are fulfilled**. 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 *disposal* facilities covered by Directive 2010/75/EU of the European Parliament and of the Council<sup>15</sup> 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. **Furthermore, in order to support the implementation of the provisions set out in Directive 2008/98/EC 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. Those requirements for shipments destined for recovery and the prohibition of shipments destined for disposal should cover also mixed municipal waste that has been subject to a waste treatment operation that has not substantially altered its properties, such as 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 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 place, with a view to separating different fractions for recovery and only considering disposal for those residues that have no other potential than to be disposed of.**

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<sup>14</sup> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

<sup>15</sup> 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).

- (23) In the case of shipments of waste listed in Annex III, Annex IIIA or Annex IIIB *to* this Regulation *which is* 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 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.

**(24) *Laboratory analysis and experimental treatment trials are often a necessary tool for assessing the nature of waste and its suitability for recovery and disposal operations. Sound and innovative waste management operations are key to ensuring the environmentally sound management of waste and to establishing circular economy business models in the Union. The shipment of waste for 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 quantity of waste should be allowed to be shipped for the purpose of laboratory analysis and experimental treatment trials for shipments within the Union, because, inter alia, there are waste management standards and practices that are more developed in the Union compared to most third countries.***

- (25) 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 *recovery* 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 recovery or recycling obligations established in Union legislation. *A Member State of destination should therefore be able to object to shipments of waste, including shipments of mixed municipal waste, if it anticipates that the waste will not be managed in an environmentally sound manner.*

- (26) It is necessary to provide for procedural steps and safeguards *for* 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, *thereby contributing to long-term competitiveness of the Union*. 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 cannot be completed or is illegal, are borne by the relevant operators. To *that* end, the notifier should establish a financial guarantee or equivalent insurance for each shipment .
- (27) 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 *such* facilities.

(28) In order to *make the exchange of information under this Regulation more efficient, in particular* in the processing of notifications *and information under Article 18 of this Regulation* for the shipment of waste and *to facilitate the submission and exchange of information between the relevant authorities and economic operators*, it is *imperative* that *such submission* and exchange of information and data *relating to* ■ shipments of waste within the Union ■ be made via electronic means. *The Commission should operate a central system which should be interoperable with the national systems.* It is also necessary to empower the Commission to lay *down* the procedural and operational requirements for the practical implementation of the systems ensuring this electronic submission and exchange of information, such as *requirements regarding* interconnectivity, architecture and security ■ . *Such systems should facilitate the handling of notification requests, inter alia by assisting those involved in a given request to keep track of the progress of the notification procedure. Such systems should also make it possible to extract data, including at individual Member State level, for the Commission to review whether notification requests are handled in a timely manner, inter alia, for the purpose of relevant reporting by the Commission as provided for under this Regulation.* 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) *No* 1013/2006, to an approach to exchange information and documents electronically. This new obligation should therefore become applicable 24 months after the date of *entry into force* of this Regulation.

- (29) Economic operators involved in the transport of waste should be allowed to use the *eFTI* environment as established in Regulation (EU) 2020/1056 of the European Parliament and of the Council<sup>16</sup> for the exchange of the information required under this Regulation during the transport of waste, and interoperability of the systems provided for in this Regulation *with* the environment for the exchange of electronic freight transport information should be ensured.
- (30) In order to facilitate the work carried out by customs *authorities* 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 *be* interoperable with the European Union Single Window Environment for Customs, *established by Regulation (EU) 2022/2399 of the European Parliament and of the Council*<sup>17</sup>, when all required technical work to ensure this operability is completed.

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<sup>16</sup> 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).

<sup>17</sup> ***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).***

- (31) Competent authorities in third countries should be able to issue and exchange the information and documents *necessary to meet* 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 *that* system.
- (32) 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 *the* recovery or disposal *facility*.
- (33) To facilitate the enforcement of the obligations laid down in this Regulation, it is important that 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 *on which a certificate of the completion of the recovery or disposal has been provided*.



(34) *With a view to providing transparency as regards the carrying out of shipments of waste in accordance with this Regulation and the environmentally sound manner of the treatment of such waste at its destination, information concerning shipments of waste should be published. In that regard, the Commission should be required to publish and regularly update certain non-confidential 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 that purpose, the Commission should use, to the extent possible, the electronic system for the exchange of data on shipments of waste. 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 Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (Aarhus Convention)<sup>18</sup> and Directive 2003/4/EC of the European Parliament and of the Council<sup>19</sup> and national legislation of Member States in this field. Any further requests to competent authorities on access to other information concerning ■ shipments of waste should be addressed in accordance with that Convention and Union and national legislation.*

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<sup>18</sup> OJ L 124, 17.5.2005, p. 4.

<sup>19</sup> *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).*

(35) In order to implement the requirements set out in Article 8 of the Basel Convention, an obligation should be laid down to the effect that waste from a shipment to which the competent authorities concerned have given consent, that cannot be completed as intended is to be taken back to the country of dispatch, ***and, where necessary, stored safely***, or recovered or disposed of in an alternative way. In order to implement the requirements set out in Article 9(2), (3) and (4) of the Basel Convention, it should 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. ***Where that person does not have the possibility of fulfilling those obligations within a reasonable time***, the competent authorities of dispatch or destination, as appropriate, should cooperate ***and take action*** to ensure the environmentally sound management of the waste concerned. ***Where there is no clarity as to the person to whom the responsibility of an illegal shipment can be imputed, the competent authorities concerned should cooperate to ensure that the waste in question is taken back, recovered or disposed of. In order to reduce the environmental effects of shipments resulting from the obligation to take back waste in illegal shipments and allow, where appropriate, a more efficient procedure in situations involving 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 can be recovered or disposed of in an alternative way, outside the country of dispatch, instead of taking it back. Such alternative management should be environmentally sound. The alternative management should however only apply to shipments within the Union.***

- (36) 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 **down** an obligation for the notifier to provide an authorised translation of **those** documents in a language acceptable to these authorities ■ if they so request. ***In order to avoid creating an unnecessary administrative burden, the electronic system for exchanging information on shipments of waste should include a function which provides courtesy translations of relevant documents submitted in that system.***

(37) In order to avoid disruptions of shipments of *objects* or *substances* ■ due to *disagreements* between competent authorities *as to whether* the status of *such objects or substances is* waste or *non-waste*, 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 *laid down in* Directive 2008/98/EC. *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.* It is also necessary to *establish criteria for the classification of specific waste in the Annexes to this Regulation and to set out* a procedure to resolve disagreements between competent authorities as to whether waste should be subject or not to the notification procedure. To ensure ■ better harmonisation across the Union of the conditions under which waste, *including waste from composite materials which can be difficult to recycle*, should be subject to the notification procedure, the Commission should also be empowered to adopt *delegated* 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 ■ waste *being* 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.

- (38) To allow administrations to limit public *expenditure* linked to the handling of procedures for the shipment of waste and to the enforcement of this Regulation, it is necessary to *provide for* the possibility that appropriate and proportionate administrative costs linked to *those* procedures, as well as to supervision, analyses and inspections, be charged to the notifier *and, where relevant, the person who arranges the shipment*.
- (39) In order to reduce *the* administrative *burden* and in exceptional circumstances, linked to specific geographical or demographical situations, Member States *should be able to* 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 *members of the* European *Free Trade Association (EFTA)*, *including* in a situation *whereby* waste is shipped from and treated in the country of dispatch but transits through another Member State.

- (40) *Given the specific geographical situation of the Faroe Islands, and their status as part of the Kingdom of Denmark, Denmark is the main importing country for waste from the Faroe Islands for its recovery or disposal within its territory. Without prejudice to the applicability of the rules on the transit of waste through the Union, Denmark should be allowed to assume the full responsibility to treat the import of waste from the Faroe Islands into its territory as transport of waste within its territory when it is the country of destination of that import.*

- (41) *Although the supervision and control of the transport of waste within a Member State is a matter for that Member State, national systems concerning the transport 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.*
- (42) 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 in a third country other than an EFTA country.
- (43) Countries that are Parties to the Agreement on the European Economic Area *should be able to* adopt the control procedures provided for shipments within the Union. In such cases, shipments between the Union and *those* countries should be subject to the same rules as shipments within the Union.

- (44) 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 waste collected from households, residues from the incineration of household waste and *certain* hard-to-recycle plastic waste.
- (45) *To ensure environmentally sound management of waste containing or contaminated with POPs, such waste 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.*



(46) 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 *such* waste does not *cause damage* to *the* environment and *human* health in these countries. Under these rules, export from the Union should be allowed only *for waste that is not already covered by the prohibition of exports of hazardous waste and certain other wastes destined for recovery in third countries to which the OECD Decision does not apply, and only* to countries included in a list drawn up and to be updated by the Commission, when *those* countries have submitted a request to the Commission stating their willingness to receive certain non-hazardous *wastes or mixtures of non-hazardous wastes* 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. *Such criteria should include compliance with international labour and workers' rights conventions. As Member States could ratify more such conventions in the future, the Commission should be empowered to add relevant conventions to the criteria in this Regulation.* Exports to countries other than those included in *the* list *to be drawn up by the Commission* should be prohibited. To ensure sufficient time for the transition to this new regime, a transitional period of three years after the **■** date of entry into force of this Regulation should be *provided for. 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 is authorised, the principle of equality in Union law should be applied and its application monitored.*

- (47) *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 the Union's resilience and enhance its strategic autonomy.*
- (48) 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 generally have 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 *cause damage* to *the* environment and *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 countries. In cases where ■ there is *insufficient evidence* demonstrating the ability of the country concerned to recover *such* waste in an environmentally sound manner, the Commission should enter into a dialogue with the country concerned and, if the information *it obtains* is not sufficient to prove that the waste is recovered in an environmentally sound manner, be empowered to suspend such exports. *The Commission should ensure that throughout the waste shipment process the principle of equality is applied towards third countries to which the OECD Decision applies.*

(49) *The Union has developed and implemented an ambitious policy to address the serious environmental and human health damage caused by plastic pollution, especially when linked to the mismanagement of plastic waste. The European Strategy for Plastics in a Circular Economy, set out in the communication of the Commission of 16 January 2018, the European Green Deal, the New Circular Economy Action Plan and the EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil', set out in the communication of the Commission of 12 May 2021, reflect this ambition and have led to the adoption of a wide range of measures to reduce plastic waste and improve its management. Those measures include in particular legislation on the management of waste (Directive 2008/98/EC), packaging and packaging waste (European Parliament and Council Directive 94/62/EC<sup>20</sup>), single-use plastic products (Directive (EU) 2019/904 of the European Parliament and of the Council<sup>21</sup>) as well as on the restrictions of intentionally added microplastics (Commission Regulation (EU) 2023/2055<sup>22</sup>). In addition to these measures, new initiatives have been launched to further reduce plastic waste in the Union, such as the revision of Directive 94/62/EC on packaging and packaging waste and of Directive 2000/53/EC of the European Parliament and of the Council<sup>23</sup> on end-of-life vehicles, as well as a proposal for new rules preventing pellet losses to reduce microplastic pollution<sup>24</sup>. In order to complement these measures designed to reduce plastic waste and improve its management within the Union, and to avoid the Union exporting its waste challenges to third countries, it is appropriate to lay down specific provisions to also ensure the environmentally sound management of plastic waste exported from the Union. These provisions are aimed at ensuring that plastic waste exported from the Union is treated in conditions equivalent to those in place in the*

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<sup>20</sup> *European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).*

<sup>21</sup> *Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1).*

<sup>22</sup> *Commission Regulation (EU) 2023/2055 of 25 September 2023 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards synthetic polymer microparticles (OJ L 238, 27.9.2023, p. 67).*

<sup>23</sup> *Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).*

<sup>24</sup> *Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution (COM(2023)0645 final).*

*Union. Countries to which the OECD Decision does not apply are more likely to face serious environmental and human health challenges linked to the management of plastic waste exported from the Union. Furthermore, the standards and infrastructure for the management of plastic waste in those countries are, in most cases, not as developed as in the Union. The Union has prohibited the export of certain types of plastic waste, namely those classified under the entries Y48 and A3210, to those countries since 1 January 2021. In light of such challenges and differences in the level of standards and infrastructure elements, and with the aim of further protecting the environment and human health, it is appropriate to extend the scope of that prohibition to cover the export of all plastic waste to countries to which the OECD Decision does not apply. In order to provide economic operators and competent authorities with sufficient time to adapt their operations to these new rules, the prohibition should become applicable 30 months after the entry into force of this Regulation. It should be possible to grant any country to which the OECD Decision does not apply a derogation from this prohibition if it demonstrates that it manages plastic waste in an environmentally sound manner. Such derogation should be granted by means of a delegated act, upon request from a country as from 30 months from the application of the export prohibition.*

- (50) *The Commission should exercise particular scrutiny as regards shipments of plastic waste to countries to which the OECD Decision applies and monitor how such waste is managed in such countries, and be empowered to restrict exports of plastic waste to such countries to protect the environment and human health.*
- (51) *Where they are permitted, the exports of all plastic waste to all third countries should be subject to the procedure of prior written notification and consent.*

(52) 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 and waste imported into the Union is managed, throughout the *duration* of *the* shipment and including recovery or disposal in the country of destination, without endangering human health and **■** the environment. It is also necessary to ensure that waste exported from the Union is managed in an environmentally sound manner throughout the *duration* of *the* shipment and including recovery or disposal in the third country of destination. To *that* end, an obligation should be introduced for exporters of waste to ensure that the facility which receives the waste in *a* third country of destination is made subject to an *audit by an* independent third party *with appropriate qualifications*, prior to exporting waste to the facility in question. The purpose of *such* 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 *those specific* criteria *are* not fulfilled by the facility in question, the exporter should not be entitled to export waste to *that* facility. *In order to ensure that audits are conducted in a professional and impartial manner, it is important to set out criteria on the independence and qualifications of the third party auditors, and to make clear that they should be authorised or accredited by an official public authority to perform those activities.* The obligation *concerning audits* should apply with regard to facilities located in all third countries, including those that are *members* 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 *that* requirement as regards the “environmentally sound management” of waste. In the absence of common criteria defining the conditions under which waste *is to* be recovered in the relevant facilities, it is necessary to address the risk that waste exported from the *Union* to countries belonging to the OECD is mismanaged in specific facilities, and hence facilities located in *those* countries should be subject to the audit requirements *laid down* in this Regulation.

- (53) *A register should be established and maintained by the Commission, which contains information on facilities that have been subject to an audit. Such a register should provide information that facilitates the preparation of environmentally sound shipments by notifiers or persons who arrange a shipment for the export of waste from the Union, but it is not intended to serve as a means of demonstrating compliance with conditions and obligations outlined in this Regulation. The register should be facilitative for exporters of waste but should not take away the responsibility of the exporter of waste to demonstrate such compliance.*
- (54) 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, 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 *that* is not possible during situations of crisis, peacemaking *or* peacekeeping *operations*, or war.

- (55) 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/EU<sup>25</sup>.
- (56) In the specific cases of shipments taking place within the Union with transit via third countries, specific provisions 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.
- (57) For environmental reasons and in view of the particular status of the Antarctic, this Regulation *should* explicitly prohibit the export of waste to *that* territory.

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<sup>25</sup> 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).



(58) To ensure harmonised implementation and enforcement of this Regulation, it is necessary to lay **down** 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 **■** shipments **of waste were** 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 **those** plans and, where appropriate, issue recommendations for improvements. ***If competent authorities of dispatch and destination in Member States are notified of an illegal shipment of waste, they should consider how they could increase their control measures for similar shipments to identify illegal shipments of waste at an early stage.***

(59) 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 authorities involved in inspections in Member States to require such evidence. ***It should be possible to request such evidence*** 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 an illegal shipment and should be dealt with in accordance with the relevant provisions of this Regulation.

(60) ■ 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 established for determining the types and levels of penalties to be imposed in *the event* of infringements of this Regulation. *Those* 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 ■. Furthermore, in addition to the ■ penalties required under this Regulation, Member States should ensure that illegal shipment of waste constitutes a criminal offence in ■ accordance with the provisions laid down in Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008<sup>26</sup>.

*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 should be able to lay down rules for administrative as well as criminal penalties for the same infringements. In any case, the imposition of criminal and administrative penalties should not lead to a breach of the ne bis in idem principle as interpreted by the Court of Justice of the European Union.*

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<sup>26</sup> 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).

- (61) *Application* of Regulation (EC) No 1013/2006 *has shown* that the involvement of multiple actors at national level creates challenges to coordination and cooperation in relation to enforcement. Member States should *therefore* ensure that all relevant authorities involved in enforcement of this Regulation have 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.
- (62) It is necessary for Member States to cooperate, bilaterally and multilaterally, 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 *and constitute* a forum, inter alia, for sharing *relevant information for the prevention and detection of illegal shipments, including information* and intelligence on trends in illegal shipments and *experience, knowledge and best practices* on enforcement .

(63) To support and complement the enforcement activities of the Member States, the Commission should be empowered to carry out *inspections* and coordinating actions in respect of illegal shipments, which *are of a complex nature and* might 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*. In carrying out these *inspections*, the Commission should act in full respect of procedural guarantees *and in close collaboration with the relevant authorities in the Member States, ensuring such inspections do not impact negatively any ongoing prosecuting, legal or administrative proceedings concerning the same illegal shipment in the Member State*. 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. *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 exercise of the powers conferred to the Commission or the European Anti-Fraud Office (OLAF), respectively, in other legal acts, in particular in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>27</sup>, Council Regulation (EC) No 515/97<sup>28</sup>, or Council Regulation (Euratom, EC) No 2185/96<sup>29</sup>.*

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<sup>27</sup> *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).*

<sup>28</sup> *Council Regulation (EC) No 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, 22.3.1997, p. 1).*

<sup>29</sup> *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, 15.11.1996, p. 2).*

- (64) 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 purpose of such reporting should be to analyse trends in relation to shipments of waste and data relevant for fighting against illegal shipments, such as data on illegal shipments and on inspections. The Commission should produce a report every three 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. The systems 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.***
- (65) 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.

- (66) In order to facilitate the exchange of information and cooperation for the *harmonised* implementation of this Regulation, Member States should designate *the* competent authorities and correspondents and notify them to the Commission. *Such information should be made* publicly available *by the Commission*. *Member States should also identify the authority or authorities and the members of their permanent staff responsible for the cooperation between Member States.*
- (67) Member States should be entitled, for the purpose of ensuring the control of **■** shipments *of waste*, to designate specific customs offices of entry and exit for shipments of waste entering and leaving the Union and notify them to the Commission. *Such information should be made publicly available by the Commission.*

(68) In order to supplement or amend this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (*TFEU*) should be delegated to the Commission in respect of ***amending the elements of the request by the recovery facility to obtain a pre-consent , laying down the information to be provided in certificates confirming completion of recovery and disposal operations , establishing instructions on completing Annex VII document , updating the list of information and documentation to be exchanged via electronic means , laying down criteria based on which certain wastes shall be classified in Annexes III, IIIA, IIIB or IV , establishing a list of countries to which the OECD Decision does not apply and to which exports of non-hazardous wastes, and mixtures of non-hazardous wastes, including plastic waste classified under entry B3011 , from the Union for recovery are authorised and regularly updating this list , prohibiting export of waste to certain countries, to which the OECD Decision applies and amending Annexes.*** 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-Making<sup>30</sup>. In particular, ***and*** 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.

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<sup>30</sup> *OJ L 123, 12.5.2016, p. 1.*



(69) *As a replacement for the regular meetings of correspondents and for the consultations with experts and correspondents of the Member States and, where appropriate, with 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 establishing horizontal rules on the creation and operation of Commission expert groups.*

(70) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt **■** a *simple, risk-based and* harmonised method for calculating the financial guarantee or equivalent insurance, to *establish detailed criteria for technical feasibility and economic viability*, to clarify **■** for certain types of commodities the distinction between used goods and waste when shipped transboundary, *to adopt a correlation table to indicate the correspondence between the codes of the combined nomenclature provided for in Council Regulation (EEC) No 2658/87<sup>31</sup> and the entries of waste listed in Annex III, Annex IIIA, Annex IIIB, Annex IV, and Annex V to this Regulation, and to detail the information required for shipments of waste during situations of crisis, or peacemaking or peacekeeping operations.* Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>32</sup>.

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<sup>31</sup> *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).*

<sup>32</sup> *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).*

- (71) 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. ***In order to avoid there being an absence of implementing rules pursuant to Regulation (EU) 2020/1056 in relation to the definition, accessing and processing in electronic format of information requirements pursuant to this Regulation before the date of application of the mandatory electronic data interchange under this Regulation , the amendment to Regulation (EU) 2020/1056 should apply retroactively from the date of application of this Regulation.***
- (72) 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. ■ 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 ***on which*** the provisions of this ***Regulation*** with a delayed application ***become*** applicable.

(73) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but can rather, by reason of the need for *harmonisation*, 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 *those objectives*,

HAVE ADOPTED THIS REGULATION:

Title I  
General provisions

Article 1  
Subject matter

This Regulation lays down measures to protect the environment and human health *and to contribute to climate neutrality and to achieving a circular economy and zero pollution* by preventing or reducing the adverse impacts which *can* result from *shipments* of waste *and from the treatment of the waste at its destination*. It establishes procedures and control regimes for *shipments* of waste, depending on the origin, destination and route of the shipment, the type of waste **■** and the type of treatment to be applied to the waste at its destination.

## Article 2

### Scope

1. This Regulation *applies* to:
  - (a) shipments of waste between Member States, with or without transit through third countries;
  - (b) shipments of waste imported into the Union from third countries;
  - (c) shipments of waste exported from the Union to third countries;
  - (d) shipments of waste in transit through the Union on the way to or from third countries.

2. This Regulation *does* not apply to:

- (a) **■** waste, including waste water and residues, generated by the normal operation of ships and offshore platforms *until that waste is offloaded for the purposes of recovery or disposal*, provided that *the* waste is subject to the requirements of *Directive (EU) 2019/883 of the European Parliament and of the Council*<sup>33</sup>, the International Convention for the Prevention of Pollution from Ships, *the International Convention for the Control and Management of Ships' Ballast Water and Sediments* or other *relevant* binding international instruments;
- (b) waste generated on board vehicles, trains, aeroplanes and ships, until *that* waste is *offloaded for the purposes of recovery or disposal*;
- (c) shipments of radioactive waste as defined in Article 5 of Council Directive 2006/117/Euratom<sup>34</sup>;

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<sup>33</sup> *Directive (EU) 2019/883 of the 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).*

<sup>34</sup> 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. 21).

- (d) shipments of animal by-products and derived products as defined in Article 3, points (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 *list of waste referred to in Article 7 of Directive 2008/98/EC*;
- (e) shipments of **■** waste **waters which** are covered by *Council Directive 91/271/EEC*<sup>35</sup> or other **relevant** Union legislation;
- (f) *shipments of substances that are destined for use as feed materials as defined in Article 3(2)point , of Regulation (EC) No 767/2009 of the European Parliament and of the Council*<sup>36</sup> and that do not consist of or contain animal by-products;
- (g) shipments of waste from the Antarctic into the Union **■** in accordance with the requirements of the Protocol on Environmental Protection to the Antarctic Treaty<sup>37</sup>;

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<sup>35</sup> *Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).*

<sup>36</sup> *Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229, 1.9.2009, p. 1).*

<sup>37</sup> Protocol on Environmental Protection to the Antarctic Treaty of 1991.

- (h) shipments of carbon dioxide for the purposes of geological storage in accordance with Directive 2009/31/EC of the European Parliament and of the Council<sup>38</sup>;
- (i) ships flying the flag of a Member State falling within the scope of Regulation (EU) No 1257/2013, with the exception of ships:
  - (i) *which are considered as hazardous waste, that are located* in an area under the national jurisdiction of a Member State *and that are exported from the Union for recovery*, to which *only Articles 39, 48, 49 and Title VII of this Regulation shall* apply; *or*
  - (ii) *which are considered as waste, that are located in an area under the national jurisdiction of a Member State and that are destined for disposal;*

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<sup>38</sup> 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).



3. For imports of waste generated by armed forces or relief organisations *during* situations of crisis, *or during* peacemaking or peacekeeping operations, where such waste is shipped by *the* armed forces or relief organisations concerned or on their behalf, directly or indirectly, to the country of destination, only *Article 51(6) and (7)* and Article 53(5) shall apply.
4. *For* shipments of waste from the Antarctic to third countries which transit through the Union, **■** Articles 39 and 59 *shall apply*.
5. For *transport* of waste exclusively within a Member State, only Article 36 shall apply.

Article 3  
Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘mixture of wastes’ means waste that results from an intentional or unintentional mixing of two or more different wastes which are:
- (a) listed in different entries in Annexes III, *IIIA*, IIIB and IV, or, where applicable, in different indents or sub-indents of such entries; *or*
  - (b) *not classified under one single entry in Annex III, IIIA, IIIB or IV;*

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;

- (2) ‘interim disposal’ means any █ disposal operations *listed* under *D8, D9, D13, D14 or D15* in Annex I to Directive 2008/98/EC;
- (3) ‘interim recovery’ means any █ recovery operations *listed* under R12 *or* R13 █ in Annex II to Directive 2008/98/EC;
- (4) ‘environmentally sound management’ means taking all practicable steps to ensure that waste is managed in a manner that will protect human health, *the climate* and the environment against adverse effects which *can* result from such waste;
- (5) ‘consignee’ means *any natural or legal* person █ under the national jurisdiction of the country of destination to whom or to which the waste is shipped for recovery or disposal;

(6) 'notifier' means:

- (a) in the case of a shipment originating from a Member State, any *of the following* natural or legal persons under the national jurisdiction of that Member State, who *carries out or plans to carry out* a shipment of waste *as referred to in Article 4(1), (2) or (3), or who has or plans to have such a shipment carried out*, to whom the duty to notify is assigned ■ :
- (i) the original waste producer;
  - (ii) the new waste producer who carries out operations prior to shipment *resulting in a change in the nature or composition of the waste*;
  - (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;
  - (iv) a dealer or a broker acting on behalf of any of *the persons referred to* in point (i), (ii) or (iii); or
  - (v) where all of the persons *referred to in points (i) to (iv)* are unknown or insolvent, the waste holder;

- (b) in the case of *an* 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 ■ carries out *or plans to carry out* a shipment ■ or who has or plans to have ■ a shipment ■ carried out:
- (i) the person designated by the law of the country of dispatch;
  - (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;

- (7) *‘person who arranges the shipment’ means any of the following natural or legal persons under the national jurisdiction of the country of dispatch, who carries out or plans to carry out a shipment as referred to in Article 4(4) or (5), or who has or plans to have such a shipment carried out :*
- (i) *the original waste producer;*
  - (ii) *the new waste producer who carries out operations prior to shipment resulting in a change in the nature or composition of the waste;*
  - (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;*
  - (iv) *a dealer or a broker acting on behalf of any of the persons referred to in points (i), (ii) or (iii); or*
  - (v) *where all of the persons referred to in points (i) to (iv) are unknown or insolvent, the waste holder;*
- (8) *‘collector’ means any natural or legal person carrying out waste collection as defined in Article 3, point (10), of Directive 2008/98/EC;*

- (9) ‘competent authority’ means:
- (a) in the case of a Member State, the body designated by the Member State concerned *pursuant to* Article 75;
  - (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;
  - (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 jurisdiction over *a shipment*;
- (10) ‘competent authority of dispatch’ means the competent authority for the area from which the shipment is *initiated or from which it is planned that the shipment will* be initiated ■ ;

- (11) ‘competent authority of destination’ means the competent authority for the area to which the shipment is *carried out or is planned to be carried out* or in which waste is loaded prior to recovery or disposal in an area not under the national jurisdiction of any country;
- (12) ‘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 carried out or is planned to be carried out*;
- (13) ‘country of dispatch’ means any country from which a shipment is initiated or is *planned to be* initiated;
- (14) ‘country of destination’ means any country to which a shipment *is carried out or is planned to be carried out* 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 country;



- (15) ‘country of transit’ means any country, other than the country of dispatch or destination, through which a shipment *is carried out or is planned to be carried out*;
- (16) ‘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;
- (17) ‘overseas countries and territories’ means the overseas countries and territories listed in Annex II to the *TFEU*;
- (18) ‘customs office of export’ means *a* customs office of export as defined in Article 1, point (16), of Commission Delegated Regulation (EU) 2015/2446<sup>39</sup>;
- (19) ‘customs office of exit’ means *a* customs office of exit as determined in accordance with Article 329 of Commission Implementing Regulation (EU) 2015/2447<sup>40</sup>;

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<sup>39</sup> 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).

<sup>40</sup> 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).

- (20) ‘customs office of entry’ means *the* customs office of first entry as defined in Article 1, point (15), of Delegated Regulation (EU) 2015/2446;
- (21) ‘import’ means any entry of waste into the Union but *excludes* transit through the Union;
- (22) ‘export’ means any exit of waste from the Union but *excludes* transit through the Union;
- (23) ‘transit’ means a shipment ■ through one or more countries other than the country of dispatch or destination;
- (24) ‘transport of waste’ means the carriage of waste by road, rail, air, sea or inland waterways;

- (25) 'shipment' means *a* transport of waste destined for recovery or disposal from the *location from which the transport starts* until the *receipt of the waste by the facility that carries out the disposal or recovery* in the country of destination *and* which is *carried out or planned to be carried out*:
- (a) between a country and another country;
  - (b) between a country and *an* overseas *country* or *territory* or other *area* under that country's protection;
  - (c) between a country and any geographic area which is not part of any country under international law;
  - (d) between a country and the Antarctic;
  - (e) from one country through any of the areas referred to in points (a) to (d);
  - (f) within a country through any of the areas referred to in points (a) to (d) and which originates in and ends in *that* same country; or
  - (g) from a geographic area not under the national jurisdiction of any country, to a country;

- (26) ‘illegal shipment’ means any shipment *carried out*:
- (a) without notification to the competent authorities concerned pursuant to this Regulation;
  - (b) without the consent of the competent authorities concerned pursuant to this Regulation;
  - (c) with consent obtained from the competent authorities concerned pursuant to this Regulation through falsification, misrepresentation or fraud;
  - (d) in a way which is not in accordance with the information contained in the notification *document* or *contained in or to be provided in the movement document, except in case of minor clerical errors in the notification or the movement document*;
  - (e) in a way which results in recovery or disposal in contravention of Union or international *law*;

- (f) contrary to *Article 4(1), Article 4(3), or Article 37, 39, 40, 45, 46, 48, 49, 50 or 52;*
- (g) in a way which, in relation to shipments of waste as referred to in Article 4(4) and (5), *is not in accordance with the requirements referred to in Article 18, paragraphs 2, 4, 6 and 10, or with the information contained or to be provided in the Annex VII document, except in case of minor clerical errors in the Annex VII document;*

■

- (27) ‘inspection’ means *any* action undertaken by an authority to *check compliance* with the requirements set out in this Regulation;
- (28) ‘waste hierarchy’ means *the* waste hierarchy ■ referred to in Article 4 of Directive 2008/98/EC;
- (29) ‘routing’ means *the point of exit from and the point of entry into each country concerned, including customs offices of entry, exit and export;*

**(30) ‘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.**

In addition, the definitions of ‘waste’, ‘hazardous waste’, ‘waste producer’, ‘waste holder’, ‘dealer’, ‘broker’, **‘waste management’**; ‘re-use’, ‘treatment’, ‘recovery’, ‘preparing for re-use’, , ‘recycling’ and ‘disposal’, laid down in Article 3, points (1), (2), (5) to **(9)**, (13) to (15), (16), (17)and (19) of Directive 2008/98/EC, respectively, shall apply.

