Commission Regulation (EC) No 669/2008 of 15 July 2008 on completing Annex IC of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (Text with EEA relevance)

COMMISSION REGULATION (EC) No 669/2008

of 15 July 2008

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste[(1)], and in particular Article 58(1)(a) thereof,

Whereas:

(1) Annex IC on specific instructions for completing the notification and movement documents shall be completed at the latest by the date of application of Regulation (EC) No 1013/2006 having regard to the OECD instructions.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste[(2)],

HAS ADOPTED THIS REGULATION:

Article 1

Annex IC shall be completed as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 15 July 2008.

For the Commission

Stavros DIMAS

Member of the Commission

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 669/2008. (See end of Document for details)*

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ANNEX

ANNEX IC

SPECIFIC INSTRUCTIONS FOR COMPLETING THE NOTIFICATION AND MOVEMENT DOCUMENTS

I. Introduction

1. The present instructions provide the necessary explanations for completing the notification and movement documents. Both documents are compatible with the Basel Convention[(3)], the OECD Decision[(4)] (which only covers shipments of wastes destined for recovery operations within the OECD area) and this Regulation, since they take into account the specific requirements set out in these three instruments. Because the documents have been made broad enough to cover all three instruments, however, not all blocks in the document will be applicable to all of the instruments and it therefore may not be necessary to complete all of the blocks in a given case. Any specific requirements relating to only one control system have been indicated with the use of footnotes. It is also possible that national implementing legislation may use terminology that differs from that adopted in the Basel Convention and the OECD Decision. For example, the term "shipment" is used in this Regulation instead of "movement" and the titles of the notification and movement documents therefore reflect this variation by employing the term "movement/shipment".

2. The documents include both the term "disposal" and "recovery", because the terms are defined differently in the three instruments. The European Community Regulation and the OECD Decision use the term "disposal" to refer to disposal operations listed in Annex IV.A of the Basel Convention and Appendix 5.A of the OECD Decision and "recovery" for recovery operations listed in Annex IV.B of the Basel Convention and Appendix 5.B of the OECD Decision. In the Basel Convention itself, however, the term "disposal" is used to refer to both disposal and recovery operations.

3. The competent authorities of dispatch are responsible for providing and issuing the notification and movement documents (in both paper and electronic versions). When doing so, they will use a numbering system, which allows a particular consignment of waste to be traced. The numbering system should be prefixed with the country code of the country of dispatch that can be found in the ISO standard 3166 abbreviation list. Within the EU, the two-digits country code must be followed by a space. This may be followed by an optional code of up to four digits specified by the competent authority of dispatch followed by a space. The numbering system must end with a six-digit number. For illustration, if the country code is XY and the six-digit number 123456, the notification number would be XY 123456 if no optional code were specified. Where an optional code, for example 12, is specified, the notification number would be XY 12 123456. However, in case a notification or movement document is transmitted electronically and no optional code is specified, "0000" should be inserted instead of the optional code (e.g. XY 0000 123456); in case an optional code of less than four digits is specified, for example 12, the notification number would be XY 0012 123456.

4. Countries may wish to issue the documents in a paper size format that conforms to their national standards (normally ISO A4, as recommended by the United Nations). In order to facilitate their use internationally, however, and to take into account the difference between ISO A4 and the paper size used in North America, the frame size of the forms should not be greater than 183 × 262 mm with margins aligned at the top and the left side of the paper. The notification document (block 1-block 21 including footnotes) should be on one page and the list of abbreviations and codes used in the notification document should be on a second page.

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With regard to the movement document, block 1-block 19 including footnotes should be on one page and block 20-22 and the list of abbreviations and codes used in the movement document should be on a second page.

II. Purpose of the notification and movement documents

5. The notification document is intended to provide the competent authorities concerned with the information they need to assess the acceptability of proposed waste shipments. It also provides space for them to acknowledge receipt of the notification and, where required, to consent in writing to a proposed shipment.

6. The movement document is intended to travel with a consignment of waste at all times from the moment it leaves the waste producer to its arrival at a disposal or recovery facility in another country. Each person who takes charge of a shipment (carriers and possibly consignee[(5)]) is to sign the movement document either upon delivery or receipt of the wastes in question. There are also spaces in the movement document for recording passage of the consignment through the customs offices of all countries concerned (required by this Regulation). Finally, the document is to be used by the relevant disposal or recovery facility to certify that the waste has been received and that the recovery or disposal operation has been completed.

III. General requirements

7. A planned shipment subject to the procedure of prior written notification and consent may take place only after the notification and movement documents have been completed pursuant to this Regulation, taking into account Articles 16(a) and 16(b), and during the period of validity of the written or tacit consents of all competent authorities concerned.

