

Shipment requirements

A. Within the EU (with or without transit through third countries)

- I. **For disposal**: prohibited except explicit authorisation (Art. 4.1 and 11): prior written notification + consent.
- II. **For recovery**:
 - a. Prior written notification + consent for
 - Amber listed waste (Annex IV)
 - Not green nor amber listed waste
 - Mixtures, unless green listed.
 - b. General information requirement (Art. 18)
 - Green listed waste and mixtures > 20 kg.

B. EU with transit third countries

- I. **For disposal** (Art. 31): written consent competent authority in transit countries (60 days for Parties to the BC)
- II. **For recovery** (Art. 32):
 - a. **Non-OECD countries**: Art 31 procedure (written consent competent authority transit countries)
 - b. **OECD countries**: tacit consent if no objection/conditions in 30 days from notification.

Notification procedure (Art. 5)

- Permit or registration required for the notifier
- Notification to be submitted to all competent authorities concerned including
 - Notification document (Annex IA)
 - Movement document (Annex IB)
 - Evidence of the contract concluded (see Art. 6 for contract requirements)
 - Declaration on financial guarantee or equivalent insurance (see Art. 7 for requirements)
NOTE: As requested by FEAD in its position to the WSR, the COM will assess the possibility of implementing a harmonised calculation method.
- Shall cover the shipment of waste from its initial place of dispatch and including its interim and non-interim recovery or disposal (see art. 15 for additional provision on interim recovery/disposal)
- Only one waste identification code per notification
- General notification for several shipments possible where certain requirements are fulfilled (Art. 13)
- Border-area agreements and bilateral agreements with EEA countries possible (Art. 30)

Request for additional information (Art. 8)

- Authority of dispatch
 - o Request within 3 working days from notification
 - o To be provided within 7 days by notifier.
 - o In no information/still not proper: invalid notification to be notified within 7 days. ✖
 - o If proper notification: immediate notification to notifier and other authorities. ✔
- Other competent authorities
 - o Request within 3 working days from information from authority of dispatch.
 - o To be provided within 7 days by notifier.
 - o If still not completed/no information provided: invalid notification to be decided within 3 working days + immediate notification. ✖
 - o If no decision in these 3 days: notification completed. ✔

NOTE: The new procedure is more detailed and allows for legal certainty as for its end, which may help in reducing the current delays as expressed in the FEAD position paper.

Consent procedure (Art 9 and 11)

- Required by competent authorities of destination, dispatch and transit within 30 days of notification
 - o Tacit consent assumed for authorities of dispatch and transit if no response
- Consent for maximum one calendar year
- Consent may be withdrawn
- The recovery or disposal of waste shall be completed no later than one calendar year after the receipt of the waste by the facility
- For shipments for disposal, written consent of the competent authorities of dispatch and destination only where certain conditions are fulfilled, e.g.:
 - o The notifier demonstrates that the waste cannot be recovered in a technically feasible and economically viable manner, or must be disposed of due to legal obligations
 - o The waste concerned will be treated in accordance with legally binding environmental protection standards in relation to disposal operations established in Union legislation
 - o The waste is not mixed municipal waste (waste code 20 03 01 or 20 03 99)
- Pre-consented recovery facilities possible (Art. 14)

NOTE: As requested by FEAD in its position to the WSR under the new pre-consent procedure, where the legal or natural person 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. However, it may be refused (duly motivated) if the authority is not satisfied that the pre-consent will ensure a high-quality treatment of the waste concerned.

Conditions/objections (Art. 10 and 12)

- The competent authorities of destination, transit and dispatch may lay down conditions or raise motivated objections based on certain grounds within a 30-day time limit.

Exports to third countries

A. For disposal: Prohibited except to EFTA countries Parties to the Basel Convention

- Prior notification + written consent from the competent authorities of dispatch, destination and, where appropriate, transit outside the Union
- Environmentally sound management of the waste as referred to in Article 56, shall be ensured.

B. For recovery

I. OECD countries

- Conditions as for EU shipment with exceptions (Art. 41)
 - o Mixtures of green listed waste (Annex IIIA) destined for interim operation + subsequent interim or non-interim recovery/disposal operation in non-OECD country: Prior written notification + consent
 - o Additional green listed waste (Annex IIIB): Prior written notification + consent
- ➔ In these cases, consent from authority of destination may be tacit
- Environmental sound management (Art. 56) to be demonstrated by exporter
 - o Audit by an independent and accredited third party with appropriate qualifications required except in case of international agreement (Art. 43)

II. Non-OECD countries

- a. Hazardous waste: prohibition (Art. 36)
- b. Non-hazardous waste: prohibition (green listed waste and waste included in the EU List of waste ("Catalogue", Art. 7 WFD)) (Art. 37)
 - o **Exception** for listed countries (Art. 38)
 - o Licensed facility under domestic legislation
 - o General information requirement/prior written notification+consent

List of countries (Art. 38)

- Delegated COM Act to be adopted 30 months after entry into force of Regulation (COM to contact countries no later than 3 months after entry into force of the Regulation and countries to submit request no later than 9 months after entry into force of Regulation)
 - o List to be updated at least every 2 years

- **Request to receive waste to be submitted by receiving countries** (Art. 39 and Annex VIII)
 - o Detailed description of the national waste management strategy or plan of the country
 - o Description of domestic legal framework for waste management
 - o 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;
 - o 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;
 - o provisions on enforcement, inspection and penalties designed to ensure the implementation of domestic and international requirements on waste management and waste shipment.
 - o List of facilities authorised under the domestic legislation of the country to recover the waste(s)
 - o Description of how the country complies with its obligations under the multilateral environmental agreements
 - o Detailed description of the country's strategy for enforcement of domestic legislation on waste management and waste shipment

- **Demonstrated ability to manage such waste in an environmentally sound manner**
 - o Comprehensive waste management strategy or plan that includes at least (Art. 39.3)
 - Amount of total waste generated
 - Estimation of the current treatment capacity
 - Proportion of domestic waste that is separately collected/landfilled/recycled
 - o The waste shipped shall be deemed to be managed in an environmentally sound manner as regards the recovery or disposal operation concerned, where it can be demonstrated that the waste will be managed in accordance with human health and environmental protection requirements that are broadly equivalent to the human health and environmental protection requirements laid down in Union legislation (Art. 56).
 - Audit by an independent and accredited third party with appropriate qualifications required (Art. 43).

III. Antarctic: Prohibited (Art. 45)

IV. Overseas (Art. 46)

- For disposal: Prohibited.
- For recovery: Art. 36.

Entry into force

- On the 20th day of its publication
- Applies two months after entry into force
- Transitional periods for:
 - **2 years**: Articles 5, 8 and 9, Article 14(14) and (15), Articles 15, 16, 18, Article 26(1), (2) and (3), and Articles 35, 41, 47, 48, 49, 50, 51, 54 and
 - **3 years**: Articles 37, 38, 39, 40, 43 and 44.

FEAD Secretariat

info@fead.be