## Title II

### Shipments within the Union with or without transit through third countries

#### Article 4

##### Overall procedural framework

1. Shipments of all wastes destined for disposal ***shall be*** prohibited, except if ***consent is obtained*** in accordance with Article 11. In order to obtain ***consent*** in accordance with Article 11 for a shipment ■ destined for disposal, the procedure of prior written notification and consent, laid down in Chapter 1, shall apply.
2. Shipments of the following wastes destined for recovery ■ shall ■ be subject to the procedure ***of*** prior written notification and consent, laid down in Chapter 1:
  - (a) wastes listed in Annex IV;
  - (b) wastes not classified under one single entry in either Annex III, Annex IIIB or Annex IV;
  - (c) mixtures of wastes, unless listed in Annex IIIA;
  - (d) ***waste classified as hazardous in the list of waste established pursuant to Article 7 of Directive 2008/98/EC;***

- (e) wastes listed in Annex III or Annex IIIB and mixtures of wastes listed in Annex IIIA contaminated by other materials to an extent which:**
- (i) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account the 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**
  - (ii) prevents the recovery of the wastes in an environmentally sound manner;**
- (f) 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 classified as hazardous waste.**



3. *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.*
4. Shipments of the following wastes destined for recovery shall be subject to the general information requirements laid down in Article 18, if the **quantity** of waste shipped exceeds 20 kg:
  - (a) **wastes** listed in Annex III or Annex IIIB;
  - (b) mixtures of **wastes**, provided that the composition of **the** mixtures does not impair their environmentally sound recovery and provided that such mixtures are listed in Annex IIIA.

5. ***By way of derogation from Article 4(1) and (2)***, shipments of waste explicitly destined for laboratory analysis or experimental treatment trials to assess either ***the*** physical or chemical characteristics ***of the waste*** or to determine its suitability for recovery or disposal **■** shall be subject to the general information requirements laid down in Article 18 where all of the following conditions are fulfilled:
- (a) the ***quantity*** of waste does not exceed the quantity reasonably needed to perform the analysis or trial in each particular case, ***but not more than 250 kg*** or any ***larger quantity*** agreed on a case-by-case basis by the competent authorities ***of dispatch*** and ***destination*** and the ***person who arranges the shipment***;
  - (b) ***in the event a quantity higher than 250 kg is requested by the person who arranges the shipment, that person shall provide the information contained in Annex VII, to the extent possible, to the competent authorities of dispatch and destination together with the reasoned explanation why such a larger quantity is needed to perform the analysis or trial.***

**■**

Chapter 1  
Prior written notification and consent

Article 5  
Notification

1.

Where *a notifier intends* to ship waste referred to in Article 4(1), (2) or (3), *the notifier* shall submit a *prior written* notification (*'notification'*) to all competent authorities concerned.

*A notifier referred to in Article 3, point (6)(a)(ii), (iii) or (iv), may only submit a notification where the notifier has obtained a permit or is registered in accordance with Chapter IV of Directive 2008/98/EC.*

Where *a notifier submits* a general notification for several shipments as referred to in Article 13, *the notifier* shall also comply with the requirements laid down in that Article.

Where a shipment is destined *for* a pre-consented facility pursuant to Article 14, the procedural requirements in paragraphs *12, 14, 15* and *16* of that Article shall apply.

*Where a shipment is destined for interim recovery or interim disposal, Article 15 shall also apply.*

2. The notification shall include the following documents:
- (a) the notification document set out in Annex IA ('the notification document');
  - (b) the movement document set out in Annex IB ('the movement document').

The notifier shall provide the information ***indicated*** in the notification document and, ***where relevant***, the information ***indicated*** in the movement document.

When the notifier is not the original waste producer ***as*** 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, point (6)(a)(ii), ***(iii)*** or ***(v)***, ***where practicable***, also signs the notification document. ***A dealer or broker shall ensure they have a written authorisation from one of the persons referred to in Article 3, point (6)(a)(i), (ii) or (iii), to act on their behalf, and that such written authorisation is included in the notification.***

3. The notification document or annex thereto shall contain the information and documentation ■ listed in Part 1 of Annex II. The movement document or ■ annex thereto ■ shall contain the information and documentation referred to in Part 2 of Annex II, ***to the extent possible at the time of notification.***

4. *Where requested by any of the competent authorities concerned, the notifier shall provide the information and documentation required under paragraph 3 and the additional information and documentation 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.*
5. A notification shall be considered properly carried out *once* the competent authority of dispatch is satisfied that the notification document and movement document have been completed in accordance with *paragraphs 3 and 4*.
6. **■**
- A notification shall be considered properly completed *once all* the competent *authorities concerned are* satisfied that the notification document and **■** movement document **■** have been *completed* in accordance with *paragraphs 3 and 4 or once all* information and documentation *requested by them in accordance with paragraph 4 have been received*.
7. *The notifier shall provide a copy* of the contract concluded in accordance with Article 6 *and* a declaration certifying its existence in accordance with Annex IA **■** to the competent authorities concerned at the time of notification.

8. ***The notifier shall provide a*** declaration that a financial guarantee or equivalent insurance has been established in accordance with Article 7 ***by completing*** the appropriate part of the notification document.

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 ***the form set out in*** Annex IA shall be provided to the competent authorities concerned as part of the notification document at the time of notification.

By way of derogation from the ***second*** subparagraph, the ***documentation*** referred to in that subparagraph may, where the █ competent authorities ***concerned*** so allow, be provided after the notification is submitted, █ at the latest ***at the time of completion of the movement document in accordance with Article 16(2)***.

9. The notification shall cover the shipment █ from ***the location from which the shipment starts and cover any*** interim ***or*** non-interim recovery or interim or non-interim disposal.

Where subsequent interim or non-interim recovery or subsequent interim or non-interim disposal ***is carried out*** in a country other than the first country of destination, the non-interim ***recovery or non-interim disposal*** and ***the location of that*** recovery or disposal shall be indicated in the notification and Article 15(7) ***applies***.

10. Only one waste identification code *as mentioned in Annex III, Annex IIIA, Annex IIIB or Annex IV* shall be *specified in the notification document and the movement document*. *In cases where* wastes are not classified under one single entry in *either* Annex III, Annex IIIB or Annex IV, **■** only one waste identification code *from the list of waste referred to in Article 7 of Directive 2008/98/EC* shall be *specified in the notification document and the movement document, except for:*
- (a) *wastes not classified under one single entry in either Annex III, Annex IIIB or Annex IV which can be specified using 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 by the notification has essentially similar physical and chemical characteristics, but is not a mixture of wastes; or*
- (b) mixtures of wastes **■** not classified under one single entry in *either* Annex III, Annex IIIA, Annex IIIB or Annex IV, *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 Annex III, IIIB or IV* for each fraction of the waste shall be specified in order of importance *in the notification document and the movement document, or where those identification codes 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 of the waste shall be specified in order of importance *in the notification document and the movement document*.

11. ***Wastes or mixtures of wastes specified in accordance with paragraph 10 of this Article 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.***

Article 6

Contract

1. Shipments of waste for which a 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 waste. ***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.***

2. The contract ***referred to in paragraph 1*** shall be concluded and effective at the time of notification and shall remain effective for the duration of the shipment until a certificate is issued in accordance with Article 15(5), Article 16(6), or, where appropriate, Article 15(4).

***The contract shall be consistent with the corresponding notification document and the movement document and at least contain information on the notifier, the consignee and the facility, the identity of the persons representing each party, the notification number, the designation and composition of the waste, the waste identification codes, the quantity of waste covered by the contract, the recovery or disposal operation and the period of validity of the contract.***



3. The contract shall include obligations:

- (a) on the notifier to take the waste back *or, where applicable, ensure its recovery or disposal in an alternative way, in accordance with Article 22 and Article 25(2) or (3)*, if the shipment, or the recovery or disposal, has not been completed as intended or if *the shipment is* an illegal shipment ■ ;
- (b) on the consignee to recover or dispose of the waste *in accordance with Article 25(8)*, if *the shipment is* an illegal shipment ■ ;
- (c) on the facility where the waste is recovered or disposed of, to provide, in accordance with Article 16(6), a certificate that the waste has been recovered or disposed of, in accordance with the *consents given for that* notification, the conditions *attached to those consents* and ■ this Regulation.

4. Where the waste ■ is destined for interim recovery or interim disposal ■ , the contract shall include the following additional obligations:
- (a) on the *facility* to provide, in accordance with Article 15(4), and, where appropriate, Article 15(5), the certificate *or certificates* from the facility or facilities carrying out the non-interim recovery or non-interim disposal operation or *operations*, that all waste received in accordance with the consents given for that notification, the conditions attached to those consents ■ and ■ with this Regulation, has been recovered or disposed of, specifying, where possible, the quantity and type of waste covered by each certificate;
  - (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(8)**.

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.

#### Article 7

##### Financial guarantee or equivalent insurance

1. **Shipments** for which a notification is required shall be subject to the requirement of a financial guarantee or equivalent insurance, covering all of the following ■ :
  - (a) costs of transport of waste;
  - (b) costs of recovery or disposal, including any necessary interim operation;
  - (c) costs of storage for 90 days.
2. The financial guarantee or equivalent insurance shall cover costs arising in the context of all the following cases:
  - (a) ■ where a shipment, or the recovery or disposal, cannot be completed as intended, as referred to in Article 22;
  - (b) ■ where a shipment, or the recovery or disposal, is illegal, as referred to in Article 25.

3. The financial guarantee or equivalent insurance shall be established by the notifier or by another natural or legal person on █ behalf *of the notifier* and shall be effective at the time of █ notification or, if the competent authority which approves the financial guarantee or equivalent insurance so allows, at the latest *at the time of completion of the movement document in accordance with Article 16(2)*. The financial guarantee or equivalent insurance shall apply to the █ shipment at the latest from when the shipment starts.
4. The competent authority of dispatch shall approve the financial guarantee or equivalent insurance, including the form, wording and amount of the cover.  
█
5. The financial guarantee or equivalent insurance shall be valid for and cover *the* shipment and completion of recovery or disposal █ .

The financial guarantee or equivalent insurance shall be released when the competent authority *that has approved it has* received the certificate referred to in Article 16(6) or, where appropriate, the certificate referred to in Article 15(5) as regards interim recovery █ or *interim* disposal █ .

6. By way of derogation from paragraph 5, where the waste ■ is destined for interim recovery ■ or *interim* disposal ■ and ■ subsequent recovery ■ or subsequent disposal is carried out in the country of destination, the ***competent authorities of dispatch and destination may agree that the*** financial guarantee or equivalent insurance ***is to*** be released ***once*** the ■ competent authority concerned has received the certificate referred to in Article 15(4). In that case, ***the competent authority which decides to release the financial guarantee or equivalent insurance shall immediately inform the other competent authorities concerned of its decision, and*** any ***subsequent*** 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 subsequent ■ recovery or subsequent disposal ■ cannot be completed as intended, as referred to in Article 22, or in the case of an illegal shipment, as referred to in Article 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 *under* Articles 24 and 26.
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 parts of* the notified shipment which it covers at the latest at the *time of completion of the movement document in accordance with Article 16(2)*.
9. The financial guarantee or equivalent insurance referred to in █ paragraph *8 of this Article* shall be released when the competent authority *that approved it receives* the certificate referred to in Article 16(6) or, where *relevant*, in Article 15(5), as regards interim recovery or *interim* disposal █ for the █ waste. Paragraph *6 of this Article* shall apply *mutatis mutandis*.

10. The Commission shall ■ assess the feasibility of establishing a *simple, risk-based and* harmonised calculation method for determining the amount of financial guarantees or equivalent insurances and, if appropriate, adopt an implementing act to establish such a *simple, risk-based and* harmonised calculation method. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 81(2).

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 as referred to in this Article.

#### Article 8

Requests for information and documentation by the competent authorities concerned

1. If the notification is *considered not to be* properly carried out as referred to in Article 5(5), the competent authority of dispatch shall request information and documentation from the notifier in accordance with Article 5(3) *and, where applicable, with Article 5(4)*.
2. The request for information and documentation referred to in *paragraph 1* shall be *submitted* to the notifier *as soon as possible, but no later than 10* working days after submission of the notification.

3. The notifier shall provide the information and documentation referred to in paragraph 1 *as soon as possible, and no later than 10 working* days after the request by the competent authority of dispatch. *If requested by the notifier, the competent authority of dispatch may extend that deadline by a reasonable time if the notifier provides a reasoned explanation why such an extension is necessary to be able to provide the requested information and documentation.*
  
4. Where, *after the expiry of the deadline referred to in paragraph 3*, the competent authority of dispatch *still* considers that the notification *has not been* properly carried out as referred to in Article 5(5), *or additional* information and documentation *as referred to in Article 5(4) is still required, it may as soon as possible, and no later than seven working days after the expiry of the deadline referred to in paragraph 3, make up to two more requests for information and documentation from the notifier in accordance with paragraph 2. Paragraph 3 shall apply to any such request mutatis mutandis.*



5. *The competent authority of dispatch may decide that the notification is not valid and is not to 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 referred to in paragraph 3, or where a first request pursuant to paragraph 4 was made, within the deadline referred to in that paragraph.*

*The competent authority of dispatch shall decide that the notification is not valid and is not to be processed further, if the information and documentation provided upon the final request made in accordance with paragraph 4, is not sufficient or where no information has been provided by the notifier, within the deadline referred to in paragraph 4.*

The competent authority of dispatch shall inform the notifier and the other competent authorities concerned of *its decision pursuant to this paragraph as soon as possible, but no later than seven working days after the expiry of the deadline referred to in paragraph 3, or, where applicable, paragraph 4.*

6. Where the *competent authority of dispatch considers that the* notification has been properly carried out as referred to in Article 5(5), *it shall, as soon as possible, but no later than 10 working days after submission of the properly carried out notification, or within seven working days of the expiry of the deadline referred to in paragraph 3, or, where applicable, paragraph 4,* inform the notifier and other competent authorities concerned thereof.
  
7. Where **■** the competent *authority of destination or any competent authority of transit considers that* **■** information and documentation *in accordance with Article 5(3) or additional information and documentation as referred to in Article 5(4)* is required **■**, it shall, *as soon as possible, but no later than 10* working days after receipt of the information as referred to in *paragraph 6*, request *that* information and documentation from the notifier and inform the other competent authorities of that request.

8. The notifier shall provide the information and documentation referred to in paragraph 7, *as soon as possible, but no later than 10 working* days after the request by the competent authority concerned.

*If requested by the notifier, the competent authority concerned may extend the deadline referred to in the first subparagraph by a reasonable time, if the notifier provides a reasoned explanation why that such an extension is necessary to be able to provide the requested information and documentation.*

9. *Where the competent authority of destination or any competent authority of transit considers that information and documentation pursuant to Article 5(3) or additional information and documentation pursuant to in Article 5(4) is still required, the competent authority concerned may as soon as possible, but no later than seven working days after the expiry of the deadline referred to in paragraph 8, make up to two more requests for information and documentation from the notifier in accordance with paragraph 7. Paragraph 8 shall apply to any such request mutatis mutandis.*

**10. The competent authority of destination or any competent authority of transit may decide that the notification is not valid and is not to 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 referred to *in paragraph 8 or, where a first request pursuant to paragraph 9 was made, within the deadline referred to in that paragraph.***

***The competent authority of destination or any competent authority of transit shall decide that the notification is not valid and is not processed further if the information and documentation provided upon the final request made in accordance with paragraph 8, is not sufficient or where no information has been provided by the notifier within the deadline referred to in paragraph 8.***

**The [ ] competent authority *of destination or any competent authority of transit* shall [ ] inform the notifier and the other [ ] competent authorities *concerned* of its decision pursuant to this paragraph, *as soon as possible, but no later than seven working days after the expiry of the deadline referred to in paragraph 8, or, where applicable, paragraph 9.***

- 11. *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, but no later than three working days after receipt of the information as referred to in paragraph 6 or that it is satisfied with the information and documentation as soon as possible, but no later than three working days after the requested information and documentation have been provided by the notifier pursuant to paragraph 8 and, where relevant, paragraph 9.***
- 12. *Where the notification has been properly completed, as referred to in Article 5(6), taking into account the information referred to in paragraph 11, the competent authority of destination shall immediately inform the notifier and the competent authority of dispatch and any competent authority of transit concerned.***

13. Where, within 30 *working* days *of the day* after the submission of the notification *or of the information and documentation having been provided in accordance with paragraph 3 or 4* the competent authority of dispatch has not acted in accordance with *paragraph 1, 5 or 6*, it shall provide the notifier with a *reasoned* explanation upon request.

Where, within 30 *working* days of the expiry of the *deadline referred to in* paragraph 7, or *of information and documentation having been provided in accordance with paragraph 8 or 9, the competent authority of destination or any competent authority of transit has not acted in accordance with paragraph 7 or paragraph 9, 10, 11 or 12*, it shall provide the notifier with a *reasoned* explanation upon request.

## Article 9

**Consent** by the competent authorities and time periods for *shipment*, recovery or disposal

1. The competent authorities of destination, dispatch and transit shall take, within 30 days of the *date on which the notifier has been informed in accordance with Article 8(12) that the notification has been properly completed*, one of the following **■** decisions, *which shall be duly reasoned*, as regards the **■** shipment:
  - (a) *to consent without conditions*;
  - (b) *to consent with conditions in accordance with Article 10*;
  - (c) *to raise an objection* in accordance with Article 12;
  - (d) *not to consent, where the conditions referred to in Article 11 are not fulfilled*.

*By way of derogation from the first subparagraph, the competent authority of dispatch may take a decision in accordance with the first subparagraph, point (c) or (d), after having received the notification and before having considered it properly carried out, if it is evident that the conditions in Article 11 have not been fulfilled or that there are grounds for objection in accordance with Article 12.*

*By way of derogation from the first subparagraph, a competent authority concerned may take a decision in accordance with the first subparagraph, point (c) or (d), before the date on which the notifier has been informed in accordance with Article 8(12), once the notification has been properly carried out, as referred to in Article 5(5).*

Tacit consent by the competent authorities of **■** transit may be assumed if no objection is lodged within the 30-day time limit referred to in the first subparagraph. **■**



2. The competent authorities of *dispatch*, destination, and, where appropriate, **█** transit, shall *inform the notifier of* their decision and the reasons *therefor* within the 30-day time limit referred to in *paragraph 1, first subparagraph, and inform the other competent authorities concerned of* that decision. *The competent authority shall immediately inform the notifier and the other competent authorities concerned of decisions taken in accordance with paragraph 1, second and third subparagraphs.*

*Tacit consents referred to in the paragraph 1, fourth subparagraph, shall be valid for the period indicated in the written consent given in accordance with the first subparagraph by the competent authority of destination.*

Where, within 30 days of *the date on which the notifier*, the competent authority of *dispatch or a competent authority of transit concerned has been informed in accordance with Article 8(12), any of the competent authorities concerned* has not taken a decision *in accordance with paragraph 1, first subparagraph, █* it shall provide the notifier with a *reasoned* explanation upon request.

3. *If a notifier submits a notification in accordance with Article 5 and, where relevant, with Article 13, to ship, compared to a consented notification, the same type of waste from the same location in the country of dispatch to the same consignee and the same facility and whereby the countries of transit, if any, are the same, the competent authorities concerned shall take into consideration any information previously submitted in accordance with Article 5(2), (3) and (4) or Article 13(2) and (3) and shall take a decision in accordance with paragraph 1 of this Article as soon as possible.*
4. A written consent to a **■** shipment shall expire on the *earliest* date *at the end of validity periods* as indicated *by the competent authorities concerned*. It shall not cover a period of more than one year **■**.
5. The **■** shipment *shall* take place only after fulfilment of the requirements set out in Article 16(1) *and (2)* and during the period of validity of the tacit or written consent of all competent authorities concerned *in accordance with paragraph 4 of this Article*. *The waste shall have been received by the facility for recovery or disposal before* the end of the period of validity of the tacit or written *consent* of all competent authorities concerned.

6. The recovery or disposal of waste in relation to a ■ shipment shall be completed no later than one year after the receipt of the waste by the facility that recovers or disposes of the ■ waste, unless a shorter period is indicated by the competent authorities concerned in their decision.
7. The competent authorities concerned shall withdraw their tacit or written consent, *at the request of the notifier or* where they have knowledge of any of the following:
  - (a) the composition of the waste is not as notified;
  - (b) the conditions imposed on the shipment are not respected;
  - (c) the waste is not recovered or disposed of in compliance with the permit of the facility that carries out the recovery ■ or disposal ■ ;

(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 *in*, or annexed to, the notification and movement documents;

(e) *the termination of the financial guarantee;*

(f) *the termination of the contract*

.

8. *The competent authority concerned shall inform the notifier, the other competent authorities concerned and the consignee of any withdrawal of consent, including the reason for such withdrawal.*

9. *Where consent by any of the competent authorities concerned is withdrawn in accordance with paragraph 7 of this Article, the shipment or the treatment of the waste shall, where applicable, not be allowed to continue and Article 22 or 25 shall apply, as relevant.*

## Article 10

### Conditions *to consent to* a shipment

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 **duly reasoned and may be** based on one or more of the **conditions listed in Article 11 or of the** grounds listed in Article 12.
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 the transport of waste occurring wholly within their national jurisdiction and shall take due account of existing agreements, in particular relevant international agreements.

3. The competent authorities of dispatch, destination and transit may also, within the 30-day time limit referred to in 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 *at the time of completion of the movement document pursuant to Article 16(2)*, as required by Article 7(3).
4. Conditions shall be specified in, or annexed to, the notification document by the competent authority that lays them down.
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 *submitted* to the competent authority of destination within one month of completion of the notified recovery operation or disposal operation.

## Article 11

### *Conditions for* shipments of waste destined for disposal

1. Where a notification is submitted regarding a ■ shipment ■ destined for disposal in accordance with Article 5, the competent authorities of dispatch and of destination shall **not** give their ■ consent to that shipment, within the 30-day limit referred to in Article 9(1), **unless all** the following conditions are fulfilled:
  - (a) the notifier demonstrates that:
    - (i) the waste cannot be recovered in a technically feasible and economically viable manner, or must be disposed of due to legal obligations **under** Union or international law;
    - (ii) the waste cannot be disposed of in a technically feasible and economically viable manner in the country where it was generated;
    - (iii) the planned shipment or disposal is in accordance with the waste hierarchy and the principles of proximity and self-sufficiency ■ as laid down in Directive 2008/98/EC **and the related waste is managed in environmentally sound manner in accordance with Article 59;**

- (b) *the competent authorities concerned do not have information that* the notifier or the consignee *has* been convicted of *carrying out an* illegal shipment or any other illegal act in relation to environmental *or human health* protection *in the 5 years prior to the submission of the notification;*
- (c) *the competent authorities concerned do not have information that* the notifier or the facility *has in the 5 years prior to the submission of the notification, repeatedly* failed to comply with Articles 15 and 16 in connection with past shipments;
- (d) *the Member State of destination has not exercised its 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;*
- (e) *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;*
- (f) the planned shipment or disposal does not conflict with obligations resulting from international conventions concluded by the Member State *or States* concerned or the Union;



- (g) the waste ■ will be treated in accordance with legally binding environmental protection standards in relation to disposal *under Union law or established in waste management plans drawn up pursuant to Article 28 of Directive 2008/98/EC*, 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;
- (h) the waste is neither mixed municipal waste ■ collected from private households *or* from other waste producers or both, nor mixed municipal waste which has been subject to a waste treatment operation that has not substantially altered its properties.

2. *By derogation from paragraph 1, point (a), 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.*

3. *Where a competent authority of transit gives consent to a shipment ■ in accordance with Article 9(1) only the conditions set out in paragraph 1, points (b), (c), (e) and (f), of this Article shall be considered.*

■

4. ***Information on consents given*** by competent authorities in accordance with paragraph 1 shall **■** be ***referred to in the report in accordance with Article 73. The Commission ■*** shall inform ***all*** Member States ***of such consents taken in the previous calendar year.***
  
5. ***By ... [36 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 the technical feasibility and economic viability referred to in points (a)(i) and (ii) of that paragraph are to be demonstrated by notifiers and assessed by competent authorities. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 81(2).***

## Article 12

### Objections to shipments of waste destined for recovery

1. Where a notification is submitted regarding a ■ 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 *reasoned* objections based on one or more of the following *grounds*:
  - (a) the ■ shipment or recovery would not be in accordance with Directive 2008/98/EC;
  - (b) the waste concerned will not be treated in accordance with waste management plans or waste prevention programmes drawn up *by the countries of dispatch or destination*, respectively, pursuant to Articles 28 and 29 of Directive 2008/98/EC;
  - (c) the ■ 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;

- (d) the shipment or recovery would not be in accordance with national legislation in the country of dispatch relating to the recovery of waste ***and to the recovery or disposal of residual waste generated through the recovery of the waste concerned***, including where the shipment would 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:
- (i) there *is* corresponding Union legislation, in particular related to waste, and requirements that are at least as stringent as those laid down in *such* Union legislation have been introduced in national *law implementing* such Union legislation;
  - (ii) the recovery ***and the recovery or disposal of residual waste generated through the recovery of the waste concerned*** in the country of destination is carried out under conditions that are *considered* equivalent to those prescribed in the national legislation of the country of dispatch;
  - (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 Council<sup>41</sup>, where required by that Directive;

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<sup>41</sup> 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).

- (e) limiting incoming shipments of waste destined for recovery operations other than recycling and preparing for re-use is necessary for a Member State in order to protect its waste management network, where it is ***expected, based on available information***, that such shipments would result in domestic waste having to be disposed of or treated in a way that is not consistent with its waste management plans;
- (f) the competent authorities concerned do not have information that the notifier or the consignee has **■** been convicted of ***carrying out an*** illegal shipment or any other illegal act in relation to environmental ***or human health*** protection ***in the 5 years prior to the submission of the notification***;
- (g) the competent authorities concerned do not have information that the notifier or the facility has, ***in the 5 years prior to the submission of the notification***, repeatedly failed to comply with Articles 15 and 16 in connection with past shipments;
- (h) the **■** shipment or recovery conflicts with obligations resulting from international conventions concluded by the Member State ***or States*** concerned or by the Union;
- (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;

- (j) the waste ■ is destined for disposal and not for recovery;
- (k) the waste ■ will not be treated in accordance with legally binding environmental protection standards in relation to recovery operations, or *with* recovery or recycling obligations established in Union *legislative acts*, or the waste will be treated in a facility which is covered by Directive 2010/75/EU but which does not apply *the* best available techniques as defined in Article 3(10) of that Directive.

2. The competent authorities of transit may, within the 30-day time limit referred to in paragraph 1, raise *reasoned* objections to the ■ shipment of waste destined for recovery. *Any such objection shall be* based only on the *grounds* set out in paragraph 1, points (c), (f), (g) and (h) ■ .
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.
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 and the notifier agree otherwise.

5. Objections raised by competent authorities on the grounds set out in paragraph 1, points (d) and (e), of this Article *and the reasons for those objections* shall be *communicated* to the Commission in accordance with Article 73.
6. *In accordance with Article 9(2), the competent authorities shall inform the notifier of the reasons for their objections to a shipment.*
7. The *Member States* of dispatch shall inform the Commission and the other Member States of the national legislation on which objections raised by competent authorities in accordance with paragraph 1, *point (d)* ■ , may be based, and shall state to which waste and ■ recovery operations *as well as the recovery or disposal operations of residual waste generated through the recovery of the waste concerned* those objections apply, before such *national* legislation *is* invoked as *grounds* for reasoned *objections*.

*The Member States of destination shall inform the Commission and the other Member States of decisions or national 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 national legislation is invoked as grounds for reasoned objections.*

Article 13  
General notification

1. The notifier may submit a general notification covering several shipments where all the following requirements are fulfilled:
  - (a) the waste contained in the different shipments, *as identified in accordance with Article 5(10)*, has essentially similar physical and chemical characteristics;
  - (b) the waste contained in the different shipments is shipped to the same consignee and the same facility;
  - (c) the *countries of transit, if any, are the same, the* routing of the different shipments *is* indicated in *or annexed to* the notification document *and the location from which the shipment starts* is the same.



2. **█** 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) shall provide information on the routing indicated in the notification document that is to be followed, as well as on any alternative routings to be followed in case of unforeseen circumstances and indicated in the notification document.*

**█**

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 accordance with Article 5(3) *to (6)*.

## Article 14

### Pre-consented recovery facilities

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 75.

***Facilities that only carry out operation R13 shall not be eligible to submit a request as referred to in the first subparagraph.***

2. The request referred to in paragraph 1 shall include the following information:
  - (a) the name, registration number and address of the recovery facility;
  - (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;

- (c) a description of *the technology* employed *to ensure the environmentally sound recovery of waste in the recovery facility*, for which the pre-consent is requested, *including technology designed to save energy or limit the emission of greenhouse gases linked to the activities of the facility*;
- (d) *the R-code or codes as referred to in Annex II of Directive 2008/98/EC for the recovery operation or operations for which the pre-consent is requested*;
- (e) *the designation and composition of the waste, the physical characteristics and the waste identification code or codes* for the wastes for which the pre-consent is requested, as listed in Annex IV to this Regulation *or in the list of waste referred to in Article 7 of Directive 2008/98/EC*;
- (f) 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 *to carry out waste treatment pursuant to Article 23 of Directive 2008/98/EC*;

- (g) *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;*
  - (h) records of the activities of the facility linked to waste recovery, covering in particular the *quantity* and types of waste treated in the last three years, where relevant;
  - (i) evidence or *an* attestation that the legal or natural person owning or exercising control over the facility has not been convicted of *having carried out an* illegal shipment or any other illegal act in relation to waste management *in the 5 years prior to the request, in particular with regard to the protection of the environment or human health.*
3. The Commission is empowered to adopt delegated acts in accordance with Article 80 to amend paragraph 2 *of this Article* as regards the information to be included in the request.
  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.
  5. The competent authority shall, within **55** days after the date of receipt of *a* request *submitted pursuant to* paragraph 1 *and containing the information as referred to in paragraph 2*, assess the request and decide whether to approve it.

6. Where the legal or natural 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 **technology** used or other conditions necessary to ensure that the waste is managed in an environmentally sound manner.
7. By way of derogation from paragraph 6, the competent authority may refuse to approve the request for pre-consent **if it is** not satisfied that issuing the pre-consent will ensure **that the waste will be managed in accordance with** the waste **hierarchy and other requirements laid down in Directive 2008/98/EC or, where relevant, that best available techniques will be applied in accordance with conclusions established under Directive 2010/75/EU.**
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 **reasoned**.
9. **The pre-consent of a recovery facility shall be valid for ten years**, unless stated otherwise in the decision to approve the request for pre-consent. **During that period the competent authority shall conduct at least one inspection in accordance with Article 60. Additional inspections shall be conducted if needed on the basis of the risk-based assessment approach as referred to in Article 62.**

10. A pre-consent of a recovery facility may be revoked at any time by the competent authority, *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*. A decision to revoke a pre-consent shall be duly *reasoned* and communicated to the facility concerned.
11. The legal or natural person referred to in paragraph 1 shall immediately inform the competent authority concerned of any change in the information *submitted in accordance with* paragraph 2. The competent authority concerned shall duly *assess* those changes **█** and, if necessary, update *or revoke* the pre-consent.
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(4) **█** shall be extended to three years.