8. Those filling out printed copies of the documents should use typescript or block capitals in permanent ink throughout. Signatures should always be written in permanent ink and the name of the authorised representative should accompany the signature in capital letters. In the event of a minor mistake, for example the use of the wrong code for a waste, a correction can be made with the approval of the competent authorities. The new text must be marked and signed or stamped, and the date of the modification must be noted. For major changes or corrections, a new form must be completed.

9. The forms have also been designed to be easily completed electronically. Where this is done, appropriate security measures should be taken against any misuse of the forms. Any changes made to a completed form with the approval of the competent authorities should be visible. When using electronic forms transmitted by e-mail, a digital signature is necessary.

10. To simplify translation, the documents require a code, rather than text, for the completion of several blocks. Where text is required, however, it must be in a language acceptable to the competent authorities in the country of destination and, where required, to the other concerned authorities.

11. A six-digit format should be used to indicate the date. For example, 29 January 2006 should be shown as 29.01.06 (Day.Month.Year).

12. Where it is necessary to add annexes to the documents providing additional information, each annex should include the reference number of the relevant document and cite the block to which it relates.

IV. Specific instructions for completing the notification document

13. The notifier[(6)] is to complete blocks 1–18 (except the notification number in block 3) at the time of notification. In some third countries which are not OECD member countries, the competent authority of dispatch may complete these blocks. When the notifier is not the same

person as the original producer, this producer or one of the persons indicated in point 15(a)(ii) or (iii) of Article 2 is, where practicable, also to sign in block 17 as specified in the second subparagraph, point 1 of Article 4, and Annex II, Part 1, point 26.

14. **Blocks 1** (See Annex II, Part 1, points 2 and 4) **and 2** (Annex II, Part 1, point 6): Provide the required information (give registration number only where applicable, address including the name of the country and telephone and fax numbers including the country code; contact person should be responsible for the shipment including if incidents during shipment occur). In some third countries, information relating to the competent authority of dispatch may be given instead. The notifier may be a dealer or broker in accordance with point 15 of Article 2 of this Regulation. In this case, provide a copy of the contract or evidence of the contract (or a declaration certifying its existence) between the producer, new producer or collector and the broker or dealer in an annex (see Annex II, Part 1, point 23). The phone and fax numbers and the e-mail address should facilitate contact of all relevant persons at any time regarding an incident during shipment.

15. Normally, the consignee would be the disposal or recovery facility given in block 10. In some cases, however, the consignee may be another person, for example a dealer, a broker[7], or a corporate body, such as the headquarters or mailing address of the receiving disposal or recovery facility in block 10. In order to act as a consignee, a dealer, broker or corporate body must be under the jurisdiction of the country of destination and possess or have some other form of legal control over the waste at the moment the shipment arrives in the country of destination. In such cases, information relating to the dealer, broker or corporate body should be completed in block 2.

16. **Block 3** (See Annex II, Part 1, points 1, 5, 11 and 19): When issuing a notification document, a competent authority will, according to its own system, provide an identification number which will be printed in this block (see paragraph 3 above). Under A, "individual shipment" refers to a single notification and "multiple shipments" to a general notification. Under B, give the type of operation the waste being shipped is destined for. Under C, pre-consent refers to Article 14 of this Regulation.

17. **Blocks 4** (See Annex II, Part 1, point 1), **5** (See Annex II, Part 1, point 17) **and 6** (See Annex II, Part 1, point 12): Give the number of shipments in block 4 and the intended date of a single shipment or, for multiple shipments, the dates of the first and last shipments, in block 6. In block 5, give the estimated minimum and maximum weight in tonnes (1 tonne equals 1 megagram (Mg) or 1 000 kg) of the waste. In some third countries, giving the volume in cubic metres (1 cubic metre equals 1 000 litres) or other metric units, such as kilograms or litres, may also be acceptable. When other metric units are used, the unit of measure may be indicated and the unit in the document may be crossed out. The total quantity shipped must not exceed the maximum quantity declared in block 5. The intended period of time for shipments in block 6 may not exceed one year, with the exception of multiple shipments to pre-consented recovery facilities according to Article 14 of this Regulation (see paragraph 16), for which the intended period of time may not exceed three years. All shipments must take place within the validity period of the written or tacit consents of all competent authorities concerned issued by the competent authorities according to Article 9(6) of this Regulation. In the case of multiple shipments, some third countries may, based on the Basel Convention, require the expected dates or the expected frequency and the estimated quantity of each shipment to be quoted in blocks 5 and 6 or attached in an annex. Where a competent authority issues a written consent to the shipment and the validity period of that consent in block 20 differs from the period indicated in block 6, the decision of the competent authority overrides the information in block 6.

18. **Block 7** (See Annex II, Part 1, point 18): Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the notification document.