By way of derogation from *the first subparagraph*, the competent authorities concerned may decide, *in duly justified cases*, to *extend the period of validity for a period shorter than 3 years*.

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:

- (a) the name, registration number and address of the recovery facility;
- (b) a description of the *technology* employed, *and the* R-code or codes *as referred to in Annex II to Directive 2008/98/EC*;
- (c) *the waste identification code or codes for* the wastes to which the pre-consent applies;

- (d) the total pre-consented quantity;
  - (e) the period of validity *of the pre-consent*;
  - (f) any change in the pre-consent;
  - (g) any change in the information notified;
  - (h) any revocation of the pre-consent.
14. By way of derogation from Articles ■ 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 *with respect of* a notification for *a shipment* destined *for* a pre-consented facility shall be subject to a time limit of seven working days after ■ the *date on which the notifier has been informed in accordance with Article 8(12) that the notification has been properly completed*.
15. If one or more competent authorities wish to request additional information in accordance with Article 8(2), (4), (7) or (9), in relation to a notification for shipments to a pre-consented facility, the ■ periods mentioned in *those paragraphs*, as well as in Article 8(3) and (8), shall be shortened to:
- (a) *five working days* for Article 8(2), (3), (7) and (8); and
  - (b) *three working days* for Article 8(4) and (9).



16. Notwithstanding paragraph 14, *a* competent authority **concerned** may decide that more time is needed in order to receive further information or documentation from the notifier.

In such cases, that competent authority shall, within seven working days of the ***date on which the notifier has been informed in accordance with Article 8(12) that the notification has been properly completed***, inform the notifier ***and the other competent authorities concerned***.

The total time needed to take one of the decisions as referred to in Article 9(1) shall not exceed 30 days ***from the date on which the notifier has been informed in accordance with Art 8(12) that the notification has been properly completed***.

## Article 15

### Additional provisions regarding interim recovery ■ and interim disposal ■

1. Where a shipment ■ is destined for ■ interim recovery ■ or ■ interim disposal ■ , all the facilities where subsequent interim or non-interim recovery ■ or subsequent interim or non-interim disposal is envisaged shall also be indicated in the notification document in addition to the initial interim recovery ■ or interim disposal ■ .
2. The competent authorities of dispatch and destination **shall only** give their consent to a shipment of waste destined for an interim recovery operation or interim disposal operation ■ if **they consider that the conditions in Article 11 are fulfilled or they have no reason to raise an** objection, in accordance with Article 12, **concerning** the shipment or shipments ■ to the facilities carrying out any subsequent interim or non-interim recovery ■ or subsequent interim **or non-interim** disposal ■ .

3. Within **two working days** 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 **and the competent authorities concerned** that the waste has been received. **That** confirmation shall be supplied **in** or annexed to ■ the movement document.
  
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 year, or the shorter period referred to in Article 9(6), after the receipt of the waste, the facility carrying out **that** operation shall, under its responsibility, provide a certificate **to the notifier and the competent authorities concerned** that the operation has been completed. **That certificate shall be supplied in or annexed to the movement document.**

■

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 *operation* or *subsequent interim or non-interim* disposal operation to a facility located in the country of destination, it shall obtain as soon as possible and no later than one year, or the shorter period referred to in Article 9(6), after delivery of the waste a certificate from that facility that the subsequent *interim or non-interim* recovery *and interim or non-interim* disposal operation has been completed.

The █ facility *carrying* out an interim recovery *operation -or interim* disposal operation *as referred to in paragraph 3* shall promptly transmit, the relevant certificates to the notifier and the competent authorities concerned, identifying the shipments to which the certificates pertain.

6. ***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 pursuant to Article 27(5), and at the latest by ... [twelve months after the date of entry into force of this Regulation], adopt a delegated act supplementing this Article establishing the information to be provided in such a certificate. That delegated act shall be adopted in accordance with Article 80.***
  
7. ***Where a delivery as referred to in paragraph 5 of this Article is made to a facility located in the initial country of dispatch or in another Member State and it concerns shipments of waste as referred to in Article 4(1), (2) or (3), a new notification shall be required in accordance with this Regulation..***
  
8. ***Where a delivery as referred to in paragraph 5 of this Article is made to a facility in a third country and it concerns shipments as referred to in Article 4(1), (2) or (3), 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.***

## Article 16

### Requirements following consent to a shipment

1. After ***the competent authorities concerned have given*** consent ■ to a notified shipment ■, 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 ***via a system referred to in Article 27***, including during the time of transport of waste, to the ***other natural and legal persons involved in the shipment, the competent authorities concerned and the authorities involved in inspections***.
2. ***Once*** the notifier has received written consent from the competent authorities of dispatch, destination and transit, or may assume tacit consent by the competent ***authority*** of ■ transit, ***the notifier*** shall provide the actual date of shipment and complete the movement document to the extent possible, ***in accordance with the instructions for completing the notification and movement documents in Annex IA and IB in accordance with Annex IC, and submit it to the competent authorities concerned and to the other natural and legal persons involved in the shipment***, at least ***two*** working ***days*** before the shipment starts. ***However, information on the actual quantity of the waste, carrier or carriers and, where applicable, container identification number may be submitted at the latest before the start of the shipment.***

3. *The notifier shall ensure that, in addition to making the movement document available in accordance with paragraph 1, the notification document containing the consents of and the conditions imposed by the competent authorities concerned is made electronically available, including during the transport of waste, to the competent authorities concerned and to the authorities involved in inspections.*
  
4. *Where the documents referred to in paragraphs 1 and 3 cannot be made available online during the transport of waste, the notifier and the carrier or carriers shall ensure that the documents are available by other means in the transport vehicle. In such cases, the notifier shall ensure that any changes or additions to the documents during the transport of waste are submitted via a system referred to in Article 27.*

5. The facility shall, within *two working days* of receipt of the waste, provide confirmation to the notifier and the *competent authorities concerned* that the waste has been received. *That confirmation shall be supplied in, or annexed to, the movement document.*
6. The facility carrying out a non-interim recovery operation or non-interim disposal operation shall, as soon as possible and no later than 30 days after completion of that operation, and no later than one year, or the shorter period referred to in Article 9(6), after receipt of the waste, under its responsibility, provide a certificate that the non-interim recovery or non-interim disposal has been completed.
7. The certificate referred to in paragraph 6, shall be submitted to the notifier and the *competent authorities concerned*.



## Article 17

### Changes ■ after consent

1. If any essential change is made to the details *or* conditions of the consent, the notifier shall inform ■ the competent authorities concerned and the consignee immediately and, where possible, before a shipment starts. ***Essential changes shall be deemed to be, inter alia, changes compared to those indicated in the notification in the quantity of waste, in the routing, including possible alternative routings, the date or dates of shipment or the carrier or carriers, or changes to the duration of the shipment, due to unforeseen circumstances occurring after the start of the shipment, leading to a shipment exceeding its period of validity.***

2. In *the case* of *an* essential change *as* referred to in paragraph 1, a new notification shall be submitted, unless all the competent authorities concerned *consider that no* new notification *is required and inform the notifier thereof. The competent authorities shall inform the notifier as soon as possible but no later than five working days after receipt of the information pursuant to paragraph 1. A 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 the consignment is halted as soon as practicable until the notifier is informed by the competent authorities concerned whether a new notification is required.*
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.

## Chapter 2

### *General information requirements*

#### Article 18

##### General information requirements

1. Shipments of waste referred to in Article 4(4) and (5) shall be subject to the general information requirements set out in paragraphs 2 to 10 of this Article.
2. *A shipment referred to in paragraph 1 may only be arranged by the person who arranges the shipment referred to in Article 3, points (7)(ii), (iii) and (iv), when that person has obtained a permit or is registered in accordance with Chapter IV of Directive 2008/98/EC.*
3. *The person who arranges the shipment shall only ship waste to a waste recovery facility which has obtained a permit or registration in accordance with Chapter IV of Directive 2008/98/EC. The facility shall present the permit or proof of registration to the person who arranges the shipment before the shipment occurs.*

4. *All undertakings involved in the shipment shall complete the form set out in Annex VII ■ with the relevant information at the points indicated and ensure that the information is made electronically available in accordance with Article 27, including during the transport of waste, to the other persons involved in the shipment, the competent authorities concerned and the authorities involved in inspections.*

*Where the person who arranges the shipment is not the original waste producer referred to in Article 3, point (7)(i), the person who arranges the shipment shall ensure that the original waste producer or one of the persons indicated in Article 3, point (7)(ii), (iii) or (v), where practicable, also signs the Annex VII document.*

5. The person ■ who arranges the shipment shall complete the form set out in Annex VII ■ with the relevant information *to the extent possible*, no later than *two working days* before the shipment starts. *However, information on the actual quantity of the waste, the carrier or carriers and, where applicable, the container identification number may be submitted at the latest before the start of the shipment.*

6. *Where the information referred to in paragraphs 4 and 5 cannot be made available online during the transport of waste, the person who arranges the shipment and the carrier or carriers 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 paragraphs 4 and 5. In such cases, the person who arranges the shipment shall ensure that any changes or additions to the documents during the transport of waste are submitted via a system referred to in Article 27.*
7. *Where a shipment is destined for interim recovery, the facility where the interim or non-interim recovery directly following the initial interim recovery is envisaged, and the R-codes of those operations, shall also be indicated in the Annex VII document in addition to the initial interim recovery, as well as, where practicable, the facilities where subsequent interim or non-interim recovery is envisaged and the R-codes of the related recovery operations.*

8. The recovery facility or the laboratory ■ shall, within *two 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. *Where the recovery facility or the laboratory has no access to a system as referred to in Article 27, it shall provide the confirmation via the person who arranges the shipment.*

9. 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 year after receipt of the waste, under its responsibility, provide a certificate, that the recovery has been completed by completing the relevant information contained in Annex VII. *Where the recovery facility has no access to a system referred to in Article 27, it shall provide the certificate via the person who arranges the shipment.*

10. *All shipments of waste referred to in Article 4(4) and (5) 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.*

The contract referred to in *the first subparagraph* shall be *concluded and* effective *at the latest by the time the Annex VII document is completed in accordance with paragraph 5 and shall remain effective for the duration of the shipment until a certificate is issued in accordance with paragraph 9.*

*The contract shall be consistent with the corresponding Annex VII documents and at least contain information on the person who arranges the shipment, the consignee and the facility, the identity of the 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.*

*The contract shall include an obligation that where the shipment of waste or its recovery cannot be completed as intended or where it has been effected as an illegal shipment, [ ] the person who arranges the shipment or, where that person is not in a position to ensure completion of the shipment of waste or its recovery, [ ] the consignee, is to take the waste back or ensure **that it is recovered** in an alternative way, and [ ] , if necessary, **that it is stored** in the meantime.*



11. The person who arranges the shipment or the consignee shall provide a copy of the contract referred to in paragraph 10 *and of any agreement pursuant to Article 4(5)* to the *authorities involved in inspections at their* request.
12. 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 27 and national legislation.
13. The information referred to in *paragraphs 2 to 9* shall be treated as confidential where *that* is required by Union or national legislation.

14. Where the waste is shipped between two establishments under the control of the same legal entity, the contract referred to in paragraph 10 may be replaced by a declaration by that legal entity. That declaration shall cover mutatis mutandis the obligations referred to in paragraph 10.
15. ***By ... [24 months following the date of entry into force of this Regulation], the Commission shall adopt a delegated act in accordance with Article 80 to supplement this Regulation by setting out instructions on how to complete the Annex VII document.***

### Chapter 3

#### Mixing waste, documentation and access to information

### Article 19

#### Prohibition on mixing waste during shipment

From the start of the shipment ***until*** the receipt of the waste by 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 ***or other substances or objects***.

## Article 20

### Keeping of documents and information

1. The competent authorities, the notifier, the consignee and the facility which receives the waste shall keep *in the Union* all **information and** documents *submitted or exchanged* in relation to **■** notified *shipments* for at least five years from the date on which *a certificate has been provided in accordance with Articles 15(4) or 16(6)*.

In the case of general notifications in accordance with Article 13, *the obligation referred to in the first subparagraph* shall apply from the date on which the last *certificate has been provided in accordance with Articles 15(4) or 16(6)*.

2. Information *provided* pursuant to Article 18 shall be kept in the Union for at least five years from the date on which *a certificate has been provided in accordance with Article 18(9)*, by the person who arranges **■** the shipment, the consignee and the facility which receives the waste.
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 on which a take-back or alternative recovery or disposal has been completed.*

## Article 21

### *Publication of information on shipments*

The *Commission* shall *publish the* information on notifications of shipments *and* on shipments **■** subject to the general information requirements *as referred to in Annex XII via its 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 27.*

## Chapter 4

### Take-back procedures and obligations

## Article 22

Take-back when a *consented* shipment cannot be completed as intended

1. Where any of the competent authorities concerned becomes aware that a shipment of waste, *or* its recovery or disposal, *to which the competent authorities concerned have given consent*, cannot be completed as intended in accordance with the terms of the notification and movement documents *or* contract referred to Article 6, *and where such shipment is not an illegal shipment, such authority* 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.

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, *or, where relevant, by a person deemed to be the notifier in accordance with paragraph 11 or 12, in order to arrange for its disposal or recovery*. Where that is *impracticable*, that competent authority itself or a natural or legal person on its behalf shall comply with this Article.

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 *reasons* therefor. Such advice may result from information submitted to the competent authorities of destination or transit, inter alia, by other competent authorities.

3. The take-back obligation set out in paragraph 2 shall not apply if the competent authorities of dispatch, transit and destination *concerned* 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, where relevant, by a person deemed to be the notifier in accordance with paragraph 11 or 12*, or, if that is *impracticable*, by the competent authority of dispatch or by a natural or legal person on its behalf.

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 with other waste, *so that its composition or nature has changed or that the waste in question can no longer be separated* 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 of wastes shall be recovered or disposed of in an alternative way in accordance with the first subparagraph of this paragraph.

4. *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 paragraph 11 or 12, 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 in accordance with Article 59.*

5. 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 *reasoned* request by the initial competent authority of dispatch is sufficient.

A new notification, where appropriate, shall be submitted by the initial notifier or, *where relevant, a person deemed to be the notifier* in accordance with *paragraph 11 or 12*, or, if that is also *impracticable*, by the initial competent authority of dispatch or by a natural or legal person on its behalf.

The competent authorities shall not oppose or object to the return of waste from a shipment that cannot be completed *as intended* or to the related recovery and disposal operation.

6. 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, *where relevant, a person deemed to be the notifier* in accordance with *paragraph 11 or 12* or, if that is *impracticable*, by the initial competent authority of dispatch or by a natural or legal person on its behalf.

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.

7. 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 *reasoned* request shall suffice. Such a duly *reasoned* request, seeking agreement to the alternative arrangement, shall be submitted to the competent *authorities* of destination and dispatch by the initial notifier or, if that is *impracticable*, to the competent authority of destination by the initial competent authority of dispatch.



8. If no new notification is to be submitted in accordance with *paragraph 5* or *7*, a new movement document shall be completed in accordance with Article 15 or Article 16 by the initial notifier or, *where relevant, a person deemed to be the notifier* in accordance with *paragraph 11 or 12* or, if that is *impracticable*, by the initial competent authority of dispatch or by a natural or legal person on its behalf.

Where a new notification is submitted by the initial competent authority of dispatch in accordance with *paragraph 5* or *6*, a new financial guarantee or equivalent insurance shall not be required. ■

9. The obligation of the notifier or, where applicable, the 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 non-interim disposal referred to in Article 16(6), or, where appropriate, in Article 15(5). In the case of interim recovery or interim disposal referred to in Article 7(6), the obligation of the country of dispatch shall end when the facility issues the certificate referred to in Article 15(4).

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 25(8) and Article 26(2) shall apply.

10. Where waste from a shipment which cannot be completed *as intended, or* 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 non-interim disposal in an alternative way.
11. 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 24, the original waste producer, the new waste producer or the collector specified in Article 3, point (6)(a)(i), (ii) or (iii), respectively who authorised the dealer or broker to act on its behalf shall be deemed to be the notifier for the purposes of those take-back obligations.

12. *Where a notifier specified in Article 3, point (6)(a)(i), (ii) or (iii), fails to fulfil any of the take-back obligations set out in this Article and Article 24, 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.*

### *Article 23*

#### *Take-back when a shipment subject to general information requirements cannot be completed as intended*

1. *Where a shipment of waste referred to in Article 4(4) or (5), or its recovery, cannot be completed as intended, in accordance with the Annex VII document or the contract referred to in Article 18(10), 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(10), 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 non-interim disposal in an alternative way.*

*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.*

2. *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 59.*
3. *In cases of take back or alternative arrangements outside the initial country of destination, as referred to in paragraph 1, relevant information in the Annex VII document shall be completed and submitted by the person who arranged the shipment initially, in accordance with Article 18. Where the shipment for take-back or destined for alternative arrangements is subject to Article 4(1), (2) or (3), Article 22 shall apply mutatis mutandis.*
4. *Where the competent authority of dispatch becomes aware that a shipment of waste referred to in Article 4(4) or (5), or its recovery, 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-interim recovery or non-interim disposal in an alternative way. Where it is impracticable for the person that has arranged the shipment to fulfil the take-back obligations, those obligations shall be fulfilled by a person deemed to be the person who arranges the shipment in accordance with paragraph 5 or 6, where relevant.*

5. *Where the person who arranges the shipment specified in Article 3, point (7)(iv), fails to fulfil any of the take-back obligations set out in this Article or Article 24, the original waste producer, the new waste producer or the collector specified in Article 3, point (7)(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.*
6. *Where the person who arranges the shipment specified in Article 3, point (7)(i), (ii) or (iii), fails to fulfil any of the take-back obligations set out in this Article or Article 24, the waste holder specified in Article 3, point (7)(v), shall be deemed to be the person who arranges the shipment for the purpose of those take-back obligations.*
7. *Where it is impracticable for the person who arranges the shipment or a person deemed responsible in accordance with paragraph 5 or 6 to fulfil the take-back obligations set out in paragraph 4, the competent authority of dispatch or a natural or legal person on its behalf shall be deemed to be responsible for the obligations under this Article*

## Article 24

### Costs of take-back when a shipment cannot be completed *as intended*

1. Costs arising from the return or recovery or disposal in an alternative way of waste from a shipment that cannot be completed *as intended*, including costs of transport of waste, 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 *the* recovery or disposal cannot be completed *as intended*, storage costs pursuant to Article 22(10) shall be charged *in accordance with the following order to*:
  - (a) the *initial* notifier *or, if impracticable, in accordance with* point (b);
  - (b) *a natural or legal person deemed to be the notifier in accordance with Article 22(11) or (12), where relevant or, if impracticable, in accordance with point (c)*;
  - (c) other natural or legal persons as appropriate; or *if impracticable, in accordance with* point (d);
  - (d) the competent authority of dispatch; or, if that is also *impracticable* in accordance with point (e);
  - (e) as otherwise agreed between the competent authorities concerned.

2. *Before charging costs to someone other than the initial notifier, the financial guarantee or equivalent insurance referred to in Article 7 shall be used. If there is no financial guarantee or equivalent insurance or if the costs exceed the amount of the cover of the financial guarantee or equivalent insurance the costs shall be charged in accordance with the order indicated in paragraph 1.*
3. *This Article shall apply mutatis mutandis to costs arising from the take-back or alternative recovery of waste in accordance with Article 23.*
4. This Article shall be without prejudice to Union and national *law* concerning liability.

## Article 25

### Take-back when a shipment is illegal

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.
2. Where the responsibility *for* an illegal shipment can be imputed to the notifier, the competent authority of dispatch shall ensure that the waste is *taken back by*:
  - (a) the notifier *or, where relevant, by a person deemed to be the notifier in accordance with paragraph 6 or 7*, in order to arrange for its disposal or recovery; or *if that is impracticable, in accordance with point (c) of this paragraph*; or if no notification has been submitted, in accordance with point (b) *of this paragraph*;
  - (b) *a person deemed to be the notifier in accordance with Article 3, point (6), or, where relevant, by a person deemed to be the notifier in accordance with paragraph 6 or 7*; in order to arrange for its disposal or recovery; or **■** if that is *impracticable*, in accordance with point (c) *of this paragraph*;



- (c) 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; ■

3. ***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:***

- (a) recovered or disposed of ***in an alternative way*** in the country of destination, ***transit*** or dispatch by the ***notifier or, where relevant, by a person deemed to be the notifier in accordance with paragraph 6 or 7, or, if that is impracticable,*** by competent authority of dispatch itself or by a natural or legal person on its behalf; or, if that is ***impracticable,*** in accordance with point (b);
- (b) recovered or disposed of ***in an alternative way*** in another country by the ***notifier or, where relevant, by a person deemed to be the notifier in accordance with paragraph 6 or 7, or, if that is impracticable, by the*** competent authority of dispatch itself or by a natural or legal person on its behalf if all the competent authorities concerned agree.

***In the event of export or import, recovery or disposal in an alternative way as agreed upon pursuant to the first subparagraph shall only take place if the take-back in accordance with paragraph 2 is impracticable.***

4. ***In the case of recovery or disposal in alternative way as referred to in paragraph 3, the notifier, or, where relevant, the person deemed to be the notifier in accordance with paragraph 6 or 7, 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 in accordance with Article 59.***
5. The take-back, recovery or disposal referred to in ***paragraphs 2 and 3*** shall take place within 30 days, or such other period as may be agreed between the competent authorities concerned, following the date on which 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.

In ***the case*** of take-back as referred to in the ***paragraph 2***, points (a), (b) and (c), a new notification shall be submitted, unless the competent authorities concerned agree that a duly ***reasoned*** request by the initial competent authority of dispatch is sufficient.

***If a new notification is required, it*** shall be submitted by the person or authority determined in accordance with ***paragraph 2***.

The competent authorities shall not oppose or object to the return of waste of an illegal shipment. In the case of *recovery or disposal in an alternative way* as referred to in *paragraph 3, carried out outside the country where the illegal shipment has been discovered*, a new notification shall be submitted by the **█** person *or* authority *listed in that paragraph and in accordance with the order indicated in therein*.

*The competent authorities concerned shall cooperate, as necessary, to ensure that the waste is taken back or recovered or disposed of in an alternative way as referred to in paragraphs 2 and 3.*

6. 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 *or* Article 26, the original waste producer, the new waste producer or the collector specified in Article 3, *point* (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.

7. *Where a notifier specified in Article 3, point (6)(a)(i), (ii) or (iii), fails to fulfil any of the take back obligations set out in this Article or Article 26, 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.*
8. Where the responsibility *for* an illegal shipment can be imputed to the consignee, the competent authority of destination shall ensure that the waste ■ is recovered or disposed of in an environmentally sound manner *by*:
- (a) ■ the consignee; or, if that is *impracticable*, in accordance with point (b);
  - (b) ■ the competent authority itself or by a natural or legal person on its behalf.

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, following the date on which 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 *reasons* therefor. Such advice may result from information submitted to the competent authorities of dispatch and transit, inter alia, by other competent authorities.

The competent authorities concerned shall cooperate, as necessary, in the recovery or disposal of the waste in accordance with this paragraph.

9. *If* no new notification is **required**, 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 **impracticable**, by the initial competent authority of dispatch.

Where a new notification is submitted by the initial competent authority of dispatch, **which carries out the take-back in accordance with paragraph 2, point (c)**, a new financial guarantee or equivalent insurance shall not be required.

10. 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 ■ is recovered or disposed of.

11. **Where** an illegal shipment is discovered after completion of **an** interim recovery operation or interim disposal operation as referred to in Article 7(6), the obligation of the country of dispatch to take the waste back or arrange for ■ recovery or disposal **in an alternative way** shall end when the facility has issued the certificate referred to in Article 15(4).

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 or equivalent insurance is released, paragraph 8 of this Article and Article 26(2) shall apply.

12. Where the waste **from** 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 non-interim disposal in an alternative way.
13. Articles 37, 39 **and 40 and any export prohibitions contained in a delegated act as referred to in Article 45(6)** 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 **provisions**.
14. **If a shipment of waste ■ referred to in Article 4(4) or (5) is considered to be an illegal shipment, this Article shall apply mutatis mutandis to the person who arranges the shipment and to the competent authorities concerned.**
15. This Article shall **apply** without prejudice to Union and national **law on** liability.

## Article 26

### Costs for take-back when a shipment is illegal

1. Costs arising from the take-back or recovery or disposal in an alternative way of waste **from** an illegal shipment, including costs **for** its transport of waste, recovery or disposal, pursuant to Article 25(2) **or (3)** and, **from** date on which the competent authority of dispatch becomes aware that a shipment is illegal, storage costs pursuant to Article 25(12), shall be charged to:
  - (a) the notifier **or a person deemed to be the notifier**, as referred to in Article 25(2), point (a); **or, if that is impracticable**, in accordance with point (c); or, if no notification has been submitted, in accordance with point (b);
  - (b) **the person deemed to be the notifier, as referred to in Article 25(2), point (b)**, or other natural or legal persons as appropriate; or, if **that is impracticable**, in accordance with point (c);
  - (c) the competent authority of dispatch.

2. Costs arising from recovery or disposal pursuant to Article 25(8), including possible transport and storage costs pursuant to Article **25(12)**, shall be charged to the consignee; or, if ***that is impracticable***, to the competent authority of destination.
3. Costs arising from recovery or disposal pursuant to Article 25(10), including possible transport and storage costs pursuant to Article 25(12), shall be charged to:
  - (a) the notifier ***or the person deemed to be the notifier*** in accordance with **■** Article 25(2), point (b), ***Article 25(6) or Article 25(7)***, or the consignee, ***or both***, depending upon the decision by the competent authorities concerned; or, if ***that is impracticable***, in accordance with point (b);
  - (b) other natural or legal persons as appropriate; or, if that is also impracticable, in accordance with point (c);
  - (c) the competent authorities of dispatch and destination.
4. ***In cases where a notification has been submitted and the notifier does not fulfil 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 other than the notifier or the consignee respectively. Where the costs exceed the amount of cover provided by the financial guarantee or equivalent insurance, the costs shall be charged in accordance with paragraphs 1, 2 and 3.***



5. *If a shipment of waste referred to in Article 4(4) or (5) is considered to be illegal, this Article shall apply mutatis mutandis to the person who arranges the shipment and to the competent authorities concerned.*
6. This Article shall *apply* without prejudice to Union and national *law* concerning liability.

Chapter 5  
General provisions

Article 27  
Electronic submission and exchange of information

1. The following information and documents shall be submitted and exchanged *by* electronic means, ■ via the *hub of* the central system referred to in paragraph 3 ■ or via *other available interoperable systems or software* in accordance with paragraph 4:

- (a) **for** waste as referred to in Article 4(1), (2) and (3):
- (i) notification of a **■** shipment pursuant to Articles 5 and 13;
  - (ii) **requests** for information and documentation pursuant to Articles 5 and 8;
  - (iii) **■** information and documentation pursuant to Articles 5 and 8;
  - (iv) information and decisions pursuant to Article 8;
  - (v) **decisions regarding** a notified shipment and, if applicable **■** a withdrawal **of a consent** pursuant to Article 9;
  - (vi) **information and** conditions for a shipment pursuant to Article 10;
  - (vii) **information pursuant to Article 11;**

**■**

- (viii) **information and** objections to a shipment pursuant to Article 12;
- (ix) information on decisions to issue pre-consents to specific recovery facilities pursuant to Article 14(8) and (10);
- (x) information and decisions pursuant to Article 14(12) and(15);
- (xi) **confirmations** of receipt of █ waste pursuant to Articles 15 and 16;
- (xii) **certificates** for recovery or disposal █ pursuant to Articles 15 and 16;
- (xiii) prior information regarding the start of **a** shipment pursuant to Article 16;
- (xiv) the documents to be made available in accordance with Article 16;
- (xv) information █ pursuant to Article 17;

█

- (b) *for waste referred to in Article 4(4) and (5), information and documentation, confirmation and certificates pursuant to Article 18;*
- (c) *information and documents related to the procedure of prior written notification and consent and to the general information requirements pursuant to Articles 34 and 35 and Titles IV, V and VI, where applicable.*

2. *In order to keep the list of information and documentation, required under paragraph 1, up to date with any changes to the systems for the exchange and submission by electronic means, the Commission is empowered to adopt delegated acts in accordance with Article 80 to amend paragraph 1 in order to amend the list of information and documentation.*

3. 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 *to* be used for the exchange in real time of the information and documents referred to in paragraph 1 between *available* systems *or software* for electronic data interchange.

*The hub referred to in the first subparagraph shall also be used for the exchange in real time of information and documents as 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, where the 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, in which case paragraph 4 shall apply mutatis mutandis, or via the website referred to in the third subparagraph of this paragraph.*

That central system shall also *provide a website for preparing and processing the information and documents referred to in paragraph 1 for shipments within the Union, for shipments within the Union with transit via third countries, exporting from the Union, importing into the Union and transiting through the Union. Such website may be used by the competent authorities, authorities involved in inspections and economic operators in the Member States and in third countries that do not use systems or software for electronic data interchange, to submit and exchange directly, by electronic means, the information and documents referred to in paragraph 1.*

*Software referred to in the first, second and third subparagraphs shall be interoperable with the central system referred to in paragraph 3, exchange information and documents via that central system in real time and be operated in accordance with the requirements and rules laid down in the implementing acts adopted by the Commission pursuant to paragraph 5.*

*The central system shall facilitate the keeping of documents in accordance with Article 20.*

That central system shall also provide for its interoperability with the environment for electronic freight transport information established under Regulation (EU) 2020/1056 **■** .

Within four years of the adoption of the implementing act referred to in paragraph 5, ***the Commission shall ensure the interconnection of that central system with the European Union Single Window Environment for Customs through the European Union Customs Single Window - Certificate Exchange System established by Regulation (EU) 2022/2399.***

4. Member States may operate their own ***available systems or software allowing for the preparation and processing of the information and documents referred to 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 paragraph 1. The Member States shall ensure that those systems and software are interoperable with the central system referred to in paragraph 3, are operated in accordance with the requirements and rules laid down in the implementing acts adopted by the Commission pursuant to paragraph 5 and allow for the exchange of information and documents via the hub of the central system in real time.***

***The systems referred to in the first subparagraph shall facilitate the keeping of documents in accordance with Article 20.***

5. At the latest by ... [■ 12 months following the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish:
- (a) the requirements necessary for *the* interoperability between the central system referred to in paragraph 3 and *other* systems *or software referred to in paragraph 4*, including a *protocol for data exchange* and a ■ *data model for the exchange of data referred to in Annexes IA, IB and VII, as well as the certificate referred to in Article 15*;
  - (b) any other technical and organisational requirements, including on security aspects, data governance *and data confidentiality*, which are necessary for the practical implementation of the electronic submission and exchange of information and documents referred to in paragraph 1, *taking into account Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>42</sup>*.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 81(2).

6. *The functionality of the central system shall be reviewed by the Commission every two years. The findings of those reviews shall be communicated to the European Parliament and the Member States. The review shall take into account feedback from users, such as competent authorities and notifiers.*

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<sup>42</sup> *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).*



## Article 28

### Language

1. Any notification, information, documentation or other communication submitted pursuant to the provisions of this Title shall be provided in a language acceptable to the competent authorities concerned.
2. The notifier *and the consignee, or, where applicable, the person who arranges the shipment*, shall provide the competent authorities concerned with authorised translations of the *communications* referred to in paragraph 1 into a language which is acceptable to them, where they so request.
3. *By [4 years following the date of entry into force of this Regulation], the Commission shall incorporate a function into the central system referred to in Article 27(3), which provides courtesy translations of the communications referred to in paragraph 1.*

## Article 29

### Classification issues

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 *apply* Article 5 of Directive 2008/98/EC.

When deciding whether waste which has undergone a recycling or other recovery operation *is to* be considered to have ceased to be waste, Member States shall **apply** Article 6 of Directive 2008/98/EC.

*When deciding whether an object or substance is to be considered as a used good and not as waste, Member States shall ensure that at least the following conditions are fulfilled:*

- (a) further use or reuse of the object or substance is certain;*
- (b) the object or substance can fulfil its intended function without significant pre-processing;*
- (c) where relevant, the object or substance is tested to ensure its full functionality;*
- (d) further use is lawful, that is to say that 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;*
- (e) the object or substance is properly preserved and protected against damage during transport, loading and unloading.*

*The provisions in the third subparagraph shall apply without prejudice to Article 23(2) and Annex VI to Directive 2012/19/EU of the European Parliament and of the Council<sup>43</sup> and Article 72(2) and Annex XIV to Regulation (EU) 2023/1542 of the European Parliament and of the Council<sup>44</sup>.*

2. If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, ***taking into account the provisions in paragraph 1, and any conditions or decisions taken at Union level or by Member States pursuant to Article 5 or 6 of Directive 2008/98/EC***, 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.
3. ***The Commission may adopt implementing acts in order to establish detailed criteria for the uniform application of the conditions laid down in paragraph 1, third subparagraph, 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.***

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 81(2).***

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<sup>43</sup> ***Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).***

<sup>44</sup> ***Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1).***

4. If the competent authorities of dispatch and of destination cannot agree on the classification of █ waste ***destined for recovery*** 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 4(2).
5. If the competent authorities of dispatch and of destination cannot agree on the classification of the waste treatment operation █ as being recovery or disposal, the provisions of this Regulation regarding disposal shall apply.
6. In order to facilitate the harmonised classification of waste listed in Annex III, Annex IIIA, Annex IIIB or Annex IV in the Union, the Commission is empowered to adopt delegated acts in accordance with Article 80 to supplement this Regulation by establishing criteria, such as contamination thresholds, on the basis of which certain ***wastes*** shall be classified in Annex III, ***Annex IIIA***, ***Annex IIIB*** or ***Annex IV***.

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7. ***If the competent authorities of dispatch and destination cannot agree on the classification of the waste treatment operation as an interim or non-interim operation, the provisions of this Regulation on interim operations shall apply.***

## Article 30

### Administrative costs

Appropriate and proportionate administrative costs for implementing the notification and supervision procedures and normal costs for appropriate analyses and inspections may be charged by *the competent* authorities concerned *or authorities involved in inspections* to the notifier *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 that information publicly available.*

## Article 31

### Border-area agreements

1. In exceptional cases **■** and where the specific geographical or 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.

2. ***Bilateral*** agreements ***as*** referred to in paragraph 1 may also be concluded where waste is shipped from and treated in the country of dispatch but transits ***through*** another Member State.
3. Member States may also conclude bilateral agreements ***as*** referred to in paragraph 1 with countries that are ***members of*** the ***EFTA*** (European ***Free Trade Association***).

***Agreements concluded pursuant to the first subparagraph shall require that the waste be managed in the EFTA country concerned in an environmentally sound manner in accordance with Article 59.***

4. *Agreements concluded under* this Article shall be notified to the Commission before they take effect.

#### *Article 32*

##### *Shipments between an outermost region and the Member State of which it is part*

*By way of derogation from Article 9(1) and (2), for shipments between an outermost region and the Member State of which it is part, that require 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 of the date on which the notifier is informed in accordance with Article 8(12) that the notification has been properly completed. That tacit consent shall be valid for the same period as indicated in the written consent given by the competent authority of destination in accordance with Article 9(1).*

#### *Article 33*

##### *Shipments from Faroe Islands to Denmark*

*Denmark may adopt a decision to treat imports of waste from the Faroe Islands into Denmark, which have not transited through any other country, under Article 36 of this Regulation. If Denmark adopts such a decision, it shall be notified to the Commission.*

## Chapter 6

### Shipments within the Union with transit via third countries

#### Article 34

##### Shipments of waste destined for disposal

Where a shipment **■** is carried out within the Union ***and transits through*** one or more third countries, and ***the*** waste is destined for disposal, ***Articles 4 to 17 and Articles 19 to 30*** shall ***apply mutatis mutandis, subject to the following adaptations and additional requirements:***

- (a) Article 38(2), points (a), (c), (d) and (g) and Article 38(3), point (a), shall apply mutatis mutandis;***



- (b) where the third country is a Party to the Basel Convention *and 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, *a competent authority of transit outside the Union shall have 60 days from the date of transmission of its acknowledgement of receipt of a properly completed notification to provide tacit consent or to give a written consent with or without conditions*; or
- (c) where the third country is not a Party to the Basel Convention, *the competent authority of dispatch shall ask the competent authority of transit in that third country whether it wishes to send its written consent to the shipment* within a period agreed between the competent authorities.

## Article 35

### Shipments of waste destined for recovery

1. **Where** a shipment is carried out within the Union **and transits through** one or more third countries to which the OECD Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations<sup>45</sup> ('the OECD Decision'), does not apply, and the waste is destined for recovery, Article 34 shall apply.
2. **Where** a shipment is carried out within the Union, including **a shipment** between localities in the same Member State, **and transits through** one or more third countries to which the OECD Decision applies, and the waste is destined for recovery, **Articles 4 to 30 shall apply mutatis mutandis, subject to the following adaptations and additional requirements:**
  - (a) **Article 51(2), points (c) and (d), shall apply mutatis mutandis;**
  - (b) **tacit consent by the competent authority of transit outside the Union may be assumed if no objection is raised and provided any conditions laid down have been met, the shipment may start 30 days after the date on which the notifier has been informed in accordance with Article 8(12) that the notification has been properly completed, as referred to in Article 9(1).**

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<sup>45</sup> OECD/LEGAL/0266.

### Title III

#### *Transport of waste* exclusively within a Member State

#### Article 36

#### *Transport of waste* exclusively within a Member State

1. **Each** Member **State** shall establish an appropriate regime for the supervision and control of **the transport of waste** taking place exclusively within **its** national jurisdiction. That regime shall take account of the need for coherence with the Union system established by Titles II and VII.
2. Member States shall inform the Commission of their regime for supervision and control of **the transport** of waste. The Commission shall inform the other Member States thereof.

Title IV  
Exports from the Union to third countries

Chapter 1  
Exports of waste for disposal

Article 37  
Prohibition of exports *of waste destined for disposal*

1. Exports from the Union of waste destined for disposal *shall be* prohibited.
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.
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:
  - (a) where the EFTA country prohibits imports of such waste;
  - (b) where the conditions laid down in Article *11(1)* are not fulfilled;
  - (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 59 in the country of destination.

4. The prohibition *set out in* paragraph 1 shall not apply to waste that is subject to a take-back obligation pursuant to Article 22 or 25.

#### Article 38

##### Procedures for exports *of waste destined for disposal* to EFTA countries

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 *mutatis mutandis*, with the adaptations and additional provisions set out in paragraphs 2 and 3.
2. The following adaptations shall apply:
  - (a) the notifier shall submit in accordance with Article 27 the notification **■** and *any requested additional* information and documentation **■**, and at the same time, provide *such notification and additional information and documentation* by post, *or if appropriate, by* fax or email with digital signature, to the competent *authority of destination and any competent authority* of transit **■** outside the Union, unless those authorities are connected to the central system referred to in Article 27(3); *where an email with digital signature is used, any stamp or signature required shall be replaced by the digital signature;*

**■**

- (b) *the notifier shall provide, annexed to the notification document, documentary evidence that an audit as referred to in Article 46(3) has been carried out in the facility to which waste is being exported, unless the exemption in Article 46(11) applies;*
- (c) *the competent authority of dispatch and any competent authority of transit in the Union shall inform the competent authority of destination and any competent authority of transit outside the Union of any request for information and documentation from its side and of their decision and conditions, if any, regarding the planned shipment, by post, or if appropriate, by fax or email with digital signature, unless those competent authorities are connected to the central system referred to in Article 27(3);*
- (d) *the information to be provided to the competent authority of destination and any competent authority of transit outside the Union pursuant to Articles 7, 8, 16 and 17 shall be provided by post, or if appropriate, by fax or email with digital signature, unless those authorities are connected to the central system referred to in Article 27(3);*
- (e) *the notifier shall ensure that the information to be provided by the facility pursuant to Article 15(3) to (5) and Article 16(5) and (6) is included in a system referred to in Article 27, unless those facilities are connected to the central system referred to in Article 27(3);*

- (f) **any** competent authority of transit outside the Union shall have 60 days from the date of transmission of its acknowledgement of receipt of **a properly completed** notification to provide **tacit consent, 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, **■** or to give a written consent with or without conditions;
- (g) 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 **a** competent authority of transit outside the Union, and not earlier than 61 days after the date of transmission of the acknowledgement of receipt of **a properly completed** notification by **a** competent authority of transit **outside the Union**, 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.

3. The following additional provisions shall apply:
- (a) **any** competent authority of transit in the Union shall **provide** an acknowledgment of receipt of **a properly completed** notification to the notifier and copies to the other competent authorities concerned **where they have no access to a system referred to in Article 27**;
  - (b) the competent **authority** of dispatch and, **any** competent **authority** of transit in the Union shall **inform** the customs office of export and the customs office of exit **of** their decisions to consent to the shipment;
  - (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 **or, if appropriate, by** fax or email with digital signature, or, where the customs office of export **and the customs office of exit have** access to it, via the central system referred to in Article 27(3);
  - (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;



- (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 *via a system referred to in Article 27 or in accordance with Article 72*;
- (f) the contract referred to in Article 6 shall contain the following terms and conditions:
  - (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;
  - (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;

- (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 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;
  - (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 27.
- 4. The shipment may take place only if all the following conditions are fulfilled:
  - (a) the notifier has received written consent from the competent authorities of dispatch, destination and, where applicable, transit outside the Union and if the conditions laid down in those *consents or their annexes* have been met;
  - (b) environmentally sound management of the waste as referred to in Article 59, is ensured.
- 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.

6. 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 the customs office thereof. That competent authority shall:
- (a) without delay inform the competent authority of dispatch in the Union of the illegal shipment; ■
  - (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; *and*
  - (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.*

Chapter 2  
Exports of waste for recovery

SECTION 1

EXPORTS OF HAZARDOUS AND CERTAIN OTHER WASTE TO COUNTRIES TO WHICH THE OECD DECISION  
DOES NOT APPLY

Article 39

Prohibition of exports *of hazardous and certain other wastes*

1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply *shall be* prohibited:
  - (a) *wastes* listed as hazardous in Part 1 of Annex V to this Regulation;
  - (b) *wastes* listed as hazardous in the list of waste referred to in Article 7 of Directive 2008/98/EC;
  - (c) *wastes referred to in Article 4(3) and wastes* listed in Part 2 of Annex V to this Regulation;

- (d) plastic waste classified under entry B3011;*
- (e) 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 to Directive 2008/98/EC, or prevents the recovery of the wastes in an environmentally sound manner;*
- (f) wastes or mixtures of wastes containing or contaminated with POPs in quantities meeting or exceeding a concentration limit indicated in Annex IV to Regulation (EU) 2019/1021;*

- (g) 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;
- (h) mixtures of hazardous **wastes** and mixtures of hazardous **wastes** with non-hazardous **waste** 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;
- (i) **wastes** notified **by the country of destination** as hazardous under Article 3 of the Basel Convention;
- (j) **wastes** of which **the import** has been prohibited by the country of destination;
- (k) **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 59, in the country of destination concerned;

■

2. Paragraph 1 **of this Article** shall not apply to waste that is subject to a take-back obligation pursuant to Article 22 or 25.

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 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 *in* 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.
  
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 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.

5. In the cases referred to in paragraphs 3 and 4, the *competent authority* concerned shall inform the envisaged *competent authority* 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, to the Secretariat of the Basel Convention *where the information refers to an entry listed in the Basel Convention and to the OECD Secretariat where the information refers to an entry listed in the OECD Decision*. On the basis of the information provided, the Commission may make comments and *is empowered to adopt delegated acts* in accordance with Article 80 to amend Annex V.



## SECTION 2

### EXPORTS OF NON-HAZARDOUS WASTE TO COUNTRIES TO WHICH THE OECD DECISION DOES NOT APPLY

#### Article 40

##### Prohibition of exports *of non-hazardous waste*

1. Exports from the Union of the following wastes destined for recovery in countries to which the OECD Decision does not apply *shall be* prohibited:
  - (a) *non-hazardous wastes* listed in Annex III *or* Annex *IIIB* *and mixtures of non-hazardous wastes listed in Annex IIIA*;
  - (b) non-hazardous *wastes and mixtures of non-hazardous wastes* 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;

- (c) *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 referred to in Article 7 of Directive 2008/98/EC;*
- (d) *non-hazardous wastes classified under the entry AB130, AC250, AC260 or AC270.*

2. Paragraph 1 shall not apply to exports of *wastes or mixtures of* wastes destined for recovery to a country included in the list of countries established in accordance with Article 41, for the *non-hazardous wastes and mixtures of non-hazardous wastes* specified in that list.

Such export may only take place on the condition that the waste is:

- (a) destined *for* a facility licensed under the domestic legislation of the country concerned to undertake recovery operations for that waste;
- (b) *not destined for interim operations, unless all subsequent non-interim or interim recovery operations would 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 41.*

3. *Exports allowed in accordance with paragraph 2 shall:*
- (a) *for wastes listed in Annex IX to the Basel Convention other than classified under entry B3011, be subject to the general information requirements laid down in Article 18 or, where the country concerned so indicates in the request referred to in Article 42, the procedure of prior written notification and consent;*
  - (b) *for waste classified under entry B3011, be subject to the procedure of prior written notification and consent;*
  - (c) *for non-hazardous wastes and mixtures of non-hazardous wastes not listed in Annex IX to the Basel Convention, be subject to the procedure of prior written notification and consent.*
4. *In the case of exports in accordance with paragraph 2, the provisions of Title II shall apply mutatis mutandis.*

*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 pursuant to Article 18(8) and (9) is submitted via a system referred to in Article 27, unless the facility is connected to a system referred to in Article 27.*

*Where such exports are subject to the procedure of prior written notification and consent, the procedures referred to in Article 38 shall apply with the following adaptations:*

- (a) Article 4(5) and Article 14 shall not apply;*
- (b) when the removal from the list referred to in Article 41 of a country or of certain wastes or mixtures of wastes has entered into force, the competent authority of dispatch shall withdraw its written consent for any notification related to such country or to such wastes or mixtures of wastes.*

## Article 41

*List* of countries to which exports of non-hazardous waste from the Union for recovery are authorised

1. The Commission is empowered to adopt a delegated act in accordance with Article 80 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 *wastes and mixtures of non-hazardous wastes* from the Union for recovery are authorised ("list of countries to which exports are authorised"). That list shall include countries which have submitted a request pursuant to Article 42(1) and have demonstrated compliance with the requirements set out in Article 42(3), based on an assessment carried out by the Commission pursuant to Article 43, *and have agreed to comply with Article 42(5)*.

2. The list referred to in paragraph 1 shall include the following information:
- (a) the name of the countries to which export of non-hazardous *wastes and mixtures of non-hazardous wastes* from the Union for recovery is authorised;
  - (b) the specific *non-hazardous wastes and mixtures of non-hazardous wastes* that are authorised for export from the Union to each country referred to in point (a);
  - (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 *and mixtures of wastes* referred to in point (b);
  - (d) information on *the* specific control procedure, *if any*, applying under the domestic legislation of each country referred to in point (a) to the import of the wastes referred to in point (b), including an indication of whether *the import of wastes listed in Annex IX of the Basel Convention* is subject to the procedure of prior written notification and consent referred to in Article 38.

3. The list referred to in paragraph 1 shall be adopted by ... [■ 30 months after the date of entry into force of this Regulation], unless no country submits a request pursuant to Article 42(1) or no country complies with the requirements set out in Article 42(3) at that time.

By ... [■ 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.

In order to be included in the list of countries to which exports are authorised adopted by ... [■ 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 42(1) by ... [■ 9 months after the date of entry into force of this Regulation].

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:
  - (a) add a country *that complies* with *the requirements set out in Article 42*;
  - (b) remove a country which ceases to comply with the requirements set out in Article 42;
  - (c) update the information referred to in paragraph 2 ■ based on a request received from the country concerned and, if that request concerns the addition of new *wastes or mixtures of wastes*, provided that the country concerned has demonstrated compliance with the requirements set out in Article 42 with respect to the new *wastes or mixtures of wastes* in question;
  - (d) include or remove any other element relevant to ensure that the list contains accurate and updated information.



5.

After receiving *the* information and evidence referred to in *Article 42(5)*, the Commission may request additional information from the country concerned to demonstrate that it continues to comply with the requirements set out in *Article 42(3)*.

6.

Where information becomes available which shows in a plausible manner that the requirements set out in *Article 42* are no longer fulfilled for a country 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 *the* invitation, 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.

7.

Where the country concerned does not provide its views and the requested supporting evidence within the time limit referred to in paragraph 6 or where the provided evidence is insufficient to demonstrate continued compliance with the requirements set out in *Article 42*, the Commission shall remove that country from the list without undue delay.

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 *that* country continues to comply with the requirements set out in *Article 42*.

## Article 42

Requirements for inclusion in the list of countries to which exports are authorised

1. Countries to which the OECD Decision does not apply and which intend to receive certain *wastes or mixtures of wastes* referred to in Article 40(1) from the Union for recovery shall submit a request to the Commission indicating their willingness to receive *those specific wastes or mixtures of wastes* and to be included in the list referred to in Article 41. Such request and all related documentation or other communication shall be provided in English language.
2. The request referred to in paragraph 1 shall be submitted using the form set out in Annex VIII and **■** contain all the information specified therein.
3. The country making the request 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 59.

To *that* end, the country making the request shall demonstrate that:

- (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:

- (i) ***the annual quantity*** of total waste generated in the country ■ , as well as the ***annual quantity*** of ***waste*** covered by the scope of ***its*** request (“waste concerned by the request”) ***generated in the country***, and ■ how ***those quantities are estimated to*** develop in the next 10 years;
- (ii) an estimation of the ■ current treatment capacity for waste in general, as well as an estimation of the ■ treatment capacity for the ***waste covered*** by the request, and ■ how ***those capacities are estimated to*** develop in the following 10 years;
- (iii) the proportion of domestic waste that is separately collected, as well as any objectives and measures to increase ***that proportion*** in the future;
- (iv) an indication of the proportion of the domestic waste ***covered*** by the request which is landfilled, as well as any objectives and measures to decrease 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;
  - (vi) information on the *quantity* of waste which is littered and on measures taken to prevent and clean up litter;
  - (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;
  - (viii) information on the methodology used to calculate the data referred to in points (i) to (vi);
- (b) it has a legal framework for waste management in place, which includes at least the following elements:
- (i) permitting, licensing *or registration system or systems* for waste treatment facilities;
  - (ii) permitting, licensing *or registration system or systems* for transport of waste;

- (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 referred to in Article 59;
  - (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;
  - (v) provisions on enforcement, inspection and penalties designed to ensure the implementation of domestic and international requirements on waste management and **■** shipment *of waste*;
- (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;
- (d) it has put in place a strategy for enforcement of domestic legislation on waste management and **■** shipment *of waste*, 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 *the event* of infringements of the relevant domestic rules.

4. *No earlier than ... [60 months after the date of entry into force of this Regulation], countries to which the OECD Decision does not apply and which intend to receive plastic waste referred to in Article 39(1)(d) from the Union for recycling may submit a request to the Commission indicating their willingness to receive such waste and to be included in the list referred to in Article 41. Such request and all related documentation or other communication shall be provided in the English language.*

*In addition to the requirements set out in paragraphs 2 and 3, the country making the request shall also demonstrate all of the following:*

- (a) it has a comprehensive waste management system in place that covers its entire territory and effectively ensures separate collection of plastic waste;*
- (b) it has a legal framework for waste management in place, which includes at least the following elements:*
  - (i) prohibition of open burning and of uncontrolled landfilling of waste;*
  - (ii) prohibition of incineration and of landfilling of separately collected plastic waste;*
  - (iii) provisions on enforcement, inspection and penalties designed to ensure the implementation of points (a) and (b)(i) and (ii);*
- (c) that imports of plastic waste from the Union do not have any adverse effects on the management of plastic waste generated in the country.*

5. *In the event of any change to the information provided to the Commission under paragraph 3, the countries included in the list referred to in Article 41 shall provide an update of the information specified in the form set out in Annex VIII, together with relevant supporting evidence without delay. The countries included in the list referred to in Article 41 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.*

## Article 43

### Assessment of the request for inclusion in the list of countries to which exports are authorised

1. The Commission shall assess the requests submitted pursuant to Article 42 without delay 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 determine if the country making the request ***complies with the requirements set out in Article 42, including whether it*** has put in place and implements all necessary measures to ensure that the ***wastes and mixtures of wastes*** concerned will be managed in an environmentally sound manner as referred to in Article 59, ***and that there are no substantial adverse effects on the management of domestic waste in the country concerned as a consequence of the waste exported from the Union.*** 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.



2. Where, during the course of its 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 42, 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.
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 42, the Commission shall inform without undue delay the country making 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 *such a* case, the Commission shall also inform the country making the request of the reasons for that conclusion. *The* country making the request *may* submit a new request pursuant to Article 42.
4. *The Commission shall assess the requests submitted pursuant to Article 42(4) without undue delay and, if it is satisfied that the requirements set out in Article 42(3) and (4) are complied with, it is empowered to adopt a delegated act in accordance with Article 80 to include the country making the request in the list of countries to which exports are authorised. 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.*

## SECTION 3

### EXPORTS TO COUNTRIES TO WHICH THE OECD DECISION APPLIES

#### Article 44

##### General regime for exports of waste

1. Where *waste referred to in Article 4(2) to (5)* is 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, 4 and 6.
2. The following adaptations shall apply:
  - (a) *the notifier shall provide, annexed to the notification document, documentary evidence that an audit as referred to in Article 46(3) has been carried out in the facility to which the waste is being exported, unless the exemption in Article 46(11) applies;*
  - (b) 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 subsequent non-interim disposal operation is to take place in a country to which the OECD Decision does not apply;
  - (c) *waste classified under entry B3011 shall be subject to the procedure of prior written notification and consent;*

- (d) waste listed in Annex IIIB *and shipments of waste destined for experimental treatment trials referred to in Article 4(5)* shall be subject to the procedure of prior written notification and consent;
- (e) *shipments of waste destined for laboratory analysis referred to in Article 4(5) shall be subject to the procedure of prior written notification and consent, unless the quantity of such waste has been determined based on 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;*
- (f) the export of waste referred to in Article 4(3) shall be prohibited;
- (g) 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;
- (h) *the consent to a shipment of certain waste in accordance with Article 9 shall be withdrawn by the competent authority of dispatch when a delegated act in accordance with Article 45(6) entered into force that prohibits the export of such waste to the country concerned;*
- (i) *the facility mentioned in Articles 15(3) and 16(5) shall provide the respective confirmation within 3 working days of receipt of the waste.*

3. As regards exports of waste *referred to in Article 4(2)*, the adaptations and additional provisions listed in Article 38(2), *points (a) to (e)*, and Article 38(3), *points (b) to (g)*, shall apply.

■

4. *As regards exports of waste listed referred to in Article 4(4), the person who arranges the shipment shall ensure that the information to be provided by the facility in accordance with Article 18(8) and (9) shall be included in a system referred to in Article 27, unless those facilities are connected to a system referred to in Article 27.*

5. The shipment of waste subject to the prior written notification and consent may take place only if all the following conditions are fulfilled:

- (a) the notifier has received 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 *those consents or their annexes* have been met;
- (b) Article 38(4), *point (b)*, ■ is complied with.

6. Where an export as referred to in paragraph 1 of waste *referred to in Article 4(2)* is in transit through a country to which the OECD Decision does not apply, the following adaptations shall apply:
- (a) the competent authority of transit of the country to which the OECD Decision does not apply shall have 60 days from the date of transmission of its acknowledgement of receipt of *a properly completed* 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;
  - (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 *a properly completed notification by a* competent authority of transit *outside the Union*, 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.

7. 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.
8. *Article 38(6) shall apply.*

■

#### Article 45

##### Monitoring of export and safeguard procedure

1. The Commission shall monitor the ■ exports 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 *significant* environmental or human health *damage* in the country of destination *or that waste imported from the Union is not shipped onwards to third countries*. As part of *its* monitoring, the Commission shall assess requests from natural or legal persons which are accompanied by relevant information and data showing that *management* of waste *exported* from the Union *does not fulfil the requirements of environmentally sound management as referred to in Article 59 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*.

2. In cases where:

- (a) there is insufficient evidence available demonstrating that **a country to which the OECD Decision applies** has the ability to recover **certain** waste in an environmentally sound manner as referred to in Article 59, **including due to the export of such waste from the Union to the country concerned, or**
- (b) **where there is evidence that the country concerned fails to meet the requirements of Article 59 for this waste, or**
- (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,**

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 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 59**. The Commission may grant an extension of this time limit if the country concerned makes a reasoned request for an extension thereof.

3. The request referred to in paragraph 2 shall aim to verify that the country concerned has:

- (a) put in place and implemented an adequate legal framework for the import and management of the waste concerned, ***both imported waste and waste generated in the country, in an environmentally sound manner***, as well as adequate measures to ensure the environmentally sound management of the residual waste generated through the recovery of the waste concerned;
- (b) ***put in place separate reporting on the quantity of waste generated in the country concerned and of waste imported into that country;***
- (c) sufficient capacity in its territory allowing the waste concerned to be managed in an environmentally sound manner, taking into consideration the **█** volume of waste imported into its territory;
- (d) put in place an adequate strategy, ***including measures to ensure that*** the import of the waste concerned ***has no substantial adverse effect*** on the collection and management of the waste generated domestically;
- (e) put in place and implemented adequate enforcement measures to ***ensure that the waste concerned is managed in an environmentally sound manner and*** address possible illegal shipments or treatment of ***such*** waste;



*(f) in the case of the export of plastic waste, been implementing requirements designed to ensure that plastic waste will be recycled in an environmentally sound manner and that residual waste generated through the recycling process will be managed in an environmentally sound manner, including through a prohibition of open burning or dumping of such waste. The request shall in addition aim to verify that measures are implemented to avoid the import of plastic waste from the Union undermining the environmentally sound management of plastic waste generated domestically and also that measures have been taken to prevent the shipment of imported plastic waste to other countries. Information shall also be provided showing that specific enforcement and inspections of shipments of plastic waste and facilities managing such waste are carried out at regular intervals to implement those requirements and mitigate pollution to air, soil, water or the marine environment linked to the mismanagement of plastic waste.*

- 4. For the purpose of the verifications referred to in paragraph 3, the Commission shall, where relevant, consult relevant stakeholders.*
- 5. The Commission shall exercise specific scrutiny with regard to exports of plastic waste to countries to which the OECD Decision applies. The Commission shall by ... [twenty-four months following the date of entry into force of this Regulation] assess whether countries to which the OECD Decision applies and which import significant volumes of plastic waste from the Union comply with this Article.*

6. 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 waste *concerned* is managed in an environmentally sound manner in accordance with Article 59, *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*, the Commission is empowered to adopt delegated acts in accordance with Article 80 to supplement this Regulation by prohibiting the export of the waste concerned to this country.

*A prohibition shall only be lifted by the Commission where it has sufficient evidence that the waste concerned will be managed in an environmentally sound manner and 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.*

Chapter 3  
Additional obligations

Article 46  
Obligations on exporters

1. ***The notifier or the person who arranges the shipment*** 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 59.
2. ***The notifier or person who arranges the shipment shall not export waste to a facility which does not comply with criteria laid down in Part B of Annex X.***
3. In order to fulfil the obligation referred to in paragraph 1, ***the notifier or*** █ ***person who arranges the shipment*** 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 █ .

*This audit shall be carried out by a third party which shall be independent from the notifier or person who arranges the shipment as well as from the audited facility and have appropriate qualifications in the areas of audits and waste treatment.*

*When commissioning an audit, the notifier or a person who arranges the shipment shall verify that the third party complies with the requirements laid down in Part A of Annex X and has been authorised or accredited by a national official body to perform audits as defined in this Article.*

4. The audit referred to in paragraph 3 shall *include both physical and documentary checks and shall* verify compliance of the facility concerned with the criteria laid down in *Part B of Annex X.* ■

5. A **notifier** or **person who arranges the shipment** intending to export waste shall ensure, **prior to exporting waste**, that the facility which will manage the waste in the country of destination has been subject to an audit referred to in paragraph 3 **carried out no longer than two years** prior to exporting waste to the facility concerned and **which has demonstrated compliance of the facility with the criteria in Part B of Annex X**.

**With a view to fulfilling this obligation, the notifier or a person who arranges the shipment shall either:**

- (a) commission an audit in accordance with this Article;**
- (b) acquire the report of an audit commissioned in accordance with this Article by another notifier or person who arranges the shipment, which was made available in accordance with paragraph 6, after verifying that the audit had been conducted in accordance with paragraphs 3 and 4 and demonstrated compliance of the facility with the criteria laid down in Part B of Annex X; or**
- (c) acquire the report of an audit commissioned in accordance with this Article by the facility itself, which was notified to the register referred to in paragraph 8 in accordance with paragraph 7, second subparagraph, after verifying that the audit had been conducted in accordance with paragraphs 3 and 4 and demonstrated compliance of the facility with the criteria laid down in Part B of Annex X.**

The *notifier* or █ person *who arranges the shipment* shall also *commission* an ad-hoc audit without delay in case it receives *reliable* information that a facility no longer complies with the criteria laid down in *Part B of Annex X*. *Where the ad-hoc audit demonstrates that a facility no longer complies with the criteria laid down in Part B of 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.*

6. A *notifier* or █ person *who arranges the shipment* that has commissioned █ an audit for a given facility in accordance with paragraph 3 shall ensure that such audit be made available to other *notifiers* or *persons who arrange shipments* intending to export waste to the facility in question, under fair commercial conditions.

7. *A notifier or a person who arranges the shipment shall notify the Commission of audits they have commissioned in accordance with paragraphs 3 and 5, and which have demonstrated compliance of a facility with the criteria laid down in Part B of Annex X. The notification shall contain the following information:*
- (a) name and contact details of the facility that has been subject to the audit;*
  - (b) name and contact details of the notifier or the person who arranges the shipment which commissioned the audit;*
  - (c) name and contact details of the third party that has carried out the audit;*
  - (d) the date of the audit;*
  - (e) the types of waste, as listed in Annex III, IIIA, IIIB or IV or in the list of waste referred to in Article 7 of Directive 2008/98/EC;*
  - (f) the recovery operations (R-codes), as referred to in Annex II of Directive 2008/98/EC.*

*A notifier or a person who arranges the shipment may notify the Commission of an audit commissioned by the audited facility itself, provided that the notifier or the person who arranges the shipment has verified that the audit had been conducted in accordance with paragraphs 3 and 4 and demonstrated compliance of the facility with the criteria laid down in Part B of Annex X. Such notification shall contain information in accordance with the first subparagraph, points (a) and (c) to (f).*

8. *The Commission shall establish and keep an up to date register with information received in accordance with paragraph 7. The Commission shall make the information in the register publicly available.*
9. Upon request by a competent authority or an authority involved in inspections, a **notifier** or **person who arranges the shipment** shall provide documentary evidence that audits as referred to in paragraph 3 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 authorities concerned.
10. *A notifier or person who arranges the shipment* 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.



11. Where an international agreement between the Union and 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, *as referred to in Article 59 and* in accordance with the criteria laid down in *Part B of Annex X, notifiers or persons who arrange shipments intending* to export waste to that third country shall be exempted from the obligation *laid down in paragraphs 3 to 7 and 9.*

*A notifier or a person who arranges the shipment 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 reliable information that a facility no longer complies with the criteria laid down in Part B of Annex X. The notifier or person who arranges the shipment shall in such a case notify the competent authorities of dispatch of that reliable information as well as its plans to carry out an ad-hoc audit.*

*Where an ad-hoc audit demonstrates that a facility no longer complies with the criteria laid down in Part B of 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.*

12. *The Commission shall make the relevant international agreements referred to in paragraph 11 publicly available on its website.*
13. *The Commission may adopt guidelines with regard to the application of this Article.*

## Article 47

### Obligations on Member States of export

1. ***In case of exports from the Union***, Member States shall take all the measures necessary to ensure that legal and natural persons under their national jurisdiction do ***not*** export waste in cases where the conditions laid down in Articles 39 to 46 for such export are not met ***or where exported waste is not managed in an environmentally sound manner in accordance with Article 59.***

2. **■**

Where Member States are in possession of ***reliable*** information ***indicating*** that natural or legal persons exporting waste from the Union are not complying with their obligations under Article 46 they shall carry out the necessary verifications.

## Chapter 4

### General provisions

## Article 48

### Exports to the Antarctic

Exports of waste from the Union to the Antarctic shall be prohibited.

## Article 49

### Exports to overseas countries or territories

1. Exports from the Union to an overseas country or territory of waste destined for disposal in that country or territory shall be prohibited.
2. As regards exports of waste destined for recovery in overseas countries or territories, the prohibition set out in Article 39 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 39, the provisions of Title II shall apply *mutatis mutandis*.

## Title V

### Imports into the Union from third countries

## Chapter 1

### Imports of waste for disposal

## Article 50

### Prohibition of imports *of waste destined for disposal*

1. Imports into the Union of waste destined for disposal shall be prohibited except imports coming from:
  - (a) countries which are Parties to 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;
  - (c) other countries with which individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or
  - (d) other areas in cases where, on exceptional grounds during situations of crisis, peacemaking *or* peacekeeping *operations*, or war, no bilateral agreements or arrangements pursuant to point (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.

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.

These agreements and arrangements shall:

- (a) be compatible with Union law and in accordance with Article 11 of the Basel Convention;
  - (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 *59(1) of this Regulation, Article 13 of Directive 2008/98/EC* and *other Union law on waste, in particular the Union legislation referred to in Annex IX, Part 1*;
  - (c) guarantee that the waste is produced in the country of dispatch and that *its* disposal will be carried out exclusively in the Member State which has concluded the agreement or arrangement; *and*
  - (d) be notified to the Commission prior to their conclusion or, in emergency situations, at the latest up to one month after conclusion.
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 51.

4. The countries referred to in paragraph 1, points (a), (b) and (c), shall be required to present a prior duly *reasoned* 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 59.

#### Article 51

#### Procedural requirements for imports *of waste destined for disposal or during situations of crisis, or during peacemaking or peacekeeping operations*

1. Where waste destined for disposal is imported into the Union from countries that are Parties to the Basel Convention, *or in cases referred to in Article 50(1), point (d)*, the provisions of Title II shall apply *mutatis mutandis*, with the adaptations and additional provisions set out in paragraphs 2 and 3.
2. The following adaptations shall apply:
  - (a) *a* notifier *that* is not established within the Union and has no access to a system referred to in Article 27, *may submit* the notification ■ and *any requested additional information and documentation* ■ to the competent authorities concerned by post, *or if appropriate, by fax or email with digital signature; in case of email with digital signature, any stamp or signature required shall be replaced by the digital signature;*

■

- (b) the notifier, or where the notifier is not established within the Union and has no access to a system referred to in Article 27, the competent authority of destination in the Union, shall ensure that all relevant information, ***at least the notification document including any annexes, the movement document including any annexes, the written consents, information about tacit consents and the conditions,*** are included in that system;
- (c) the competent ***authority of destination and any competent authority*** of transit ■ in the Union shall inform the competent ***authority of dispatch and any competent authority*** of transit ■ outside the Union of any request for information and documentation from their side and of their decision on the planned shipment, by post, ***or if appropriate, by fax or email with digital signature*** ■ unless the competent authorities in the countries concerned have access to the central system referred to in Article 27(3);

- (d) *the information to be provided to the competent authority of dispatch and any competent authority of transit outside the Union pursuant to Articles 7, 8, 16 and 17 shall be provided by post, or if appropriate, by fax or email with digital signature, unless those authorities are connected to a system referred to in Article 27;*
- (e) *a* competent authority of transit outside the Union shall have 60 days from 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 in accordance with Article 6(4) of that Convention, tacit consent or to give a written consent with or without conditions;
- (f) in the cases referred to in Article *50(1)*, point (d), involving situations of crisis, peacemaking *or* peacekeeping *operations*, or war, the consent of the competent authorities of dispatch shall not be required.



3. The following additional provisions shall apply:

- (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;*
- (b) *a competent authority of transit in the Union shall provide an acknowledgement of receipt of a properly completed notification to the notifier, with copies to the competent authorities concerned in case they have no access to a system referred to in Article 27;*
- (c) the competent *authority* of destination and *any competent authority of* transit in the Union shall *inform* the customs office of entry **■** of their decisions to consent to the shipment;
- (d) a copy of the movement document shall be delivered by the carrier to the customs office of entry either by post *or if appropriate, by* 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 27(3); and
- (e) 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 *authority* of destination and *any competent authority of* transit in the Union that the waste has entered the Union.

4. The shipment may take place only if all the following conditions are fulfilled:
- (a) the notifier has received written consent from the competent authorities of dispatch, destination and, where appropriate, transit, and the conditions laid down in *those consents or their annexes* have been met;
  - (b) a contract between the notifier and the consignee as referred to in Article 6 has been concluded and is effective;
  - (c) a financial guarantee or equivalent insurance as referred to in Article 7 has been established and is effective; and
  - (d) environmentally sound management as referred to in Article 59 is ensured.
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:
- (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; █
  - (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; *and*
  - (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.*

6. Where waste generated by armed forces or relief organisations **during** situations of crisis, **or during** peacemaking or peacekeeping operations, is **imported** by those armed forces or relief organisations or **by a natural or legal person** on their behalf, **such entities shall inform** any competent authority of transit and the competent authority of destination in the Union, **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** in advance concerning the shipment and its destination.

*The information provided pursuant to the first subparagraph shall accompany the shipment, unless it is provided via a system in accordance with Article 27.*

7. *The Commission shall adopt an implementing act detailing the information to be provided in accordance with paragraph 6, the first subparagraph, and the related timing.*

*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 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.*

*That implementing act shall be adopted in accordance with the examination procedure referred to in Article 81(2).*

Chapter 2  
Imports of waste for recovery

Article 52  
Prohibition of imports *of waste destined for recovery*

1. **█** Imports into the Union of waste destined for recovery shall be prohibited except for imports coming from:
  - (a) countries to which the OECD Decision applies;
  - (b) other countries which are Parties to 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 law and in accordance with Article 11 of the Basel Convention;
  - (d) other countries with which individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or
  - (e) other areas in cases where, on exceptional grounds during situations of crisis, peacemaking *or* peacekeeping *operations*, or war, no bilateral agreements or arrangements pursuant to point (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.

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.

In such cases Article 50(2), second subparagraph, shall apply.

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 51 in so far as may be relevant.

### Article 53

Procedural requirements for imports from a country to which the OECD Decision applies *or from other areas during situations of crisis or during peacemaking or peacekeeping operations*

1. Where waste destined for recovery is imported into the Union from countries and through countries to which the OECD Decision applies, *or in cases referred to in Article 52(1), point (e)*, the provisions of Title II shall apply *mutatis mutandis*, with the adaptations and additional provisions set out in paragraphs 2 and 3.
2. The following adaptations shall apply:
  - (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;
  - (b) *shipments of waste destined for experimental treatment trials referred to in Article 4(5) shall be subject to the procedure of prior written notification and consent;*

*(c) shipments of waste destined for laboratory analysis referred to in Article 4(5) shall be subject to the procedure of prior written notification and consent, unless the quantity of such waste has been determined based on 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;*

■

*(d) the provisions in Article 51(2), points (a) to (e) shall apply;*

*(e) the facility mentioned in Articles 15(3) and 16(5) shall provide the respective confirmation within 3 working days of receipt of the waste.*

3. ■ Article 51(3) *shall also apply.*

4. The shipment may take place only if all the following conditions are fulfilled:

(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;

(b) the *conditions specified* in Article 51(4), points (b), (c) and (d) *have been met;*

■

5. *The provisions in Article 51(5) and (6) shall apply.*

■

#### Article 54

Procedural requirements for imports from or through a country to which the OECD Decision does not apply

Where waste destined for recovery is imported into the Union from a 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 51 shall apply *mutatis mutandis*.

#### Chapter 3

#### Additional obligations

## Article 55

### Obligations of *competent authorities* of *destination in the Union*

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 human health and ***in an environmentally sound manner in accordance with Article 59 of this Regulation***, and in accordance with Article 13 of Directive 2008/98/EC and other Union law on waste, ***in particular the Union legislation referred to in Annex IX, Part 1***, throughout the *duration* of *the* shipment, including recovery or disposal in the country of destination.



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

##### Imports from overseas countries or territories

#### Article 56

##### Imports from overseas countries or territories

1. Where waste is imported into the Union from overseas countries or territories, Title II shall apply *mutatis mutandis*.
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 **country of transit** . Where a Member State applies national procedures to such shipments, it shall notify the Commission thereof.

## Title VI

### Transit through the Union from and to third countries

#### Article 57

##### Transit through the Union of waste destined for disposal

Where waste destined for disposal is shipped through Member States from and to third countries, Article 51 shall apply *mutatis mutandis*, with the following adaptations and additional provisions:

- (a) the first and last competent authority of transit in the Union shall, where appropriate, **inform** the customs office of entry and the customs office of exit **■** of their respective decisions to consent to the shipment or, if they have provided tacit consent, of the acknowledgement in accordance with Article 51(3), point (b);
- (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;
- (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.***

## Article 58

### Transit through the Union of waste destined for recovery

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 57 shall apply *mutatis mutandis*.
2. Where waste destined for recovery is shipped through Member States from and to a country to which the OECD Decision applies, Article 53 shall apply *mutatis mutandis*, with the following adaptations and additional provisions:
  - (a) the first and last competent authority of transit in the Union shall, where appropriate, **inform** the customs office of entry and the customs office of exit **■** of their respective decisions to consent to the shipment or, if they have provided tacit consent, of the acknowledgement in accordance with Article 51(3), point (b);
  - (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;

*(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.*

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  
Environmentally sound management and enforcement

Chapter 1

Environmentally sound management

Article 59

Environmentally sound management

1. The waste producer, the notifier, *the person who arranges the shipment* and any other undertaking involved in a shipment of waste or its recovery or disposal shall take the necessary steps to ensure that *the waste* is managed without endangering human health and in an environmentally sound manner throughout the *duration* of *the* shipment and during the recovery and disposal of the waste.
  
2. For the purposes of export of waste, the waste shall be deemed to be managed in an environmentally sound manner as regards recovery or disposal, *if* it can be demonstrated that the waste, *as well as any residual waste generated through recovery or disposal*, will be managed in accordance with human health, *climate* and environmental protection requirements that are *considered* equivalent to human health and environmental protection requirements *under* Union legislation. When assessing such equivalence, full compliance with requirements stemming from Union legislation shall not be required, but it *shall* 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. *In order to perform the equivalence assessment, the relevant provisions of Union legislation and the international guidance referred to in Annex IX shall be used as points of reference.*

Chapter 2  
Enforcement

SECTION 1

INSPECTIONS BY THE MEMBER STATES AND PENALTIES

Article 60  
Inspections

1. Member States shall, for the purpose of enforcing this Regulation, ***ensure that*** 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, ***are carried out***.
2. Inspections of shipments shall take place at least in one of the following points:
  - (a) at the point of origin, carried out with the waste producer, ***collector***, waste holder, notifier ***or person who arranges the shipment***;
  - (b) at the point of destination, including interim and non-interim recovery or interim and non-interim disposal, carried out with the consignee or the facility;
  - (c) at the borders of the Union;
  - (d) during the shipment within the Union.

## Article 61

### Documentation and evidence

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.
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:
  - (a) as to the origin and destination of the substance or object concerned; and
  - (b) that it is not waste, including, where appropriate, evidence of functionality.

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.

***In order to distinguish between used goods and waste, for the purpose of inspection, the conditions laid down in Article 29(1), third subparagraph, shall apply, as well as any criteria established pursuant to Article 29(3), where applicable.***

***This paragraph shall be without prejudice to the application of Article 23(2) and Annex VI to Directive 2012/19/EU and to the application of Article 72(2) and Annex XIV to Regulation (EU) 2023/1542*** .

3. The authorities involved in inspections may conclude that the substance or object concerned is waste where:
- (a) the evidence referred to in paragraph 2 or required under other Union legislation to ascertain that a substance or object is not waste, has not been submitted within the period specified by them; or
  - (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 *paragraph 2*, the second subparagraph, to be insufficient.

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 25 and 26 and the authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.

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, ***and may detain the waste in a shipment and, when necessary, the means of transport containing the waste, as well as suspend the transport of the waste until such documentation has been provided.***



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 59, the authorities involved in inspections may require the person who arranges the shipment *and the consignee* to submit relevant documentary evidence provided by the interim and non-interim recovery facility and, if necessary, approved by the competent authority of destination. ***In cases of export from the Union, the authorities involved in inspections shall require documentary evidence on the audit carried out in accordance with Article 46.***
6. Where the evidence referred to in *paragraph 4 or 5* 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 25 and 26. The authorities involved in inspections shall, without delay, inform the competent authority of the country where the inspection concerned took place accordingly.

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 Regulation (EEC) No 2658/87<sup>46</sup> 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 these acts 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 81(2). Commission Implementing Regulation (EU) 2016/1245<sup>46</sup> shall remain in force until the empowerment referred to in the present Article is exercised by the Commission.

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<sup>46</sup> Commission Implementing Regulation (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 62  
Inspection plans

1. Member States shall ***ensure that***, in respect of their entire geographical territory, one or more plans ***are established***, either separately or as a clearly defined part of other plans, for inspections to be carried out pursuant to Article 60(1) ('inspection plan').

Inspection plans shall be based on a risk assessment covering specific waste streams and sources of illegal shipments, the results of previous inspections and considering, where appropriate, intelligence-based data such as data on investigations by police and customs authorities and analyses of criminal activities ***as well as reliable information from natural or legal persons on possible illegal shipments, relevant information related to the management of waste being shipped and information showing that a shipment bears similarities with shipments previously identified as illegal shipments. That risk assessment shall in particular take into account the need for conducting verifications of whether natural and legal persons exporting waste from the Union comply with the obligations established in Article 46.*** 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.

2. Inspection plans shall include, at least, the following elements:
  - (a) the objectives and priorities of the inspections, including a description of how those objectives and priorities have been identified;
  - (b) the geographical area covered by the inspection plan;
  - (c) information on planned inspections, including on ***a minimum number of inspections and physical checks to be carried out in each calendar year on establishments, undertakings, brokers, dealers and shipments of waste or on the related recovery or disposal, identified in accordance with the risk assessment referred to in paragraph 1;***
  - (d) the tasks assigned to each authority involved in inspections;
  - (e) arrangements for cooperation between authorities involved in inspections;
  - (f) information on the training of inspectors on matters relating to inspections; and
  - (g) information on the human, financial and other resources for the implementation of the inspection plan.
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.

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.
5. The Commission shall review the inspection plans notified by the Member States in accordance with 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 66 ***and shall be made available to the European Parliament and to the Council.***

#### Article 63

##### Penalties

1. ***Without prejudice to the obligations of Member States under Directive 2008/99/EC,*** Member States shall lay down the rules on 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.

2. █ Member States shall *ensure that the penalties established pursuant to this Article* give due regard to the following, *as applicable*:
- (a) the nature, gravity and *extent* of the infringement;
  - (b) where appropriate, the intentional or negligent character of the infringement;
  - (c) the financial *capacity* of the natural or legal person held responsible █ ;
  - (d) the economic benefits derived from the infringement by the natural or legal person held responsible, insofar as they can be determined;
  - (e) the environmental damage caused by the infringement █ ;
  - (f) any action taken by the natural or legal person held responsible to mitigate or remedy the damage caused;
- █
- (g) *the repetitive or singular character of the infringement*;
- █
- (h) any other aggravating or mitigating factor applicable to the circumstances of the case.

3. The Member States shall at least be able to impose the following penalties in case of infringements of this Regulation, *where relevant*:
- (a) fines;
  - 
  - (b) *revocation or time-limited* suspension ■ 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) *time-limited* exclusion from public procurement procedures.
4. *Member States shall without delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.*

SECTION 2  
ENFORCEMENT COOPERATION

Article 64

Enforcement cooperation at national level

Member States shall *maintain or* establish, as regards all relevant **■** authorities involved in enforcement of this Regulation *in their territory, including competent authorities and the authorities involved in inspections*, 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 65

### Enforcement cooperation between Member States

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 ***related to such prevention and detection, including*** 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 62(1), within established structures, in particular, through the waste shipment enforcement group established under Article 66.
2. Member States shall identify ***the authority or authorities and the*** members of their permanent staff responsible for the cooperation referred to in paragraph 1 and ***also*** identify ***an authority or authorities and responsible members of their permanent staff as*** the focal points for the physical checks referred to in Article 61(1). ***The Member States*** shall ***send that information*** to the Commission which shall ***compile the information and make it available*** to ***the identified authorities and*** members ***of their permanent staff***.
3. At the request of ***an authority in*** another Member State, ***an authority of*** 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 66

### Waste shipment enforcement group

1. An enforcement group shall be established to facilitate and improve cooperation and coordination between the Member States in order to prevent and detect illegal shipments (the ‘waste shipment enforcement group’).
2. The waste shipment enforcement group shall consist of ***up to three representatives per Member State, selected from*** the designated permanent staff responsible for the cooperation referred to in Article 65(2) ***or from permanent staff of other*** relevant authorities ***involved in the*** enforcement of this Regulation, ***to be nominated by the Member States, which will inform the Commission.*** That group shall be ***co-chaired*** by the representative ***or representatives*** of the Commission ***and by a representative of a Member State elected by the group.***
3. The waste shipment enforcement group shall be a forum for sharing information ***relevant for the prevention and detection of illegal shipments, including information*** and intelligence on general trends relating to illegal shipments of waste, risk-based assessments carried out by ***the authorities of the*** Member States, and ***experience and knowledge on*** enforcement ***measures***, 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 chairpersons, either on their own initiative or at the request of the members of the group or the committee referred to in Article 81.

4. The waste shipment enforcement group shall meet *regularly*, at least *once* a year. In addition to the members referred to in paragraph 2, the chairpersons may invite to the meetings *or parts of the meetings*, where appropriate, representatives of other relevant institutions, bodies, offices, agencies, *networks or other stakeholders*.
5. The Commission shall convey the opinions expressed in the waste shipment enforcement group to the committee referred to in Article 81.

### SECTION 3

#### ACTIONS PERFORMED BY THE COMMISSION

#### Article 67

##### General provisions

1. ***Without prejudice to Regulation (EC) No 515/97, the Commission shall exercise the powers conferred by Articles 67 to 71 in order to support and complement the enforcement activities of the Member States and to contribute to a uniform implementation of this Regulation throughout the Union.***

2. The Commission may exercise the powers conferred onto it by this Regulation *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* on its own initiative, on the request of *the authorities 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. *The Commission may also forward such complaints to the competent authorities of the Member States concerned.*

*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.*

*The Commission shall also provide the Member States with assistance in organising close and regular cooperation between their competent authorities pursuant to Article 71.*

3. In exercising its powers, the Commission shall take into account the inspections, *prosecuting, legal or administrative proceedings* in progress or already carried out in respect of the same shipments by *the authorities of* a Member State pursuant to this Regulation *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 65(2).*
4. On completion of its actions, 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 25 and 26. ■ . The Commission may also recommend certain follow-up to the relevant authorities *of the Member States*, and, where necessary inform the Union institutions, bodies, offices and agencies concerned.

5. Reports drawn up on the basis of paragraph 4, together with all evidence in support and annexed thereto, shall constitute admissible evidence:
- (a) in judicial proceedings of a non-criminal nature before national courts and in administrative proceedings in the Member States;
  - (b) in criminal proceedings in the Member State *where* their use proves necessary in the same way and under the same conditions as administrative reports drawn up by national administrative *authorities* and shall be subject to the same evaluation rules as those applicable to administrative reports drawn up by national administrative *authorities* and shall have the same evidentiary value as such reports;
  - (c) in judicial proceedings before the Court of Justice of the European Union.

*The power of the Court of Justice of the European Union and national courts and competent authorities to freely assess the evidential value of the reports drawn up by the Commission in accordance with paragraph 4 shall not be affected by this Regulation.*

## Article 68

### Inspections by the Commission

1. The Commission may, *in accordance with Article 67*, carry out inspections of shipments pursuant to Article *60(1) and (2)* of this Regulation.
2. ***The Commission shall only carry out an inspection where there is sufficient suspicion for an illegal shipment of waste.***
3. The Commission shall prepare and conduct inspections in close cooperation with the relevant authorities of the Member State concerned. ***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.***

The Commission shall give notice ***15 days in advance*** of the object, purpose and legal basis of inspections to the permanent staff responsible for cooperation or the focal points referred to in Article 65(2) in the Member State concerned in whose territory the inspection is to be conducted, so that ***relevant*** authorities may provide the requisite assistance. To that end, officials of the ***relevant authorities of the*** Member State concerned ***shall be given opportunity to*** participate in the inspections. ***In urgent cases, if it is not possible to respect the 15 days' notice, the Commission shall give notice at the first useful moment.***

In addition, upon request of the relevant authorities of the Member State concerned, the inspections ***shall*** be carried out jointly by the Commission and the relevant authorities of that Member State.

4. 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.
5. The staff of the Commission that conduct an inspection shall be empowered to:
  - (a) have access to any premises, land and means of transport of the *notifier, the* person who arranges the shipment, the *waste producer, the waste* holder, the carrier, the consignee or the facility that receives the waste;
  - (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;
  - (c) ask the notifier, the person who arranges the shipment, the *waste producer, the waste* 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;
  - (d) take and record statements from the notifier, the person who arranges the shipment, the *waste producer, the waste* holder, the carrier, the consignee or the facility that receives the waste related to the subject-matter and purpose of the inspections;
  - (e) physically check the waste and take samples of the waste for laboratory tests, where appropriate.



6. The notifier, the person who arranges the shipment, the waste *producer, 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.
7. The authorities of the Member States involved in inspections on 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.
8. The notifier, the person who arranges the shipment, the waste *producer, the waste* holder, the waste carrier, the consignee and the facility that receives the waste are required to submit *themselves* to inspections of the Commission.
9. Where the Commission finds that 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 opposes an inspection, the *relevant authorities of the* Member State concerned shall, afford the Commission the necessary assistance, requesting where appropriate the assistance of 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 69  
Requests for information

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.
2. Where such an interview is conducted in the premises of an establishment, undertaking, broker or dealer, the Commission shall inform the permanent staff responsible for cooperation or the focal points referred to in Article 65(2) in the Member State concerned in whose territory 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 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.***

***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 or her choice.***

3. The Commission may request legal or natural persons responsible 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.

4. The Commission shall without delay *make available* 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.
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, *the second sentence of Article 61(6)* shall apply, *mutatis mutandis*.

#### Article 70

##### Procedural guarantees

1. The Commission shall carry out inspections and request information in *compliance with* the procedural guarantees of 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 set out in this Article*.
2. *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:*
  - (a) the right not to make self-incriminating statements;
  - (b) the right to be assisted by a person of choice;
  - (c) the right to use any of the official languages of the Member State where the inspection takes place;

- (d) the right to comment on facts concerning them, *once the inspection has been completed and before the adoption of a report pursuant to Article 67(4). 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 confidentiality of the inspection or of an ongoing or future administrative or criminal investigation by a national authority, the Commission may decide to defer the invitation to comment;*
- (e) the right to receive a copy of the record of interview and either approve it or add observations;
- (f) *where the Commission has made judicial recommendations pursuant to Article 67(4), 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 67(4) 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.*

The Commission shall seek evidence for and against 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, and carry out inspections and request information objectively and impartially and in accordance with the principle of the presumption of innocence.

3. The Commission shall *ensure the confidentiality of the inspections, of the interview and of the request carried out pursuant to this section*. Information *transmitted or obtained in the course of the inspections, interview and requests pursuant to this section shall be subject to* data protection rules.

#### Article 71

#### Mutual assistance

**I**

*For the purposes of applying this Regulation and without prejudice to Articles 64 and 65 of this Regulation, Regulation (EC) No 515/97, except for Article 2a, Articles 18a to 18e, Titles IV to VII, and the Annex, shall apply mutatis mutandis to the cooperation between the relevant authorities of the Member States and the Commission implementing the provisions in this section.*

#### Title VIII

#### Final provisions

## *Article 72*

### *Format of communications*

*Where the provisions in Article 27 do not apply or where actors outside the Union are not connected to the central system referred to in Article 27(3), 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 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.*

## Article 73

### Reporting

1. Before the end of each calendar year, each Member State shall **submit to** the Commission a copy of the report ■ it has drawn up and submitted to the Secretariat of that Convention for the previous calendar year **in accordance with Article 13(3) of the Basel Convention**.
2. Before the end of each calendar year, Member States shall also draw up a report for the previous **calendar** year, based on the additional reporting questionnaire in Annex XI, and **submit** it to the Commission. Within a month of **submission** of that report to the Commission, Member States shall make the section of that report relating to Articles 25, 60(1) and 63(1), including Table 7 of Annex XI, publicly available, electronically via the internet, together with any explanation that the Member States consider to be appropriate, **and inform the Commission on the related hyperlinks**. The Commission shall compile a list of the Member States' hyperlinks ■ and make it publicly available on its website.
3. The reports drawn up by Member States in accordance with paragraphs 1 and 2 shall be submitted to the Commission electronically.

4. The Commission shall review the data reported in accordance with this Article and publish a report with the results of its review.

*In addition, the Commission shall address in that report the following elements:*

- (a) trends in illegal shipments and best practices to tackle such shipments, taking into account recommendations made by the waste shipment enforcement group referred to in Article 66;*
- (b) the efficiency of the procedure of prior written notification and consent laid down in Chapter 1 of Title II, and notably the related timelines inter alia by analysing elements such as the number of objections and consents, and the time between the submission of and a decision taken on a notification, based on data stored in the system referred to in Article 27;*
- (c) contribution of this Regulation to climate neutrality, achieving circular economy and zero pollution, taking into account the reports and data published by relevant Union's agencies.*

The European Environment Agency shall support the Commission in the task of monitoring the implementation of this Regulation by, where appropriate, drawing up reports providing an analysis of the shipments of specific waste streams, and of their environmental impacts.

The report mentioned in the first subparagraph shall be drawn up for the first time by ... *[date of the end of the fifth year after the date of entry into force of this Regulation]* and every **three** years thereafter.



5. *After ... [60 months following the date of entry into force of this Regulation], the Commission shall draw up a report assessing whether the implementation of the provisions contained in Articles 39 to 46 has ensured the environmentally sound management of plastic waste, both in the EU and in countries where such waste has been exported from the Union, as well as no significant adverse effects occurred on the treatment of domestic waste in importing countries. It shall take into consideration information and elements provided by Member States involved in export of plastic waste, by the competent authorities of the countries of import, as well as by economic operators and civil society organisations.*

*The report shall also provide information on the evolution of the capacity of waste operators in the Union to manage plastic waste generated in the Member States and imported into the Union in an environmentally sound manner.*

*The report shall also assess if the provisions on the shipments of waste between Member States have contributed to improving the management of plastic waste, especially looking at the classification of plastic waste under entry EU3011.*

*This report shall be accompanied, if appropriate, by a legislative proposal to amend this Regulation, which could include stricter conditions on the export of plastic waste to third countries, including export prohibitions.*

## Article 74

### International cooperation

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 **I** or sharing of information, the promotion of environmentally sound *technology* and the development of appropriate codes of good practice.

## Article 75

### Designation of competent authorities

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 76

### Designation of correspondents

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 77

### Designation of customs offices of entry and exit

Member States may designate specific customs offices of entry and exit for shipments of waste entering and leaving the Union. Where *a* Member *State decides* to designate such customs offices, no *other border crossing points within that Member State shall be used* for the purposes of shipments entering or leaving the Union.

## Article 78

### Notification of, and information regarding, designations

1. Member States shall notify the Commission of designations of:
  - (a) competent authorities, pursuant to Article 75;
  - (b) correspondents, pursuant to Article 76;
  - (c) where relevant, customs offices of entry and exit, pursuant to Article 77.
2. In relation to the designations referred to in paragraph 1, Member States shall provide the Commission with the following information:
  - (a) *names*;
  - (b) postal *addresses*;
  - (c) e-mail *addresses*;
  - (d) telephone *numbers*;
  - (e) languages acceptable to the competent authorities.

3. Member States shall immediately notify the Commission of any changes in the information referred to in *paragraphs 1 and 2*.
4. The information referred to in *paragraphs 1 and 2*, as well as any changes in that information shall be submitted to the Commission **■** electronically.
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 79

#### Amendment *to* Annexes I to X and *XII*

1. The Commission is empowered to adopt delegated acts in accordance with Article 80 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 **■** .
2. ***The Commission is empowered to adopt delegated acts in accordance with Article 80 to amend Annex IC, in order to adapt it to the implementation of Article 27, after ... [two years after the date of entry into force of this Regulation].***

3. The Commission is empowered to adopt delegated acts in accordance with Article 80 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, *provided that the composition of those mixtures of wastes does not impair their environmentally sound recovery and where it is demonstrated that the mixture of wastes in question will be managed in an environmentally sound manner within the Union, and provide that one or more of the entries in Annex IIIA shall only apply for shipments between Member States where it is demonstrated that the mixture of wastes in question is expected not to be managed in an environmentally sound manner in countries to which the OECD Decision applies.*
  
4. The Commission is empowered to adopt delegated acts in accordance with Article 80 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 *non-hazardous* wastes not listed in Annex III, Annex IV or Annex V, *where it is demonstrated that the waste in question will be managed in an environmentally sound manner within the Union.*

5. The Commission is empowered to adopt delegated acts in accordance with Article 80 to amend *Annex VIII as regards* the form and content of the information referred to in that Annex, *based on experience gained during implementation of this Regulation and to update the form and information in that Annex regarding Union legislation and international guidance as regards 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.*
  
6. The Commission is empowered to adopt delegated acts in accordance with Article 80 to amend Annex IX, in order to update the lists of Union legislation and international guidance as regards environmentally sound management *on the basis of developments at Union level or in the relevant international fora.*

7. The Commission is empowered to adopt delegated acts in accordance with Article 80 to amend Annex X as regards the criteria contained in that Annex, *based on experiences gained during implementation of this Regulation and to update the information in that Annex regarding Union 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.*
8. *The Commission is empowered to adopt delegated acts in accordance with Article 80 to amend Annex XII as regards the information contained in that Annex, based on experience gained during implementation of this Regulation.*

#### Article 80

##### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Articles 14(3), **15(6)**, **18(15)**, **27(2)**, 29(6), **39(5)**, 41(1), **43(4)**, 45(6), and article 79 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 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.
3. The delegation of power referred to in Articles 14(3), **15(6)**, **18(15)**, **27(2)**, **29(6)**, **39(5)**, 41(1), **43(4)**, 45(6), and article 79 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.
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.



5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles 14(3), **15(6)**, **18(15)**, **27(2)**, **29(6)**, **39(5)**, 41(1), **43(4)**, 45(6), or article 79 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 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 81  
Committee procedure

1. The Commission shall be assisted by the committee established by Article 39 of Directive 2008/98/EC. That committee *shall be* a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 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 82

*Amendment of Regulation (EU) No 1257/2013*

***Regulation (EU) No 1257/2013 is amended as follows:***

**(1) in Article 3(2), the introductory wording is replaced by the following:**

***“For the purposes of Article 6(2)(a), Article 7(2)(d) and Articles 13, 15 and 16,”;***

**(2) in Article 6(2) ■, point (a) is replaced by the following:**

***“(a) are only recycled at ship recycling facilities that are included in the European List and, in the case of ships 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, only at those facilities included in the European List which are located in countries listed in Annex VII to the Basel Convention.”***

**Regulation (EU) 2020/1056 is amended as follows:**

**(1)** in Article 2(1)(a), point (iv) is replaced by the following:

"(iv) Article 9(2), 16(1) and Article 18(4) of Regulation (EU) 2024 /... of the European Parliament and of the Council<sup>+</sup> \* ; this Regulation is without prejudice to controls by customs offices provided for in relevant provisions of Union legal acts;

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\* *Regulation (EU) 2024/... of the European Parliament and of the Council of ... on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 (OJ L ..., p. ..., ELI: ...).*";

**(2)** in Article 5, the following paragraph is inserted:

"1a. *By way of derogation from paragraph 1, competent authorities shall accept regulatory information, including additional information, pursuant to Regulation (EU) 2024 /...<sup>++</sup> as from ... [24 months after the date of entry into force of that Regulation.*";

**(3)** in Article 5, paragraph 2 is deleted;

**(4)** in Article 7, the following paragraph is added:

"4. *By way of derogation from paragraph 3, elements referred to in paragraph 1 that are related to information 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 27 (5) of Regulation (EU) 2024/...<sup>++</sup>.*";

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<sup>+</sup> OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 84/23 (2021/0367(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

<sup>++</sup> OJ: Please insert the number of the Regulation contained in document PE-CONS 84/23 (2021/0367(COD)).

(5) *in Article 8, the following paragraph is added:*

*"4. By way of derogation from 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 27(5) of Regulation (EU) 2024/...<sup>++</sup>."*

(6) *in Article 9, the following paragraph is added:*

*"3. By way of derogation from 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 27(5) of Regulation (EU) 2024/...<sup>++</sup>."*

#### Article 84

#### Review

By 31 December 2035, the Commission shall, taking into account, inter alia, the reports drawn up in accordance with Article 73, and the review referred to in Article 62(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.

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<sup>++</sup> OJ: Please insert the number of the Regulation contained in document PE-CONS 84/23 (2021/0367(COD)).

*The Commission shall, during its review and as a part of its report, assess in particular:*

- (a) the efficiency of the procedure of prior written notification and consent laid down in Chapter 1 of Title II, and notably the related timelines in Articles 8, 14, 15 and 16 inter alia by analysing elements such as the number of objections and consents, and the time between the submission of and a decision taken on a notification. The Commission may use data stored in the systems referred to in Article 27 for this purpose;*
- (b) if publishing data on the shipments of waste in accordance with Article 21 provides adequate transparency, in particular by analysing if and why names of the facilities at destination were considered as confidential due to Union and national legislation by competent authorities or persons who arrange the shipments;*
- (c) if this Regulation sufficiently contributed to climate neutrality, achieving a circular economy and zero pollution, taking into account the reports and data published by relevant Union's agencies.*

*The Commission shall, during its review and as a part of its report, assess in addition whether the principle of equality in Union law has been respected, evaluate in this context possible impacts on any Member State's competitiveness, and take rectifying measures where deemed necessary.*

## Article 85

### Repeal and transitional provisions

1. Regulation (EC) No 1013/2006 is repealed with effect from ... [date █ of entry into force of this Regulation].
2. However, the provisions █ of Regulation (EC) No 1013/2006 shall continue to apply until ...[**24 months after the date of entry into force of this Regulation**] **except for:**
  - (a) **Article 30 that shall cease to apply from ... [the date of entry into force of this Regulation];**
  - (b) Article 37 █ that █ shall continue to apply until ... [**36 months after the date of entry into force of this Regulation**];
  - (c) **Article 51 that shall continue to apply until 31 December ... [calendar year 15 months after the date of entry into force of this Regulation].**

█

3. Regulation (EC) No 1013/2006 shall also continue to apply to shipments *for which a notification has been submitted* 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 ... [*24 months after the date of entry into force of this Regulation*]. For those shipments, the provisions of this Regulation shall not apply.
4. *Commission Regulation (EC) No 1418/2007<sup>47</sup> is repealed with effect from ... [ 36 months after the date of entry into force of this Regulation].*
5. *The recovery or disposal of waste in a shipment* 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 ... [*24 months after the date of entry into force of this Regulation*].

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<sup>47</sup> *Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6).*



6. *Shipment for which the 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 ... [ 24 months after the date of entry into force of this Regulation].*
7. *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 ... [date of entry into force of this Regulation].*
8. *References to the repealed Regulation (EC) No 1013/2006 shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XIII.*

#### Article 86

##### Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from ... [ 24 months after the entry into force of this Regulation].

3. However, *in relation to the following provisions, the following dates of application shall apply:*

- (a) Article 83, points 4, 5 and 6, from 20 August 2020;*
- (b) Articles 2(2) point (i), Articles 7(10), 11(5), 14(3), 15(6), 18(15), 27(2) and (5), 29(3) and (6), Article 31, 41 to 43, Article 45, 51(7), 61(7), Article 66, Articles 79 to 82 and Article 83, points 1 to 3, from ... [the date of entry into force of this Regulation];*
- (c) Article 39 point (1)(d) from ... [30 months after the date of entry into force of this Regulation];*
- (d) Articles 38(2) point (b), Article 40, Article 44(2) point (a), and Articles 46 and 47 from ... [ 36 months after the date of entry into force of the Regulation], except for Article 40(3)(b) which shall apply from ... [ 24 months after the date of entry into force of this Regulation];*
- (e) Article 73 from 1 January ... [calendar year following the year specified in Article 85(2)(c)].*

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

Done at ...,

*For the European Parliament*

*The President*

*For the Council*

*The President*



**FOR USE BY COMPETENT AUTHORITIES**

**19. Acknowledgement from the relevant competent authority of countries of import - destination/ transit (1) / export - dispatch (9):**  
 Country:  
 Notification received on:  
 Acknowledgement sent on:  
 Name of competent authority:  
 Stamp and/or signature:

**20. Written consent (1);(8) to the movement provided by the competent authority of (country):**  
 Consent given on:  
 Consent valid from: \_\_\_\_\_ until: \_\_\_\_\_  
 Specific conditions: No:  If Yes, see block 21 (6):   
 Name of competent authority:  
 Stamp and/or signature:

**21. Specific conditions on consenting to the movement *document* or reasons for *objection***

- |  |  |
|--|--|
| <p>(1) Required by the Basel Convention<br/>                 (2) In case of R12/R13 or D13-D15 operation, also attach corresponding information <i>on any subsequent R12/R13 or D13-D15 operation and</i> on the subsequent R1-R11 or D1-D12 facilit(y)ies when required.<br/>                 (3) To be completed for movements within the OECD area and only if B(ii) applies.<br/>                 (4) Attach detailed list if multiple shipments</p> | <p>(5) See list of abbreviations and codes on the next page<br/>                 (6) Attach details if necessary<br/>                 (7) Attach list if more than one<br/>                 (8) If required by national legislation<br/>                 (9) If applicable under the OECD Decision</p> |
|--|--|

## List of abbreviations and codes used in the notification document

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

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

## ANNEX IB

### Movement document for transboundary movements/shipments of waste

<b>1. Corresponding to Notification No:</b>		<b>2. Serial/total number of shipments:</b> / <b>2a. Container identification number, if applicable</b>	
<b>3. Exporter - notifier</b> <i>Registration No:</i> Name: Address:  Contact person: Tel:    Fax: E-mail:		<b>4. Importer - consignee</b> <i>Registration No:</i> Name: Address:  Contact person: Tel:    Fax: E-mail:	
<b>5. Actual quantity:</b> Tonnes                      m <sup>3</sup> : (Mg):		<b>6 Actual date of shipment:</b>	
<b>7. Packaging</b> Type(s) (1):                      Number of packages: <b>Special handling requirements:</b> (2)                      Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
<b>8.(a) 1<sup>st</sup> carrier (3):</b> Registration No: Name: Address: Tel: E-mail:		<b>8.(b) 2<sup>nd</sup> carrier:</b> Registration No: Name: Address: Tel: E-mail:	
<b>8.(c) Last carrier:</b> Registration No: Name: Address: Tel: E-mail:		More than <input type="checkbox"/> <b>three carriers</b> (2)	
----- To be completed by carrier's representative -----			
Means of transport (1): Date of transfer: Signature:		Means of transport (1): Date of transfer: Signature:	
<b>9. Waste generator(s) – producer(s) (4);(5);(6):</b> Registration No: Name: Address: Contact person: Tel:    Fax: E-mail: Site of generation (2):		<b>12. Designation and composition of the waste (2):</b>	
<b>10. Disposal facility</b> <input type="checkbox"/> <b>or recovery facility</b> <input type="checkbox"/> Registration No: Name: Address:  Contact person: Tel:    Fax: Email: Actual site of disposal/recovery (2)		<b>13. Physical characteristics (1):</b>	
<b>11. Disposal/recovery operation(s)</b> <b>D-code / R-code</b> (1):		<b>14. Waste identification (fill in relevant codes)</b> (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EU list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN class (1): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):	
<b>15. Exporter's - notifier's / generator's – producer's (4) declaration:</b> I certify that the above information is complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned. Name: <i>Date:</i> Signature:			
<b>16. For use by any person involved in the transboundary movement in case additional information is required</b>			
<b>17. Shipment received by importer – consignee (if not facility):</b> Name: <i>Date:</i> Signature:			

**TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY**

<b>18. Shipment received at disposal facility</b> <input type="checkbox"/> <b>or recovery facility</b> <input type="checkbox"/> Date of reception: Accepted: <input type="checkbox"/> Rejected*: <input type="checkbox"/> Quantity received: <i>Tonne</i> <i>m<sup>3</sup></i> : <i>*immediately contact competent authorities</i> <i>(Mg)</i> : Approximate date of disposal/recovery:  Disposal/ <i>recovery</i> operation (1): Date: Name: Signature:		<b>19. I certify that the disposal/recovery of the waste described above has been completed.</b> Quantity prepared for re-use or recycled:  Quantity recovered in other manner:  <b>Quantity disposed of:</b>  Date: Name: Signature and stamp:
--	--	--

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

(2) Attach details if necessary

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

(4) Required by the Basel Convention

(5) Attach list if more than one

(6) If required by national legislation

**FOR USE BY CUSTOMS OFFICES (if required by national legislation)**

<p><b>20. COUNTRY OF EXPORT - DISPATCH OR CUSTOMS OFFICE OF EXIT</b>                  The waste described in this movement document has left the <b>country</b> on:                  Signature:                  Stamp:</p>	<p><b>21. COUNTRY OF IMPORT - DESTINATION OR CUSTOMS OFFICE OF ENTRY</b>                  The waste described in this movement document has entered <b>the</b> country on:                  Signature:                  Stamp:</p>				
<p><b>22. STAMPS OF CUSTOMS OFFICES OF TRANSIT COUNTRIES</b></p>					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Name of country: Entry:</td> <td style="width:50%;">Exit:</td> </tr> </table>	Name of country: Entry:	Exit:	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Name of country: Entry:</td> <td style="width:50%;">Exit:</td> </tr> </table>	Name of country: Entry:	Exit:
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Name of country: Entry:	Exit:				
Name of country: Entry:	Exit:				

**List of abbreviations and codes used in the movement document**

<p><b>DISPOSAL OPERATIONS (block 11)</b></p> <p>D1 Deposit into or onto land, (e.g., landfill, etc.)                  D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)                  D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)                  D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)                  D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment)                  D6 Release into a water body except seas/oceans                  D7 Release into seas/oceans including sea-bed insertion                  D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list                  D9 Physico- chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination)                  D10 Incineration on land                  D11 Incineration at sea                  D12 Permanent storage, (e.g., emplacement of containers in a mine, etc.)                  D13 Blending or mixing prior to submission to any of the operations in this list                  D14 Repackaging prior to submission to any of the operations in this list                  D15 Storage pending any of the operations in this list</p>	<p><b>RECOVERY OPERATIONS (block 11)</b></p> <p>R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) – Use principally as a fuel or other means to generate energy (EU)                  R2 Solvent reclamation/regeneration                  R3 Recycling/reclamation of organic substances which are not used as solvents                  R4 Recycling/reclamation of metals and metal compounds                  R5 Recycling/reclamation of other inorganic materials                  R6 Regeneration of acids or bases                  R7 Recovery of components used for pollution abatement                  R8 Recovery of components from catalysts                  R9 Used oil re-refining or other reuses of previously used oil                  R10 Land treatment resulting in benefit to agriculture or ecological improvement                  R11 Uses of residual materials obtained from any of the operations numbered R1-R10                  R12 Exchange of wastes for submission to any of the operations numbered R1-R11                  R13 Accumulation of material intended for any operation in this list</p>																																													
<p><b>PACKAGING TYPES (block 7)</b></p> <p>1. Drum                  2. Wooden barrel                  3. Jerrican                  4. Box                  5. Bag                  6. Composite packaging                  7. Pressure receptacle                  8. Bulk                  9. <b>Bale</b>                  10. Other (specify)</p>	<p><b>H CODE AND UN CLASS (block 14)</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>UN class</th> <th>H-code</th> <th>Characteristics</th> </tr> </thead> <tbody> <tr><td>1</td><td>H1</td><td>Explosive</td></tr> <tr><td>3</td><td>H3</td><td>Flammable liquids</td></tr> <tr><td>4.1</td><td>H4.1</td><td>Flammable solids</td></tr> <tr><td>4.2</td><td>H4.2</td><td>Substances or wastes liable to spontaneous combustion</td></tr> <tr><td>4.3</td><td>H4.3</td><td>Substances or wastes which, in contact with water, emit flammable gases</td></tr> <tr><td>5.1</td><td>H5.1</td><td>Oxidizing</td></tr> <tr><td>5.2</td><td>H5.2</td><td>Organic peroxides</td></tr> <tr><td>6.1</td><td>H6.1</td><td>Poisonous (acute)</td></tr> <tr><td>6.2</td><td>H6.2</td><td>Infectious substances</td></tr> <tr><td>8</td><td>H8</td><td>Corrosives</td></tr> <tr><td>9</td><td>H10</td><td>Liberation of toxic gases in contact with air or water</td></tr> <tr><td>9</td><td>H11</td><td>Toxic (delayed or chronic)</td></tr> <tr><td>9</td><td>H12</td><td>Ecotoxic</td></tr> <tr><td>9</td><td>H13</td><td>Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above</td></tr> </tbody> </table>	UN class	H-code	Characteristics	1	H1	Explosive	3	H3	Flammable liquids	4.1	H4.1	Flammable solids	4.2	H4.2	Substances or wastes liable to spontaneous combustion	4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases	5.1	H5.1	Oxidizing	5.2	H5.2	Organic peroxides	6.1	H6.1	Poisonous (acute)	6.2	H6.2	Infectious substances	8	H8	Corrosives	9	H10	Liberation of toxic gases in contact with air or water	9	H11	Toxic (delayed or chronic)	9	H12	Ecotoxic	9	H13	Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above
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<p><b>MEANS OF TRANSPORT (block 8)</b></p> <p>R = Road                      T = Train/Rail                  S = Sea                        A = Air                  W = Inland Waterways</p>																																														
<p><b>PHYSICAL CHARACTERISTICS (block 13)</b></p> <p>1. Powdery / powder                  2. Solid                                      5. Liquid                  3. Viscous / paste                        6. Gaseous                  4. Sludgy                                      7. Other (specify)</p>																																														



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

## ANNEX IC

### SPECIFIC INSTRUCTIONS FOR COMPLETING THE NOTIFICATION AND MOVEMENT DOCUMENTS

From ... [■ *two years after the date of entry into force of this Regulation*], documents and information must be submitted via electronic means in accordance with Article 27, as required in the relevant provisions in this Regulation.

In the cases of shipments involving third countries (as per Titles IV, V and VI), for which paper documents can be used, *paper-based procedures* remain valid *insofar no access to the systems referred to in Article 27 is possible*.

*Annex IC of Regulation (EC) No 1013/2006 can be consulted for general guidance on completing the notification and movement documents, in particular when completing documents in paper format where still relevant.*

■

## ANNEX II

### INFORMATION AND DOCUMENTATION RELATED TO NOTIFICATION

#### Part 1: Information to be *provided* when submitting the notification document:

1. Serial number or other accepted identifier of the notification document and intended total number of shipments.

In case the notifier has previously obtained consent(s) for the shipment of the same types of waste to the same facility, the serial number or other accepted identifier of notification document of these previously consented shipments may **■** be *referred to*.

*For the purpose of application of Article 9(3), in case the notifier has previously obtained consent(s) for the shipment of the same types of waste from the same location in the country of dispatch to the same consignee and the same facility and whereby the countries of transit, if any, are the same, the notifier shall indicate the serial number or other accepted identifier of the notification document of these previously consented shipments. In addition, changes in the details of a new notification compared to such previously consented shipment shall be indicated in the notification.*

2. Notifier's name, address, telephone number, e-mail address, registration number and contact person.

3. If the notifier is not ***the original waste producer or new waste producer or collector: Original waste producer's (producers') or new waste producer's (producers) or collectors or waste holders*** name, address, telephone number, e-mail address and contact person.
4. Dealer's (dealers') or broker's (brokers') name, address, telephone number, e-mail address and contact person, where the notifier has authorised him in accordance with Article 3, point (6).
5. ***Address of the location from which the shipment starts, name of the person that is responsible for this location and, if different from the persons referred to in points 2 to 4, address, telephone number, e-mail address and contact person of the person that is responsible for this location.***
6. Recovery or disposal facility's name, address, telephone number, e-mail address, registration number, contact person, ***technology*** employed and possible status as pre-consented in accordance with Article 14.

If the waste is destined for an interim recovery or interim disposal operation, ***corresponding*** information regarding all facilities where subsequent interim and non-interim recovery or interim or non-interim disposal operations are envisaged shall be indicated.

***Evidence of the facility's permit in accordance with Chapter IV of Directive 2008/98/EC, or if the recovery or disposal facility is listed in Annex I, Category 5, to Directive 2010/75/EU, evidence (e.g. a declaration certifying its existence) of a valid permit issued in accordance with Articles 4 and 5 of that Directive shall be provided.***

7. Consignee's name, address, telephone number, e-mail address, registration number and contact person.
8. Intended carrier's (carriers') and/or their agent's (agents') name, address, telephone number, e-mail address, registration number and contact person.
9. Country of dispatch and relevant competent authority.
10. Countries of transit and relevant competent authorities.
11. Country of destination and relevant competent authority.
12. Single notification or general notification. If general notification, period of validity requested.
13. Date(s) envisaged for start of the shipment(s).
14. Means of transport envisaged.
15. Intended routing ■ and intended route *where possible* including possible alternatives ■ .
16. Evidence of registration of the carrier(s) regarding transport of waste (e.g. a declaration certifying its existence).

17. Designation of the waste on the appropriate list, the source(s), description, composition and any hazardous characteristics. In the case of waste from various sources, also a detailed inventory of the waste.
18. Estimated maximum and minimum quantities.
19. Type of packaging envisaged.
20. Specification of the recovery or disposal operation(s) as referred to in Annexes I and II to Directive 2008/98/EC.
21. If the waste is destined for recovery:
  - (a) the planned method of disposal for the non-recoverable fraction after recovery;
  - (b) the *quantity* of recovered material in relation to non-recoverable waste;
  - (c) the estimated value of the recovered material;
  - (d) the cost of recovery and the cost of disposal of the non-recoverable fraction.
22. *If the waste is destined for disposal, evidence demonstrating that the conditions in Article 11(1)(a) are fulfilled.*

■

23. ***A copy of the contract and*** a declaration certifying its existence **■** between the notifier, consignee ***and the operator of the facility where the waste is recovered or disposed of,*** that has been concluded and is effective at the time of the notification, as required in ***Article 5(7) and*** Article 6.
24. A copy of the contract ***and*** a declaration certifying its existence **■** between the waste producer, new waste producer or collector and the broker or dealer, in the event that the broker or dealer acts as notifier.
25. Evidence of a financial guarantee or equivalent insurance (or a declaration certifying its existence if the competent authority so allows) that has been established and is 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 ***at the time of completion of the movement document pursuant to Article 16(2),*** as required in Article ***5(8)*** and Article 7.
26. ***Declaration of the notifier that the notifier has not been convicted of carrying out an illegal shipment or any other illegal act in relation to environmental or human health protection, and has not repeatedly failed to comply with Articles 15 and 16 in connection with past shipments, in the 5 years prior to the submission of the notification.***
27. Certification by the notifier that the information is complete and correct to the best of his/her knowledge.

**┆**

**Part 2: Information to be *provided in*, or annexed to, the movement document:**

**Provide** all information listed in Part 1, updated in accordance with the points set out below, and the other additional information specified:

1. Serial and total number of shipments.
2. Date shipment started.
3. Means of transport.
4. Carrier's (carriers') name, address, telephone number, fax number and e-mail address.
5. Routing ■ and route *where possible* including possible alternatives, *as indicated in the notification document*, in case of unforeseen circumstances.
6. Quantities.
7. Type of packaging.
8. ***Container identification number, if applicable.***
9. Any special precautions to be taken by the carrier(s).
10. Declaration ***signed*** by the notifier that all necessary consents have been received from the competent authorities of the countries concerned. ■
11. Appropriate signatures for each custody transfer.



**Part 3: Additional information and documentation that may be requested by the competent authorities:**

1. The type and duration of the authorisation pursuant to which the recovery or disposal facility operates.
2. Copy of the permit issued in accordance with Articles 4 and 5 of Directive 2010/75/EU.
3. Information concerning the measures to be taken to ensure transport safety.
4. The transport distance(s) between the *location where the shipment starts* and the facility, including alternative routes .
5. *In the event of intermodal transport, the place(s) where the transfer will take place.*
6. Information about costs of transport of waste between the notifier and the facility.
7. Copy of the registration of the carrier(s) regarding the transport of waste.
8. Chemical analysis of the composition of the waste.
9. Description of the production process of the waste.
10. Description of the treatment process of the facility, which receives the waste.

11. The financial guarantee or equivalent insurance or a copy or evidence thereof.
  12. Information concerning the calculation of the financial guarantee or equivalent insurance as required in Article 5(8) and in Article 7.
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13. Copy *or evidence* of the policy of insurance against liability for damage to third parties.
  14. ***Documentation certifying that the notifier has not been convicted of carrying out an illegal shipment or any other illegal act in relation to environmental or human health protection, and has not repeatedly failed to comply with Articles 15 and 16 in connection with past shipments, in the 5 years prior to the submission of the notification.***
  15. Any other information, which is pertinent to the assessment of the notification in accordance with this Regulation and national legislation.

*ANNEX III*

**LIST OF WASTES SUBJECT TO THE GENERAL INFORMATION REQUIREMENTS  
LAID DOWN IN ARTICLE 18 ('GREEN' LISTED WASTE) AS REFERRED TO IN  
*ARTICLE 4(4)(a)***

Regardless of whether or not wastes are included on this list, they may not be subject to the general information requirements laid down in Article 18 if they are contaminated by other materials to an extent which

- (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account *the 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
- (b) prevents the recovery of the wastes in an environmentally sound manner.

## Part I:

Wastes listed in Annex IX of the Basel Convention<sup>1</sup>.

For the purposes of this Regulation:

- (a) Any reference ■ in Annex *IX* of the Basel Convention *to list A* shall be understood as a reference to Annex IV of this Regulation;
- (b) In Basel entry B1020 the term “bulk finished form” includes all metallic non-dispersible<sup>2</sup> forms of the scrap listed therein;
- (c) Basel entry B1030 shall read: ‘Residues containing refractory metals’;
- (d) The part of Basel entry B1100 that refers to “Slags from copper processing” etc. does not apply and (OECD) entry GB040 in Part II applies instead;

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<sup>1</sup> Annex IX to the Basel Convention is listed in this Regulation in Annex V, Part 1, List B.

<sup>2</sup> “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

- (e) Basel entry B1110 does not apply and (OECD) entries GC010 and GC020 in Part II apply instead.
- (f) Basel entry B2050 does not apply and (OECD) entry GG040 in Part II applies instead.
- (g) For waste shipped within the Union, Basel entry B3011 does not apply and the following entry applies instead:

EU3011<sup>3</sup> Plastic waste (note the related entry AC300 in Part II of Annex IV, and the related entry EU48 in Part I of Annex IV):

Plastic waste listed below, provided it is almost free from contamination and other types of wastes<sup>4</sup> and destined for recycling:

— Plastic waste almost exclusively<sup>5</sup> consisting of one non-halogenated polymer, including but not limited to the following polymers:

- Polyethylene (PE)
- Polypropylene (PP)
- Polystyrene (PS)
- Acrylonitrile butadiene styrene (ABS)
- Polyethylene terephthalate (PET)
- Polycarbonates (PC)
- Polyethers

— Plastic waste almost exclusively<sup>6</sup> consisting of one cured resin or

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<sup>3</sup> ***For the purpose of this Regulation, the terms "almost free from contamination and other types of waste" and where relevant "almost exclusively consisting of" shall be understood to mean that in a consignment of plastic waste or mixtures of plastic waste, classified under entry EU3011, the content of contamination, other types of wastes or non-halogenated polymers, cured resins or condensation products, or fluorinated polymers, other than the one non-halogenated polymer, cured resin or condensation product, or fluorinated polymer that makes up the bulk of the plastic waste shall not exceed a total maximum of 6 % of the weight of the consignment.***

<sup>4</sup> In relation to ‘almost free from contamination and other types of wastes’, international and national specifications may offer a point of reference.

<sup>5</sup> In relation to ‘almost exclusively’, international and national specifications may offer a point of reference.

condensation product, including but not limited to the following resins:

- Urea formaldehyde resins
- Phenol formaldehyde resins
- Melamine formaldehyde resins
- Epoxy resins
- Alkyd resins

— Plastic waste almost exclusively<sup>7</sup> consisting of one of the following fluorinated polymers<sup>8</sup>:

- Perfluoroethylene/propylene (FEP)
  - Perfluoroalkoxy alkanes:
    - Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
    - Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)
  - Polyvinylfluoride (PVF)
  - Polyvinylidene fluoride (PVDF)
  - Polytetrafluoroethylene (PTFE)
- Polyvinyl chloride (PVC).

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<sup>6</sup> In relation to ‘almost exclusively’, international and national specifications may offer a point of reference.

<sup>7</sup> ***In relation to ‘almost exclusively’, international and national specifications may offer a point of reference.***

<sup>8</sup> Post consumer wastes are excluded.

## Part II:

### *Metal bearing wastes arising from melting, smelting and refining of metals*

<b>GB040</b>	7112	Slags from precious metals and copper processing for further
	262030	refining
	262091	

### *Other wastes containing metals*

<b>GC010</b>		Electrical assemblies consisting only of metals or alloys
<b>GC020</b>		Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery
<b>GC030</b>	ex 890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste <sup>9</sup>
<b>GC050</b>		Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g.: aluminium oxide, zeolites)

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<sup>9</sup> The term “properly emptied” is understood as presuming full compliance with *international* rules and guidelines on ship recycling.

*Glass waste in non-dispersible form*

**GE020** ex 7001 Glass Fibre Waste  
ex 701939

*Ceramic wastes in non-dispersible form*

**GF010** Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)

*Other wastes containing principally inorganic constituents, which may contain metals and organic materials*

**GG030** ex 2621 Bottom ash and slag tap from coal fired power plants

**GG040** ex 2621 Coal fired power plants fly ash

*Wastes arising from tanning and fellmongery operations and leather use*

**GN010** ex **050200** Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair

**GN020** ex **050300** Horsehair waste, whether or not put up as a layer with or without supporting material

**GN030** ex 050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation



## ANNEX IIIA

### **MIXTURES OF WASTES LISTED IN ANNEX III PROVIDED THAT THE COMPOSITION OF THOSE MIXTURES DOES NOT IMPAIR THEIR ENVIRONMENTALLY SOUND MANAGEMENT AS REFERRED TO IN ARTICLE 4(4)(b)**

1. Regardless of whether or not mixtures of wastes are included on this list, they may not be subject to the general information requirements laid down in Article 18 if they are contaminated by other materials to an extent which:
  - (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account *the 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
  - (b) prevents the recovery of the wastes in an environmentally sound manner.
2. The following mixtures of wastes are included in this Annex:
  - (a) mixtures of wastes classified under Basel entries B1010 and B1050;
  - (b) mixtures of wastes classified under Basel entries B1010 and B1070;
  - (c) mixtures of wastes classified under Basel entries B3040 and B3080;
  - (d) mixtures of wastes classified under (OECD) entry GB040 and under Basel entry B1100 restricted to hard zinc spelter, zinc-containing drosses, aluminium skimmings (or skims) excluding salt slag and wastes of refractory linings, including crucibles, originating from copper smelting;
  - (e) mixtures of wastes classified under (OECD) entry GB040, under Basel entry B1070 and under Basel entry B1100 restricted to wastes of refractory linings, including crucibles, originating from copper smelting.

3. The following mixtures of wastes classified under separate indents or sub- indents of one single entry are included in this Annex:
- (a) mixtures of wastes classified under Basel entry B1010;
  - (b) mixtures of wastes classified under Basel entry B2010;
  - (c) mixtures of wastes classified under Basel entry B2030;
  - (d) mixtures of wastes classified under Basel entry B3020 restricted to unbleached paper or paperboard or of corrugated paper or paperboard, other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass, paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter);
  - (e) mixtures of wastes classified under Basel entry B3030;
  - (f) mixtures of wastes classified under Basel entry B3040;
  - (g) mixtures of wastes classified under Basel entry B3050.

4. ***For shipments destined for recycling within the Union the*** following mixtures of wastes<sup>1</sup> classified under separate indents or sub- indents of one single entry are included in this Annex I :

- (a) mixtures of wastes classified under entry EU3011 and listed under the indent referring to non-halogenated polymers;
- (b) mixtures of wastes classified under entry EU3011 and listed under the indent referring to cured resins or condensation products;
- (c) mixtures of wastes classified under entry EU3011 and listed under ‘perfluoroalkoxy alkanes’.

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<sup>1</sup> ***For the purpose of this Regulation, the terms "almost free from contamination and other types of waste" and where relevant "almost exclusively consisting of" shall be understood to mean that in a consignment of mixtures of plastic waste, specified in point 4 of Annex IIIA, the content of contamination, other types of wastes or non-halogenated polymers, cured resins or condensation products, or fluorinated polymers, other than the one non-halogenated polymer, cured resin or condensation product, or fluorinated polymer that makes up the bulk of the plastic waste shall not exceed a total maximum of 6 % of the weight of the consignment.***

## ANNEX IIIB

### ADDITIONAL GREEN LISTED WASTE *AS REFERRED TO IN ARTICLE 4(4)(a)*

1. Regardless of whether or not wastes are included on this list, they may not be subject to the general information requirements laid down in Article 18 if they are contaminated by other materials to an extent which:
  - (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the procedure of prior written notification and consent, when taking into account *the 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
  - (b) prevents the recovery of the wastes in an environmentally sound manner.

The following wastes are included in this Annex:

- BEU04 Composite packaging consisting of mainly paper and some plastic, not containing residues and not covered by Basel entry B3020
- BEU05 Clean biodegradable waste from agriculture, horticulture, forestry, gardens, parks and cemeteries

The shipments of waste listed in this Annex are without prejudice to the provisions of Regulation (EU) 2016/2031.

**ANNEX IV**  
**LIST OF WASTES SUBJECT TO THE PROCEDURE OF PRIOR WRITTEN  
NOTIFICATION AND CONSENT ('AMBER' LISTED WASTE)<sup>1</sup> AS REFERRED TO IN  
ARTICLE 4(2)(a)**

**Part I**

Wastes listed in Annexes II and VIII to the Basel Convention<sup>2</sup>.

For the purposes of this Regulation:

- (a) Any reference in Annex *VIII* to the Basel Convention *to list B* shall be understood as a reference to Annex III to this Regulation.
- (b) In Basel entry A1010, the term 'excluding such wastes specifically listed on List B (Annex IX)' is a reference both to Basel entry B1020 and the note on B1020 in Annex III to this Regulation, Part I(b).
- (c) Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Annex III, Part II apply instead when appropriate.
- (d) Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride.
- (e) Basel entry A3210 does not apply and entry AC300 in Part II applies instead.

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<sup>1</sup> This list originates from the OECD Decision, Appendix 4.

<sup>2</sup> Annex VIII to the Basel Convention is listed in this Regulation in Annex V, Part 1, List A. Annex II to the Basel Convention *is listed in Annex V, Part 2, List A*.

- (f) For waste shipped within the Union, Basel entry Y48 does not apply and the following entry applies instead:

EU48 Plastic waste not covered by entry AC300 in Part II or by entry EU3011 in Part I of Annex III, as well as mixtures of plastic waste not covered by point 4 of Annex IIIA.

## Part II:

### *Metal bearing wastes*

<b>AA010</b>	261900	Dross, scalings and other wastes from the manufacture of iron and steel <sup>3</sup>
<b>AA060</b>	<b>262050</b>	Vanadium ashes and residues <sup>1</sup>
<b>AA190</b>	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

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

<b>AB030</b>		Wastes from non-cyanide based systems which arise from surface treatment of metals
<b>AB070</b>		Sands used in foundry operations
<b>AB120</b>	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
<b>AB130</b>		Used blasting grit
<b>AB150</b>	ex <b>382490</b>	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

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<sup>3</sup> This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

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

<b>I</b>		<b>I</b>
<b>AC060</b>	ex 381900	Hydraulic fluids
<b>AC070</b>	ex 381900	Brake fluids
<b>AC080</b>	ex 382000	Antifreeze fluids
<b>AC150</b>		Chlorofluorocarbons
<b>AC160</b>		Halons
<b>AC170</b>	ex <b>440310</b>	Treated cork and wood wastes
<b>AC250</b>		Surface active agents (surfactants)
<b>AC260</b>	ex 3101	Liquid pig manure; faeces
<b>AC270</b>		Sewage sludge
<b>AC300</b>		Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry EU3011 in Part I of Annex III, and the related entry EU48 in Part I)



*Wastes which may contain either inorganic or organic constituents*

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

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

<b>RB020</b>	ex 6815	Ceramic based fibres of physico-chemical characteristics similar to those of asbestos
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**ANNEX V**  
**WASTE LISTS FOR THE PURPOSE OF ARTICLE 39**

**Introductory notes**

1. This Annex applies without prejudice to Directive 2008/98/EC.
2. This Annex consists of two parts. Article 39 further refers to the list of waste as referred to in Article 7 of Directive 2008/98/EC. For the purposes of this Regulation and to determine whether a specific waste is *covered by the export prohibition* in *Article 39* of this Regulation, the list of waste as referred to in Article 7 of Directive 2008/98/EC applies only when *List A of Part 1* of this Annex is not applicable. If a waste is not listed in *List A of Part 1* of this Annex, *and not listed as a hazardous waste* in the list of waste as referred to in Article 7 of Directive 2008/98/EC, only then it *must* be checked if it is listed in Part 2 of this Annex.  
  
■
3. Wastes listed in List B of Part 1 or which are among the non-hazardous waste listed in the list of waste as referred to in Article 7 of Directive 2008/98/EC (i.e. wastes not marked with an asterisk) are covered by the export prohibition if they are contaminated by other materials to an extent which
  - (a) increases the risks associated with the wastes sufficiently to render it appropriate for submission to the procedure of prior written notification and consent, when taking into account *the 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
  - (b) prevents the recovery of the waste in an environmentally sound manner.

## Part 1<sup>1</sup>

### *List A (Annex VIII to the Basel Convention)*

#### **A1 Metal and metal bearing wastes**

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

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

but excluding such wastes specifically listed on list B.

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<sup>1</sup> References in Lists A and B to Annexes I, III and IV refer to Annexes of the Basel Convention

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

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

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

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

A1040 Wastes having as constituents any of the following:

- Metal carbonyls
- Hexavalent chromium compounds

A1050 Galvanic sludges

A1060 Waste liquors from the pickling of metals

- A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
- A1080 Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics
- A1090 Ashes from the incineration of insulated copper wire
- A1100 Dusts and residues from gas cleaning systems of copper smelters
- A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations
- A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
- A1130 Spent etching solutions containing dissolved copper
- A1140 Waste cupric chloride and copper cyanide catalysts
- A1150 Precious metal ash from incineration of printed circuit boards not included on list B<sup>2</sup>
- A1160 Waste lead-acid batteries, whole or crushed

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<sup>2</sup> Note that mirror entry on list B (B1160) does not specify exceptions.

- A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex *I* constituents to an extent to render them hazardous.
- A1180 Waste electrical and electronic assemblies or scrap<sup>3</sup> containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B, B1110)<sup>4</sup>
- A1190 Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB<sup>5</sup>, lead, cadmium, other organohalogen compounds or other Annex I constituents, to the extent that they exhibit Annex III characteristics

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<sup>3</sup> This entry does not include scrap assemblies from electric power generation.

<sup>4</sup> PCBs are at a concentration level of 50 mg/kg or more.

<sup>5</sup> PCBs are at a concentration level of 50 mg/kg or more.

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

A2010 Glass waste from cathode-ray tubes and other activated glasses

A2020 Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B

A2030 Waste catalysts but excluding such wastes specified on list B

A2040 Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B, B2080)

A2050 Waste asbestos (dusts and fibres)

A2060 Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B, B2050)

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

A3010 Waste from the production or processing of petroleum coke and bitumen

A3020 Waste mineral oils unfit for their originally intended use

A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges

A3040 Waste thermal (heat transfer) fluids

A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B, B4020)

A3060 Waste nitrocellulose

A3070 Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges

A3080 Waste ethers not including those specified on list B

A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B, B3100)



- A3100 Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on list B, B3090)
- A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B, B3110)
- A3120 Fluff - light fraction from shredding
- A3130 Waste organic phosphorous compounds
- A3140 Waste non-halogenated organic solvents but excluding such wastes specified on list B
- A3150 Waste halogenated organic solvents
- A3160 Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
- A3170 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)

- A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more<sup>6</sup>
- A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
- A3200 Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry on list B B2130)
- A3210 Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry B3011, in list B of this Part, and entry Y48, in list A of Part 2)

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<sup>6</sup> The 50 mg/kg level is considered to be an internationally practical level for all wastes. However, many individual countries have established lower regulatory levels (e.g. 20 mg/kg) for specific wastes.

#### **A4 Wastes which may contain either inorganic or organic constituents**

- A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
- A4020 Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
- A4030 Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides that are off-specification, out-dated <sup>7</sup>, or unfit for their originally intended use
- A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals <sup>8</sup>
- A4050 Wastes that contain, consist of or are contaminated with any of the following:
- Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
  - Organic cyanides
- A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions
- A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B, B4010)

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<sup>7</sup> "Out-dated" means unused within the period recommended by the manufacturer.

<sup>8</sup> This entry does not include wood treated with wood-preserving chemicals.

- A4080 Wastes of an explosive nature (but excluding such wastes specified on list B)
- A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B, B2120)
- A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B
- A4110 Wastes that contain, consist of or are contaminated with any of the following:
- any congener of polychlorinated dibenzo-furan
  - any congener of polychlorinated dibenzo-dioxin
- A4120 Wastes that contain, consist of or are contaminated with peroxides
- A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
- A4140 Waste consisting of or containing off-specification or out-dated<sup>9</sup> chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
- A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
- A4160 Spent activated carbon not included on list B (note the related entry on list B, B2060)

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<sup>9</sup> “Out-dated” means unused within the period recommended by the manufacturer.

*List B (Annex IX to the Basel Convention)*

**B1 Metal and metal bearing wastes**

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

- Precious metals (gold, silver, the platinum group, but not mercury)
- Iron and steel scrap
- Copper scrap
- Nickel scrap
- Aluminium scrap
- Zinc scrap
- Tin scrap
- Tungsten scrap
- Molybdenum scrap
- Tantalum scrap
- Magnesium scrap
- Cobalt scrap

- Bismuth scrap
- Titanium scrap
- Zirconium scrap
- Manganese scrap
- Germanium scrap
- Vanadium scrap
- Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium
- Thorium scrap
- Rare earths scrap
- Chromium scrap

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

- Antimony scrap
- Beryllium scrap
- Cadmium scrap
- Lead scrap (but excluding lead-acid batteries)
- Selenium scrap
- Tellurium scrap

- B1030 Refractory metals containing residues
- B1031 Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder), excluding such wastes as specified in list A under entry A1050, Galvanic sludges.
- B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous
- B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics<sup>10</sup>
- B1060 Waste selenium and tellurium in metallic elemental form including powder
- B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics
- B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3<sup>11</sup>
- B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury

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<sup>10</sup> Note that even where low level contamination with Annex I materials initially exists, subsequent processes, including recycling processes, may result in separated fractions containing significantly enhanced concentrations of those Annex I materials.

<sup>11</sup> The status of zinc ash is currently under review and there is a recommendation with United Nations Conference on Trade and Development (UNCTAD) that zinc ashes should not be dangerous goods.

B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:

- Hard zinc spelter
- Zinc-containing drosses:
  - Galvanizing slab zinc top dross (>90 % Zn)
  - Galvanizing slab zinc bottom dross (>92 % Zn)
  - Zinc die casting dross (>85 % Zn)
  - Hot dip galvanizers slab zinc dross (batch) (>92 % Zn)
  - Zinc skimmings
- Aluminium skimmings (or skims) excluding salt slag
- Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics
- Wastes of refractory linings, including crucibles, originating from copper smelting
- Slags from precious metals processing for further refining
- Tantalum bearing tin slags with less than 0.5 % tin



B1110 Electrical and electronic assemblies:

- Electronic assemblies consisting only of metals or alloys
- Waste electrical and electronic assemblies or scrap<sup>12</sup> (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A, A1180)
- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct re-use<sup>13</sup> and not for recycling or final disposal<sup>14</sup>

B1115 Waste metal cables coated or insulated with plastics, not included in entry A1190, excluding those destined for Annex IVA operations or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning

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<sup>12</sup> This entry does not include scrap from electrical power generation.

<sup>13</sup> Re-use can include repair, refurbishment or upgrading, but not major reassembly.

<sup>14</sup> In some countries, these materials destined for direct re-use are not considered wastes.

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

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

B1130 Cleaned spent precious-metal-bearing catalysts

B1140 Precious-metal-bearing residues in solid form, which contain traces of inorganic cyanides

B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling

B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry on list A, A1150)

- B1170 Precious-metal ash from the incineration of photographic film
- B1180 Waste photographic film containing silver halides and metallic silver
- B1190 Waste photographic paper containing silver halides and metallic silver
- B1200 Granulated slag arising from the manufacture of iron and steel
- B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO<sub>2</sub> and *vanadium*
- B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301) mainly for construction
- B1230 Mill scaling arising from the manufacture of iron and steel
- B1240 Copper oxide mill-scale
- B1250 Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components

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

B2010 Wastes from mining operations in non-dispersible form:

- Natural graphite waste
- Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
- Mica waste
- Leucite, nepheline and nepheline syenite waste
- Feldspar waste
- Fluorspar waste
- Silica wastes in solid form excluding those used in foundry operations

B2020 Glass waste in non-dispersible form:

- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses

B2030 Ceramic wastes in non-dispersible form:

- Cermet wastes and scrap (metal ceramic composites)
- Ceramic based fibres not elsewhere specified or included

B2040 Other wastes containing principally inorganic constituents:

- Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
- Waste gypsum wallboard or plasterboard arising from the demolition of buildings
- Slag from copper production, chemically stabilized, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
- Sulphur in solid form
- Limestone from the production of calcium cyanamide (having a pH less than 9)
- Sodium, potassium, calcium chlorides
- Carborundum (silicon carbide)
- Broken concrete
- Lithium-tantalum and lithium-niobium containing glass scraps

- B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A, A2060)
- B2060 Spent activated carbon *not containing any Annex I constituents to the extent that they exhibit Annex III characteristics, for example, carbon* resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A, A4160)
- B2070 Calcium fluoride sludge
- B2080 Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A, A2040)
- B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)

- B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
- B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)
- B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on list A, A4090)
- B2130 Bituminous material (asphalt waste) from road construction and maintenance, not containing tar<sup>15</sup> (note the related entry on list A, A3200)***

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<sup>15</sup> *The concentration level of Benzo[a]pyrene should not be 50mg/kg or more.*

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

B3011<sup>16</sup> Plastic waste (note the related entry A3210, in list A of this Part, and entry Y48, in list A of Part 2)

- Plastic waste listed below, provided it is destined for recycling<sup>17</sup> in an environmentally sound manner and almost free from contamination and other types of wastes<sup>18</sup>:
- Plastic waste almost exclusively<sup>19</sup> consisting of one non-halogenated polymer, including but not limited to the following polymers:
  - Polyethylene (PE)
  - Polypropylene (PP)
  - Polystyrene (PS)
  - Acrylonitrile butadiene styrene (ABS)
  - Polyethylene terephthalate (PET)
  - Polycarbonates (PC)

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<sup>16</sup> *For the purpose of this Regulation the terms "almost free from contamination and other types of waste" and where relevant "almost exclusively consisting of" shall be understood to mean that in a consignment of plastic waste or mixtures of plastic waste, classified under entry B3011, the content of contamination, other types of wastes or non-halogenated polymers, cured resins or condensation products, or fluorinated polymers, other than the one non-halogenated polymer, cured resin or condensation product, or fluorinated polymer that makes up the bulk of the plastic waste shall not exceed a total maximum of 2 % of the weight of the consignment.*

<sup>17</sup> Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.

<sup>18</sup> In relation to 'almost free from contamination and other types of wastes', international and national specifications may offer a point of reference.

<sup>19</sup> In relation to 'almost exclusively', international and national specifications may offer a point of reference.



- Polyethers
- Plastic waste almost exclusively<sup>20</sup> consisting of one cured resin or condensation product, including but not limited to the following resins:
  - Urea formaldehyde resins
  - Phenol formaldehyde resins
  - Melamine formaldehyde resins
  - Epoxy resins
  - Alkyd resins
- Plastic waste almost exclusively<sup>21</sup> consisting of one of the following fluorinated polymers<sup>22</sup>:
  - Perfluoroethylene/propylene (FEP)
  - Perfluoroalkoxy alkanes:
    - Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
    - Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)
  - Polyvinylfluoride (PVF)
  - Polyvinylidene fluoride (PVDF)

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<sup>20</sup> *In relation to ‘almost exclusively’, international and national specifications may offer a point of reference.*

<sup>21</sup> *In relation to ‘almost exclusively’, international and national specifications may offer a point of reference.*

<sup>22</sup> Post-consumer wastes are excluded.

- Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling<sup>23</sup> of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes<sup>24</sup>.

#### B3020 Paper, paperboard and paper product wastes

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

Waste and scrap of paper or paperboard of:

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

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<sup>23</sup> Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.

<sup>24</sup> ***In relation to ‘almost free from’, international and national specifications may offer a point of reference.***

B3026 The following waste from the pre-treatment of composite packaging for liquids, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics:

- Non-separable plastic fraction
- Non-separable plastic-aluminium fraction

B3027 Self-adhesive label laminate waste containing raw materials used in label material production

B3030 Textile wastes

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

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
  - not carded or combed
  - other
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
  - noils of wool or of fine animal hair
  - other waste of wool or of fine animal hair
  - waste of coarse animal hair

- Cotton waste (including yarn waste and garnetted stock)
  - yarn waste (including thread waste)
  - garnetted stock
  - other
- Flax tow and waste
- Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
- Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or *Musa textilis* Nee)

- Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
- Waste (including noils, yarn waste and garnetted stock) of man-made fibres
  - of synthetic fibres
  - of artificial fibres
- Worn clothing and other worn textile articles
- Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile
  - sorted
  - other

B3035 Waste textile floor coverings, carpets

B3040 Rubber wastes

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

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

B3050 Untreated cork and wood waste:

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

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

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

- B3065 Waste edible fats and oils of animal or vegetable origin (e.g. frying oils), provided they do not exhibit an Annex III characteristic
- B3070 The following wastes:
- Waste of human hair
  - Waste straw
  - Deactivated fungus mycelium from penicillin production to be used as animal feed
- B3080 Waste parings and scrap of rubber
- B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A, A3100)
- B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on list A, A3090)
- B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list A, A3110)
- B3120 Wastes consisting of food dyes
- B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
- B3140 Waste pneumatic tyres, excluding those destined for Annex IVA operations

**B4 Wastes which may contain either inorganic or organic constituents**

B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A, A4070)

B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g. water based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A, A3050)

B4030 Used single use cameras, with batteries not included on list A



## Part 2

### *List A (Annex II to the Basel Convention)*

**Y46** Waste collected from households<sup>25</sup>

**Y47** Residues arising from the incineration of household wastes

**Y48** Plastic waste, including mixtures of such waste, with the exception of the following:

- Plastic waste that is hazardous waste (see entry A3210 in list A of Part 1 in Annex V)
- Plastic waste listed below, provided it is destined for recycling<sup>26</sup> in an environmentally sound manner and almost free from contamination and other types of wastes<sup>27</sup>:
- Plastic waste almost exclusively<sup>28</sup> consisting of one non-halogenated polymer, including but not limited to the following polymers:
  - Polyethylene (PE)
  - Polypropylene (PP)
  - Polystyrene (PS)
  - Acrylonitrile butadiene styrene (ABS)
  - Polyethylene terephthalate (PET)
  - Polycarbonates (PC)
  - Polyethers

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<sup>25</sup> Unless appropriately classified under a single entry in Annex III.

<sup>26</sup> Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation

<sup>27</sup> In relation to ‘almost free from contamination and other types of wastes’, international and national specifications may offer a point of reference.

<sup>28</sup> In relation to ‘almost exclusively’, international and national specifications may offer a point of reference.

- Plastic waste almost exclusively<sup>29</sup> consisting of one cured resin or condensation product, including but not limited to the following resins:
  - Urea formaldehyde resins
  - Phenol formaldehyde resins
  - Melamine formaldehyde resins
  - Epoxy resins
  - Alkyd resins
- Plastic waste almost exclusively<sup>30</sup> consisting of one of the following fluorinated polymers<sup>31</sup>:
  - Perfluoroethylene/propylene (FEP)
  - Perfluoroalkoxy alkanes:
    - Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
    - Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)
  - Polyvinylfluoride (PVF)
  - Polyvinylidene fluoride (PVDF)

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<sup>29</sup> In relation to ‘almost exclusively’, international and national specifications may offer a point of reference.

<sup>30</sup> ***In relation to ‘almost exclusively’, international and national specifications may offer a point of reference.***

<sup>31</sup> Post-consumer wastes are excluded.

- Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling<sup>32</sup> of each material and in an environmentally sound manner and almost free from contamination and other types of wastes<sup>33</sup>.

*List B (Waste from Appendix 4, Part II of the OECD Decision)<sup>34</sup>*

*Metal bearing wastes*

AA010	261900	Dross, scalings and other wastes from the manufacture of iron and steel <sup>35</sup>
AA060	<b>262050</b>	Vanadium ashes and residues
AA190	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

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<sup>32</sup> Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.

<sup>33</sup> In relation to ‘almost free from contamination and other types of wastes’, international and national specifications may offer a point of reference.

<sup>34</sup> The wastes numbered AB130, AC250, AC260 and AC270 have been deleted since they have been considered, in accordance with the procedure laid down in Article 18 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ L 114, 27.4.2006, p. 9, as repealed by Directive 2008/98/EC), to be non-hazardous and therefore not subject to the export prohibition in Article 39 of this Regulation. The waste numbered AC300 has been deleted since the waste in question is covered by entry A3210 in List A of part 1.

<sup>35</sup> This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

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

<b>AB030</b>		Wastes from non-cyanide based systems which arise from surface treatment of metals
<b>AB070</b>		Sands used in foundry operations
<b>AB120</b>	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
<b>AB150</b>	ex <b>382490</b>	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

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

<b>AC060</b>	ex 381900	Hydraulic fluids
<b>AC070</b>	ex 381900	Brake fluids
<b>AC080</b>	ex 382000	Antifreeze fluids
<b>AC150</b>		Chlorofluorocarbons
<b>AC160</b>		Halons
<b>AC170</b>	ex <b>440310</b>	Treated cork and wood wastes

*Wastes which may contain either inorganic or organic constituents*

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

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

<b>RB020</b>	ex 6815	Ceramic based fibres of physico-chemical characteristics similar to those of asbestos
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**ANNEX VI**

**Form for pre-consented facilities (Article 14)**

<b>Competent authority</b>	<b>Recovery facility</b>				<b>Waste identification</b>	<b>Period of validity</b>		<b>Total <i>pre-consented quantity</i></b>
	<b>Name and number of the recovery facility</b>	<b>Address</b>	<b>Recovery operation(s) (+ R-code(s))</b>	<b>Technology employed</b>		<b>(code(s))</b>	<b>From</b>	

**ANNEX VII**  
**INFORMATION ACCOMPANYING SHIPMENTS OF WASTE**  
**AS REFERRED TO IN ARTICLE 4(4) AND (5)**

Consignment information<sup>1</sup>

<b>1. Person who arranges the shipment</b> Name: Address: Contact person: Tel: E-mail:		<b>2. Importer/consignee</b> Name: Address: Contact person: Tel: E-mail:	
<b>3. Actual quantity:</b> Tonnes (Mg): m <sup>3</sup> :		<b>4. Actual date of shipment :</b>  <b>4a. Container identification number, if applicable:</b>	
<b>5.(a) First carrier<sup>2</sup></b> Name: Address: Contact person: Tel: E-mail: Means of transport: Date of transfer: Signature:	<b>5.(b) Second carrier</b> Name: Address: Contact person: Tel: E-mail: Means of transport: Date of transfer: Signature:	<b>5.(c) Third carrier</b> Name: Address: Contact person: Tel: E-mail: Means of transport: Date of transfer: Signature:	
<b>6. Waste producer<sup>3</sup></b>		<b>8. Recovery operation (or if appropriate)</b>	

<sup>1</sup> Information accompanying shipments of green listed waste and destined for recovery or waste destined for laboratory analysis or experimental treatment trials pursuant to Regulation (EU) 2024/...<sup>+</sup>.

<sup>+</sup> OJ: Please insert the number of the Regulation contained in document PE-CONS 84/23 (2021/0367(COD)).

<sup>2</sup> ***If more than three carriers, attach*** information for all carriers involved in the concerned shipment ***as required in blocks (a), (b) and (c).***

Name: Address: Contact person: Tel: E-mail:	<b>disposal operation in the case of waste referred to in Article 4(5))</b> R-code/D-code <sup>4</sup> :
<b>6a. Location from which the shipment starts</b> <b>Address:</b> <b>Name of the person responsible for this location<sup>5</sup>:</b> <b>Address:</b> <b>Contact person:</b> <b>Tel:</b> <b>E-mail:</b>	<b>9. Usual description of the waste</b>
<b>7. Recovery facility<sup>6</sup></b> <input type="checkbox"/> <b>Laboratory</b> <input type="checkbox"/> Name: Address: Contact person: Tel: E-mail:	<b>10. Waste identification</b> ( <i>fill in relevant codes</i> ): i. Basel Annex IX: ii. OECD ( <i>if different from (i)</i> ): iii. Annex IIIA <sup>7</sup> : iv. Annex IIIB <sup>8</sup> : v. EU list of wastes: vi. National code:

<sup>3</sup> Where the person who arranges the shipment is not the **original** waste producer or collector, **new waste producer or collector**, information about the **original** waste producer, **new waste producer** or collector shall be provided.

<sup>4</sup> In case of R12/R13 operation, also attach corresponding information on the facility where the interim recovery or non-interim recovery directly following the initial interim recovery is envisaged, as well as, where practicable, the facilities where subsequent interim or non-interim recovery operations are envisaged.

<sup>5</sup> **Insert “Same as in block 1” or “Same as in block 6” if applicable.**

<sup>6</sup> **In case of R12/R13 operation, also attach corresponding information on the facility where the interim or non-interim recovery directly following the initial interim recovery is envisaged, as well as, where practicable, the facilities where subsequent interim or non-interim recovery operations are envisaged.**

<sup>7</sup> The relevant code or codes as indicated in Annex IIIA are to be used, as appropriate in sequence. Certain Basel entries such as B1100 and B3020 are restricted to particular waste streams only, as indicated in Annex IIIA.

<sup>8</sup> The BEU codes listed in Annex IIIB are to be used.



				vii. Other <i>(please specify)</i> :	
<b>11. Countries/states concerned:</b>					
Export/dispatch		Transit		Import/destination	
<p><b>12. Declaration of the person who arranges the shipment <i>and the waste producer</i></b><sup>9</sup>: I certify that the above information is complete and correct to my best knowledge. I also certify that effective written <i>contractual</i> obligations have been entered into with the consignee and if applicable the facility operator <i>and that any agreement by the competent authorities of dispatch and destination has been provided in accordance with Article 4(5).</i>:</p> <p>Name <i>of the person who arranges the shipment</i>: _____ Date: _____</p> <p>Signature: _____</p> <p><i>Producer's name</i>: _____ <i>Date</i>: _____ <i>Signature</i>: _____</p>					
<b>13. Shipment of waste received by the consignee (if not facility):</b>					
Name: _____		Date: _____		Signature: _____	
<b>TO BE COMPLETED BY THE RECOVERY FACILITY OR BY THE LABORATORY:</b>					
<b>14. Shipment received at recovery facility <input type="checkbox"/> or laboratory <input type="checkbox"/></b>					
Quantity received:					
Tonnes (Mg): _____		m <sup>3</sup> : _____			
Name: _____		Date: _____		Signature: _____	
<b>15. I certify that the recovery of the waste described above has been completed:</b>					
Quantity prepared for re-use or recycled <input type="checkbox"/> other recovery <input type="checkbox"/>					
Tonnes (Mg): _____		m <sup>3</sup> : _____			
Name: _____		Date: _____		Signature: _____	

<sup>9</sup> *Where the person who arranges the shipment is not the original waste producer or new waste producer or collector, the original waste producer or new waste producer or collector shall sign. When the producer or collector is not known or insolvent, the waste holder shall sign.*

ANNEX VIII

REQUEST FOR INCLUSION IN THE LIST OF COUNTRIES TO WHICH EXPORTS ARE  
AUTHORISED IN ACCORDANCE WITH ARTICLE 42(2)

REQUEST FOR INCLUSION IN THE LIST OF COUNTRIES TO WHICH THE EXPORT  
**FROM THE EUROPEAN UNION OF NON-HAZARDOUS WASTES AND MIXTURES  
OF NON-HAZARDOUS WASTES** DESTINED FOR RECOVERY **IS** AUTHORISED

**Part 1**

**Request to receive *non hazardous waste and mixtures of non-hazardous wastes* from the  
European Union**

*Hereby, (name and contact details of competent authority)....., on  
behalf of (country) ..... (hereafter 'the country')  
declares that the country wishes to receive the **non-hazardous wastes and  
mixtures of non-hazardous wastes** specified in Part 2, point 1, of this request  
from the European Union and declares that the country has an adequate waste  
management regulatory framework and strategy in place, and is taking **all  
necessary implementation and enforcement measures** to manage the waste(s)  
concerned **without endangering human health and** in an environmentally sound  
manner **in accordance with Article 59 of this Regulation.***

Place.....Date:.....Signature:.....

**Part 2**

**Information and supporting evidence**

1. List of wastes covered by the request		
Description of the <i>non-hazardous wastes or mixtures of non-hazardous wastes</i>	<i>Waste identification code<sup>1</sup></i>	<i>For waste listed in Annex IX of the Basel Convention, indicate whether the procedure of prior written notification and consent should apply by filling in “Yes”</i>
<p>2. Please provide, in annex to this request, a detailed description of the national waste management strategy or plan of the country, including the following elements:</p> <p>(a) <i>The annual quantity</i> of total waste generated in the country, as well as the <i>annual quantity of waste</i> covered by the scope of this request (“waste concerned by the request”) <i>generated in the country</i> and ■ how these <i>quantities are estimated to</i> develop in the next 10 years;</p> <p>(b) 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 <i>waste</i> concerned by the request, and ■ how these capacities <i>are estimated to</i> develop in the next 10 years;</p> <p>(c) the proportion of domestically generated waste that is separately collected, as well as possible objectives and measures to increase this rate in the future. Please provide this information for each of the most important types of domestic waste;</p> <p>(d) the proportion of domestic waste(s) concerned by the request that is landfilled, as well as possible objectives and measures to decrease this rate in the future;</p> <p>(e) the proportion of domestic waste(s) concerned by the request that is recycled, and any objectives and measures to increase this rate in the future;</p> <p>(f) information on the <i>quantity</i> of waste that is littered and on measures taken to prevent and clean up litter;</p>		

<sup>1</sup>. *Codes used in Annex IX of the Basel Convention or, if the waste is not listed in that Annex, (1) waste identification codes referred to in Annexes III Part II, Annex IIIA or Annex IIIB of this Regulation, or, if the waste is not listed in these Annexes, waste identification codes for non-hazardous waste in the list of waste referred to in Article 7 of Directive 2008/98/EC, or (2) national codes in the country.*

<p>(g) a strategy on how to ensure the environmentally sound management of waste imported into its territory, including the possible impact of the management of imported waste on the management of waste generated domestically;</p> <p>(h) information on the methodology used to calculate the data referred to in points (a) to (f).</p>		
<p>3. Please provide, in annex to this request, a description of domestic legal framework for waste management in place, including at least the following elements:</p> <p>(a) permitting, licensing or registration system(s) for waste treatment facilities;</p> <p>(b) permitting, licensing <i>or registration</i> system(s) for transport of waste;</p> <p>(c) provisions designed to ensure that the residual waste generated through the recovery operation for the waste(s) concerned is managed in an environmentally sound manner;</p> <p>(d) pollution controls applying to waste treatment operations, including in particular emission limits for the protection of air, soil and water and measures to reduce the emissions of greenhouse gases from these operations;</p> <p>(e) provisions on enforcement, inspection and penalties designed to ensure the implementation of domestic and international requirements on waste management and shipment of waste.</p>		
<p>4. Please provide, in annex to this request, a description of any other related legislation on the protection of the environment and <i>human</i> health applicable to waste management operations.</p>		
<p>5. Please provide, in annex to this request, a description of the domestic legislation on the import and export of the waste concerned by the request, and in particular on any specific control procedure applying to such import or export, such as prior written notification and consent as referred to in Article 6 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.</p>		
<p>6. Please provide a list of facilities authorised under the domestic legislation of the country to recover the <i>waste concerned</i> by the request (including at least the name and address of these facilities, their permit number, the types of <i>non-hazardous wastes or mixtures of non-hazardous wastes</i> that they are authorised to recover and their authorised treatment capacity). This should preferably be provided through a website link where information on the concerned facilities is publicly and electronically accessible (e.g. website link of the competent authority).</p>		
<p>7. Please provide information on the status of the country with regard to its <i>status of ratification</i> to the following multilateral environmental agreements:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; padding: 5px;">           Basel Convention on the Control of Transboundary Movements of Hazardous         </td> <td style="width: 50%; padding: 5px;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> </div>           Ratified: yes <input type="checkbox"/> no <input type="checkbox"/> </td> </tr> </table>	Basel Convention on the Control of Transboundary Movements of Hazardous	<div style="text-align: center;"> <input checked="" type="checkbox"/> </div> Ratified: yes <input type="checkbox"/> no <input type="checkbox"/>
Basel Convention on the Control of Transboundary Movements of Hazardous	<div style="text-align: center;"> <input checked="" type="checkbox"/> </div> Ratified: yes <input type="checkbox"/> no <input type="checkbox"/>	

Wastes and their Disposal	
Stockholm Convention on Persistent Organic Pollutants	<p>■</p> <p>Ratified: yes <input type="checkbox"/> no <input type="checkbox"/></p> <p><i>In case not ratified:</i></p> <p><i>Signed: yes <input type="checkbox"/> no <input type="checkbox"/></i></p>
Minamata Convention on Mercury	<p>■</p> <p>Ratified: yes <input type="checkbox"/> no <input type="checkbox"/></p> <p><i>In case not ratified:</i></p> <p><i>Signed: yes <input type="checkbox"/> no <input type="checkbox"/></i></p>
UN Framework Convention on Climate Change	<p>■</p> <p>Ratified: yes <input type="checkbox"/> no <input type="checkbox"/></p>
Paris Agreement	<p>■</p> <p>Ratified: yes <input type="checkbox"/> no <input type="checkbox"/></p> <p><i>In case not ratified:</i></p> <p><i>Signed: yes <input type="checkbox"/> no <input type="checkbox"/></i></p>
Montreal Protocol on substances that deplete the ozone layer	<p>■</p> <p>Ratified: yes <input type="checkbox"/> no <input type="checkbox"/></p>
<i>Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</i>	Ratified: yes <input type="checkbox"/> no <input type="checkbox"/>
<i>Right to Organise and Collective Bargaining Convention, 1949 (No. 98)</i>	Ratified: yes <input type="checkbox"/> no <input type="checkbox"/>
<i>Abolition of Forced Labour Convention, 1957 (No. 105)</i>	Ratified: yes <input type="checkbox"/> no <input type="checkbox"/>
<i>Minimum Age Convention, 1973 (No. 138)</i>	Ratified: yes <input type="checkbox"/> no <input type="checkbox"/>
<i>Worst Forms of Child Labour Convention, 1999 (No. 182)</i>	Ratified: yes <input type="checkbox"/> no <input type="checkbox"/>

<i>Equal Remuneration Convention, 1951 (No. 100)</i>	<i>Ratified: yes</i> <input type="checkbox"/> <i>no</i> <input type="checkbox"/>
<i>Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</i>	<i>Ratified: yes</i> <input type="checkbox"/> <i>no</i> <input type="checkbox"/>
<i>Forced Labour Convention, 1930 (No. 29)</i>	<i>Ratified: yes</i> <input type="checkbox"/> <i>no</i> <input type="checkbox"/>
<p>8. Please provide, in annex to this request, a description of how the country complies with its obligations under the multilateral <input type="checkbox"/> agreements listed in point 7, in particular as regards the relevant reporting obligations thereof.</p>	
<p>9. Please provide, in annex to this request, a description of how the Framework for the environmentally sound management (ESM) of hazardous wastes and other wastes, technical guidelines and other guidance on the environmentally sound management of waste adopted under the Basel Convention are taken into consideration in the regime for the management of the waste concerned by the request.</p>	
<p>10. Please provide, in annex to this request, a detailed description of the country's strategy for enforcement of domestic legislation on waste management and waste shipment, covering in particular 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 to the relevant domestic rules.</p>	

## ANNEX IX

### POINTS OF REFERENCE FOR THE ASSESSMENT PERFORMED BY THE COMMISSION PURSUANT TO ARTICLE 43(1)

#### Part 1

##### Union legislation designed to ensure the environmentally sound management of waste

1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Waste Framework Directive).
2. In addition to the Waste Framework Directive, the following pieces of Union legislation, *setting* out requirements for waste treatment operations, are relevant for the purpose of ensuring environmentally sound management of waste:
  - (a) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste<sup>1</sup>,
  - (b) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions.

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<sup>1</sup> Relevant for the treatment of residual waste that is generated during a recovery operation

3. The following pieces of Union legislation, which set out requirements for specific waste streams, are also relevant for the purpose of ensuring environmentally sound management of waste:
- (a) European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste;
  - (b) Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls;
  - (c) Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles;
  - (d) Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC;
  - (e) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE);
  - (f) Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants.



## Part 2

### International guidance on environmentally sound management of waste

1. Guidelines and guidance documents adopted under the Basel Convention:
  - (a) Technical guidelines for the environmentally sound *disposal of hazardous wastes and other wastes in* specially engineered landfill (D5)<sup>2</sup>
  - (b) *Technical guidelines on the environmentally sound incineration of hazardous wastes and other wastes as covered by disposal operations D10 and R1*<sup>3</sup>
  - (c) Technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4)<sup>4</sup>
  - (d) *Technical guidelines on the environmentally sound management of biomedical and health care wastes (Y1; Y3)*<sup>5</sup>

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<sup>2</sup> Adopted by the *fifteenth* meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, *June 2022*.

<sup>3</sup> *Adopted by the fifteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, June 2022.*

<sup>4</sup> Adopted by the seventh meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, October 2004.

<sup>5</sup> *Adopted by the sixth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, December 2002.*

- (e) *Technical guidelines on the environmentally sound management of waste lead acid batteries*<sup>6</sup>
- (f) General technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants<sup>7</sup>
- (g) *Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with 1,1,1 trichloro 2,2 bis (4 chlorophenyl) ethane (DDT)*<sup>8</sup>
- (h) Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromocyclododecane (HBCD)<sup>9</sup>

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<sup>6</sup> *Adopted by the sixth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, December 2002.*

<sup>7</sup> Adopted by the *sixteenth* meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2023.

<sup>8</sup> *Adopted by the eighth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, December 2006*

<sup>9</sup> Adopted by the twelfth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2015.

- (i) Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF) *perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds and perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds*<sup>10</sup>
- (j) Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with pentachlorophenol and its salts and esters (PCP)<sup>11</sup>
- (k) *Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with the pesticides aldrin, alpha hexachlorocyclohexane, beta hexachlorocyclohexane, chlordane, chlordecone, dicofol, dieldrin, endrin, heptachlor, hexachlorobenzene, hexachlorobutadiene, lindane, mirex, pentachlorobenzene, pentachlorophenol and its salts, perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride, technical endosulfan and its related isomers or toxaphene or with hexachlorobenzene as an industrial chemical (POP Pesticides)*<sup>12</sup>

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<sup>10</sup> Adopted by the *sixteenth* meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, *May 2023*.

<sup>11</sup> Adopted by the thirteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2017.

<sup>12</sup> *Adopted by the fifteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, June 2022.*

- (l) *Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls, polychlorinated terphenyls, polychlorinated naphthalenes or polybrominated biphenyls including hexabromobiphenyl (PCBs, PCTs, PCNs or PBBs, including HBB)*<sup>13</sup>
- (m) Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, or tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether (POP-BDEs) <sup>14</sup>
- (n) *Technical guidelines for the environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene, polychlorinated naphthalenes or hexachlorobutadiene*<sup>15</sup>

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<sup>13</sup> *Adopted by the thirteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2017.*

<sup>14</sup> Adopted by the *fourteenth* meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2019.

<sup>15</sup> *Adopted by the fourteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2019.*

- (o) Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene<sup>16</sup>
- (p) Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with short-chain chlorinated paraffins<sup>17</sup>
- (q) ***Technical guidelines on the environmentally sound management of plastic wastes***<sup>18</sup>
- (r) Technical guidelines for the environmentally sound management of used and waste pneumatic tyres<sup>19</sup>

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<sup>16</sup> ***Adopted by the fourteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2019.***

<sup>17</sup> Adopted by the ***fourteenth*** meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, ***May 2019.***

<sup>18</sup> ***Adopted by the sixteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2023.***

<sup>19</sup> Adopted by the tenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, October 2011.

- (s) *Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds*<sup>20</sup>
- (t) *Technical guidelines for the environmentally sound co-processing of hazardous wastes in cement kilns*<sup>21</sup>
- (u) Guidance document on the environmentally sound management of used and end-of-life computing equipment<sup>22</sup>
- (v) Guidance document on environmentally sound management of used and end-of-life mobile phones<sup>23</sup>
- (w) Framework for the environmentally sound management of hazardous wastes and other wastes<sup>24</sup>
- (x) Practical manuals for the promotion of the environmentally sound management of wastes<sup>25</sup>

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<sup>20</sup> *Adopted by the fifteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, June 2022.*

<sup>21</sup> *Adopted by the tenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, October 2011.*

<sup>22</sup> Adopted by the thirteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2017.

<sup>23</sup> *Adopted by the tenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, October 2011.*

<sup>24</sup> Adopted by the eleventh meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, October 2013

<sup>25</sup> *Adopted by the thirteenth and fourteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2017 and May 2019.*

2. Guidelines adopted by the OECD:

(a) Technical guidance for the environmentally sound management of specific waste streams: Used and scrap personal computers<sup>26</sup>

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<sup>26</sup> Adopted by the Environment Policy Committee of the OECD in February 2003 (document ENV/EPOC/WGWPR(2001)3/FINAL).

## ANNEX X

### **REQUIREMENTS FOR AUDITORS AND CRITERIA FOR FACILITIES RECEIVING WASTE EXPORTED FROM THE UNION PURSUANT TO ARTICLE 46**

#### **PART A**

##### **DETAILED REQUIREMENTS FOR THIRD PARTIES CONDUCTING AUDITS**

1. *A third party conducting audits in accordance with Article 46 shall be considered independent from the notifier or person who arranges the shipment as well as from the audited facility if it is documented that:*
  - (a) *it is not a part of or under control of these entities;*
  - (b) *it has established and operates procedures guaranteeing its impartiality, including:*
    - (i) *assessment of risks of its impartiality on an ongoing basis;*
    - (ii) *identification, elimination and mitigation of risks to impartiality resulting from financial, commercial and other types of pressure;*
    - (iii) *assessment of risk of its impartiality resulting from relationships of its personnel;*



- (c) *it is structured and managed in a way ensuring its independence and impartially, including:*
- (i) *it is clearly identifiable within the legal entity, if the legal entity conducts also activities not related to inspections;*
  - (ii) *it has reporting rules on the performed audit activity;*
  - (iii) *its personnel has clearly identifiable responsibilities with respect to conducting audits.*

2. *A third party conducting audits in accordance with Article 46 shall be considered to have appropriate qualifications in the area of audits and waste treatment if it has a sufficient number of qualified personnel, directly or via subcontracting, that is regularly trained and if its personnel involved in conducting such audits has documented professional experience in the following areas:*

- (a) *conducting audits of facilities treating waste;*
- (b) *waste treatment operations;*
- (c) *environmental and occupational health and safety management systems.*

3. *In order to demonstrate compliance with the criteria referred to in paragraphs 1 and 2, a third party conducting audits could refer to its certification with Union or internationally recognised standards relevant for the conduct of audits as defined in Article 46, such as ISO standard 19011:2018 or ISO/IEC standard 17020:2012.*

## ***PART B***

### CRITERIA DESIGNED TO DEMONSTRATE THAT A FACILITY MANAGES WASTE EXPORTED FROM THE UNION IN AN ENVIRONMENTALLY SOUND MANNER

1. The audit referred in Article 46(3) ***shall verify*** that the facility managing the waste in the country of destination ***in its actual operations*** complies with the following conditions:
  - (a) it is authorised by its competent authorities to import and treat this waste (evidence to be provided notably through production of corresponding permits or licences) and is carrying out its activities in accordance with relevant applicable domestic legislation on environmental protection;
  - (b) it is designed, constructed and operated in a safe and environmentally sound manner and, in particular, it has the required processes, ***appropriate waste management technology***, organisation and infrastructure in place to treat the waste in question, and insurances covering potential risks and liabilities. To this end, as a minimum, information on the waste treatment methods, including how residual waste ***is treated***, notably through downstream traceability, must be checked;

- (c) it establishes ***and operates*** management and monitoring systems, procedures and techniques that have the purpose of preventing, reducing, minimising and to the extent practicable eliminating:
- (i) health and safety risks to workers concerned and to the population in the vicinity of the facility, and
  - (ii) adverse effects on the environment caused by its activities (in particular through adequate measures taken to monitor and address soil, water and air pollution, and other nuisances (odour, noise));
- (d) it ensures the traceability of all waste received and treated at the facility, including ensuring that all residual waste generated from their activities are documented and are only transferred to waste management facilities that are authorised to ***treat such residual waste***. To this end, as a minimum, information ***shall*** be checked on:
- the ***quantity*** of waste that the facility is entitled to treat according to its permit/licences,
  - the ***quantity*** of waste that ***the facility*** receive and recover annually,
  - the ***quantity*** of residual waste generated ***from*** their activities, as well ***as*** evidence that this residual waste is **■** treated in an authorised waste treatment facility, ***including in the case of export***;

- (e) it has taken measures designed to save energy and limit the emissions of greenhouse gases linked to its activities;
- (f) it establishes and is able to provide records of its waste management *activites* and *import and export of waste* ■ for the last five years; *if a facility has operated for less than five years, it establishes and is able to provide records of its waste management and waste shipment activities for the time it has operated;*
- (g) it has not been convicted of having carried out illegal activities linked to *import and export of waste* ■ or waste management *in the last five years;*
- (h) *it has established internal reporting channels and procedures for internal reporting and for follow-up, which enable the facility's workers to report information on breaches of rules relating to adverse effects on the environment if required by the legislation of the country of destination.*

2. Upon verifying compliance of a facility against the above criteria, the independent third party performing the audit *shall* in particular take into account, as a point of reference and where relevant:
  - (a) specific requirements for the treatment of certain waste, *including as referred to in Part 1 of Annex IX*, and on the calculation of the *quantity* of waste treated, which are mandatory under Union legislation;
  - (b) the Best Available Techniques conclusions adopted for certain activities under the regime of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions<sup>1</sup>.
3. In addition, the guidelines referred to in Part 2 of Annex IX *shall* also be taken into consideration as *points of reference*.

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<sup>1</sup> OJ L 334, 17.12.2010, p. 17.

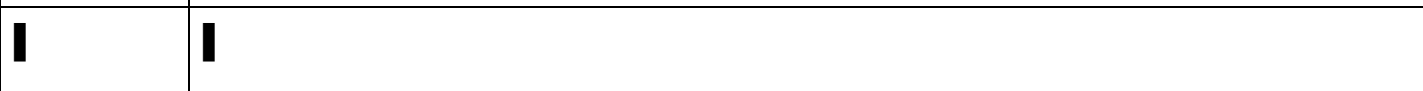
**ANNEX XI**

**ADDITIONAL QUESTIONNAIRE FOR MEMBER STATES REPORTING OBLIGATION  
PURSUANT TO ARTICLE 73(2)**

<p><i>Quantities of wastes referred to in Article 4(1), (2) or (3) shipped from and into Member States not covered by the report in accordance with Article 73(1)</i></p>	<p><i>Information on quantities of wastes referred to in Article 4(1), (2) or (3) shipped from Member States, including exports, and quantities of wastes referred to in Article 4(1), (2) or (3) shipped into Member States, including imports that are not to be reported in accordance with Article 73(1)</i></p> <p><i>Have wastes referred to in Article 4(1), (2) or (3) been shipped from the Member State, including exports, that are not be reported in accordance with Article 73(1)?    Yes    No</i></p> <p><i>(please tick ✓ as appropriate)    <input type="checkbox"/>    <input type="checkbox"/></i></p> <p><i>If yes, please complete Table 1.</i></p> <p><i>Have wastes referred to in Article 4(1), (2) or (3) been shipped into the Member State, including imports, that are not be reported in accordance with Article 73(1)?    Yes    No</i></p> <p><i>(please tick ✓ as appropriate)    <input type="checkbox"/>    <input type="checkbox"/></i></p> <p><i>If yes, please complete Table 2.</i></p>
<p>Article 11(1)</p>	<p><b>Information on consents given to a notification for a shipment of waste destined for disposal, where the conditions in Article 11(1) were fulfilled</b></p> <p>Has this provision been applied?            Yes            No</p> <p><i>(please tick ✓ as appropriate)            <input type="checkbox"/>            <input type="checkbox"/></i></p> <p>If yes, complete Table 3</p> <p>Additional remarks:</p> <p>-----</p> <p>-----</p> <p>-----</p>



	<p>(please tick <math>\checkmark</math> as appropriate) <input type="checkbox"/> <input type="checkbox"/></p> <p>If there is such a system, do you apply the system provided for in Titles II and VII of the Regulation?                      Yes      No</p> <p>(please tick <math>\checkmark</math> as appropriate) <input type="checkbox"/> <input type="checkbox"/></p> <p>If you apply a different system from that provided for in Titles II and VII of the Regulation, please give details of the system applied:</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
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<p>Article 25 and 63(1)</p>	<p><b>Information on <i>cases of illegal shipments of waste which have been closed in the reporting year:</i></b></p> <p>Has there been any case?                      Yes                      No</p> <p>(please tick <math>\checkmark</math> as appropriate)      <input type="checkbox"/>                      <input type="checkbox"/></p> <p>If yes, please complete Table 7</p> <p>Please, provide information on how illegal shipments <b><i>are prevented, detected and penalised under national legislation.</i></b></p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
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<p>► Article 60(1)</p>	<p><b>Summary information on the outcome of the inspections carried out pursuant to Article 60, including:</b></p> <ul style="list-style-type: none"> <li>– number of inspections, including physical checks, of establishments, undertakings, brokers and dealers, related to shipments of waste</li> <li>– number of inspections of shipments of waste, including physical checks:</li> <li>– <i>number of inspections of audits for shipments of waste referred to in Article 4(4):</i></li> <li>– number of supposed illegalities concerning establishments, undertakings, brokers and dealers, related to shipments of waste:</li> <li>– number of supposed illegal shipments ascertained during the inspections:</li> </ul> <p>Additional remarks:</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>----- ◀</p>
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**Note for completion of the Tables:**

*D and R codes are those referred to in Annexes I and II to Directive 2008/98/EC* ■ .

*Waste **identification** codes are those referred to in Annexes III, IIIA, IIIB, IV and the list of waste referred to in Article 7 of Directive 2008/98/EC.*

■

**Table 1**

**Quantities of wastes referred to in Article 4 (1), (2) or (3) shipped from Member States, including exports, that are not be reported pursuant to Article 73(1), in 20XX**

<b>Waste identification</b>		<b>Quantities shipped from a Member State, including exports (tonnes(Mg))</b>	<b>Country/ countries of transit <sup>(2)</sup></b>	<b>Country of destination<sup>(2)</sup></b>	<b>Disposal operation  D code</b>	<b>Recovery operation  R code</b>
<b>OECD Code or entry EU48<sup>(1)</sup></b>	<b>EU list of wastes code(s)</b>					

**(1) If applicable.**

**(2) Use 2 digits ISO codes.**

*Remarks:*

**Table 2**

**Quantities of wastes referred to in Article 4 (1), (2) or (3) shipped into Member States, including imports, that are not be reported pursuant to Article 73(1), in 20XX**

<b>Waste identification</b>		<b>Quantities shipped into a Member State, including imports (tonnes (Mg))</b>	<b>Country/ countries of transit <sup>(2)</sup></b>	<b>Country of dispatch <sup>(2)</sup></b>	<b>Disposal operation D code</b>	<b>Recovery operation R code</b>
<b>OECD Code or entry EU48 <sup>(1)</sup></b>	<b>EU list of wastes code(s)</b>					

**(1) If applicable.**

**(2) Use 2 digits ISO codes.**

*Remarks:*

**Table 3**

**Information on consents given to a notification for a shipment of waste destined for disposal, where the conditions in Article 11(1) were fulfilled**

Waste <i>identification</i> (code(s))	Quantity (tonnes (Mg))	Country of dispatch/ Country of destination	Disposal Operation D code	

**Table 4**

**Information on objections to planned shipments for recovery based on them not being in accordance with Article 12(1)(d)**

Waste <i>identification</i> ( <i>code(s)</i> )	Quantity ( <i>tonnes</i> ( <i>Mg</i> ))	Country of <i>destination</i>	Reasons for the objection, <i>including relevant national legislation</i>				<i>Recovery facility</i>	
							Name	Recovery operation <i>R code</i>

*Table 5*

*Information on objections to planned shipments for recovery based on them not being in accordance with Article 12(1)(e)*

<i>Waste identification (code(s))</i>	<i>Quantity (tonnes (Mg))</i>	<i>Country of dispatch</i>	<i>Reasons for the objection</i>	<i>Recovery facility</i>	
				<i>Name</i>	<i>Recovery operation  R code</i>





**Table 7**  
**Information on cases of illegal shipments of waste which have been closed in the reporting year (Article 25 and Article 63(1))**

<i>Country of destination/ Country of dispatch</i>	<i>Waste identification (code(s))</i>	<b>Quantity (tonnes(Mg))</b>	Identification of the reason for illegality (possible reference to violated Articles)	Responsible for illegality <i>(please tick ✓ as appropriate)</i>			Measure s taken including any penalties imposed or take back actions undertak en
				<i>Notifier or person who arrang es the shipme nt</i>	Consignee	Other	

**ANNEX XII**

**Table 1: Information on waste shipments subject to Article 4(1),(2) or (3)**

Notification number	Consent <sup>1</sup> or objection <sup>(1)</sup> / Consent withdrawn	Waste identification		Quantities covered by the consent <sup>(3)</sup> (tonnes (Mg))	Quantities shipped <sup>(4)</sup> (tonnes (Mg))	Country of dispatch <sup>(5)</sup>	Country of destination <sup>(5)</sup>	Name of the treatment facility at destination <sup>(6)</sup>	Disposal or recovery operation <sup>(7)</sup> as relevant
		Basel or OECD code or entry EU48 <sup>(2)</sup>	EU list of wastes code(s)						

**(1) In case of objection, the columns on the quantity are left blank.**

**(2) If applicable.**

**(3) Quantity indicated in block 5 of the Annex IA document.**

**(4) Data in this column were extracted from the central system mentioned in Article 27 and were not validated by the concerned competent authorities. They reflect the state of play on the date of extraction and will be updated on a monthly basis. They may not represent the final updated quantity on the day that the present overview is consulted.**

**(5) Use 2 digits ISO codes.**

**(6) The name of the facility shall be published, unless one of the competent authorities involved in the procedure of prior written notification and consent considers that this name is confidential and therefore shall not be disclosed, in accordance with Union or national laws. That competent authority shall provide this information in the systems as referred to in Article 27.**

**(7) Including its R or D code as referred to in Annex II to Directive 2008/98/EC.**

**Table 2: Information on waste shipments subject to Article 4(4) or (5)**

<b>Waste identification</b>							<b>Date of signature of the Annex VII document by the person who arranges the shipment</b>
<b>Basel or OECD code or entry EU3011<sup>(1)</sup></b>	<b>EU list of wastes code(s)</b>	<b>Quantities shipped<sup>(2)</sup>(<sup>3</sup> tonnes (Mg))</b>	<b>Country of dispatch<sup>(4)</sup></b>	<b>Country of destination<sup>(4)</sup></b>	<b>Name of the facility at destination<sup>(5)</sup></b>	<b>Recovery operation<sup>(6)</sup>, as relevant</b>	

**(1) If applicable.**

**(2) Quantity received by the facility according to block 14 of the Annex VII document.**

**(3) Data in this column were extracted from the central system mentioned in Article 27 and were not validated by the concerned competent authorities.**

**(4) Use 2 digits ISO codes.**

**(5) The name of the facility shall be published, unless the person who arranges the shipment or the facility concerned considers that this name is confidential and therefore shall not be disclosed, in accordance with Union or national legislation. The person who arranges the shipment shall provide this information in the systems as referred to in Article 27.**

**(6) Including its R code as referred to in Annex II to Directive 2008/98/EC.**

**ANNEX XIII**  
**Correlation table**

<b>Regulation (EC) No 1013/2006</b>	<b>This Regulation</b>
Article 1(1)	Article 1
Article 1(2) to (5)	Article 2
Article 2, points (1), (2), (4), (6), (7a), (9), (10), (12) and (13)	Article 3, second subparagraph
Article 2, point (3)	Article 3, point (1)
Article 2, point (5)	Article 3, point (2)
Article 2, point (7)	Article 3, point (3)
Article 2, point (8)	Article 3, point (4)
Article 2, point (14)	Article 3, point (5)
Article 2, point (15)	Article 3, point (6)
---	Article 3, point (7)
Article 2(11)	Article 3, point (8)
Article 2, point (16)	Article 3, point (9)(b)
Article 2, point (17)	Article 35(1)
Article 2, point (18)	Article 3, point (9)
Article 2, point (19)	Article 3, point (10)
Article 2, point (20)	Article 3, point (11)

Article 2, point (21)	Article 3, point (12)
Article 2, point (22)	Article 3, point (13)
Article 2, point (23)	Article 3, point (14)
Article 2, point (24)	Article 3, point (15)
Article 2, point (25)	Article 3, point (16)
Article 2, point (26)	Article 3, point (17)
Article 2, point (27)	Article 3, point (18)
Article 2, point (28)	Article 3, point (19)
Article 2, point (29)	Article 3, point (20)
Article 2, point (30)	Article 3, point (21)
Article 2, point (31)	Article 3, point (22)
Article 2, point (32)	Article 3, point (23)
Article 2, point (33)	Article 3, point (24)
Article 2, point (34)	Article 3, point (25)
Article 2, point (35)	Article 3, point (26)
Article 2, point (35a)	Article 3, point (27)
--	Article 3, points (28), (29) and (30)
Article 3	Article 4
Article 4	Article 5
Article 5	Article 6
Article 6	Article 7

Article 7(1) and 7(2), second and third subparagraphs	---
Article 7(2), first subparagraph, and (4) and Article 8	Article 8
Article 7(3) and 9	Article 9
Article 10	Article 10
Article 11	Article 11
Article 12	Article 12
Article 13	Article 13
Article 14	Article 14
Article 15	Article 15
Article 16	Article 16
Article 17	Article 17
Article 18	Article 18
Article 19	Article 19
Article 20	Article 20
Article 21	Article 21
Article 22	Article 22
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Article 23	Article 24
Article 24	Article 25

Article 25	Article 26
Article 26	Article 27
Article 27	Article 28
Article 28	Article 29
Article 29	Article 30
Article 30	Article 31
---	Article 32
---	Article 33
Article 31	Article 34
Article 32	Article 35
Article 33	Article 36
Article 34	Article 37
Article 35	Article 38
Article 36	Article 39
Article 37	Articles 40-43
Article 38	Article 44
---	Article 45
---	Article 46
---	Article 47
Article 39	Article 48
Article 40	Article 49



Article 41	Article 50
Article 42	Article 51
Article 43	Article 52
Article 44	Article 53
Article 45	Article 54
Article 46	Article 56
Article 47	Article 57
Article 48	Article 58
Article 49(1) and (2)	Article 59
Article 49(3)	Article 55
Article 50(1)	Article 63
Article 50(2) and (3)	Article 60
Article 50(2a)	Article 62
Article 50(4) to (4e)	Article 61
---	Article 64
Article 50(5) to (7)	Article 65
---	Article 66
---	Article 67
---	Article 68
---	Article 69
---	Article 70

---	Article 71
---	Article 72
Article 51	Article 73(1) to (4), first and fourth subparagraph
---	Article 73(4), second and third subparagraphs, and (5)
Article 52	Article 74
Article 53	Article 75
Article 54	Article 76
Article 55	Article 77
Article 56	Article 78
Article 57	---
Article 58	Article 79
Article 58a	Article 80
Article 59a	Article 81
---	Article 82
---	Article 83
Article 60	Article 84
Articles 61 and 62	Article 85
Article 63	---
Article 64	Article 86

Annex IA, IB and IC	Annex IA, IB and IC
Annex II	Annex II
Annex III	Annex III
Annex IIIA	Annex IIIA
Annex IIIB	Annex IIIB
Annex IV	Annex IV
Annex IVA	---
Annex V	Annex V
Annex VI	Annex VI
Annex VII	Annex VII
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---	Annex IX, Part 1
Annex VIII	Annex IX, Part 2
---	Annex X
Annex IX	Annex XI
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