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 (Text with EEA relevance)

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

(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 the third subparagraph of Article 37(2) thereof,

After consultation of the countries concerned,

Whereas:

(1) In accordance with Article 37(1) of Regulation (EC) No 1013/2006 the Commission has sent a written request to each country to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations does not apply, seeking confirmation in writing that waste which is listed in Annex III or IIIA to that Regulation and the export of which is not prohibited under its Article 36 may be exported from the Community for recovery in that country and requesting an indication as to which control procedure, if any, would be followed in the country of destination.

(2) In those requests, each country was asked to indicate if it had opted for a prohibition or a procedure of prior written notification and consent, or if it would exercise no control, in respect of such waste.

(3) Pursuant to the first subparagraph of Article 37(2) of Regulation (EC) No 1013/2006, and before the date of application of that Regulation, the Commission was required to adopt a Regulation taking into account all the replies received. The Commission duly adopted Regulation (EC) No 801/2007 of 6 July 2007[(2)]. However, further replies and clarifications received since that date provide a better understanding of how the replies of the countries of destination should be taken into account.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1418/2007. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) The Commission has now received replies to its written requests from Algeria, Andorra, Argentina, Bangladesh, Belarus, Benin, Botswana, Brazil, Chile, China, Chinese Taipei, Costa Rica, Croatia, Cuba, Egypt, Georgia, Guyana, Hong Kong (China), India, Indonesia, Israel, Ivory Coast, Kenya, Kyrgyzstan, Lebanon, Liechtenstein, Macau (China), Malawi, Mali, Malaysia, Moldova, Morocco, Oman, Pakistan, Paraguay, Peru, Philippines, Russian Federation, Seychelles, South Africa, Sri Lanka, Thailand, Tunisia, Vietnam.

(5) Certain countries have not issued a confirmation in writing that the waste may be exported to them from the Community for recovery. Therefore, in accordance with the second subparagraph of Article 37(2) of Regulation (EC) No 1013/2006, those countries are to be regarded as having chosen a procedure of prior written notification and consent.

(6) Certain countries have in their replies made known their intention to follow control procedures applicable under national law that are distinct from those provided for in Article 37(1) of Regulation (EC) No 1013/2006. In addition, and in accordance with Article 37(3) of Regulation (EC) No 1013/2006, Article 18 of that Regulation should apply *mutatis mutandis* to such shipments, unless a waste is also subject to the prior notification and consent procedure.

(7) Regulation (EC) No 801/2007 should be amended accordingly. For the sake of clarity, given the number of changes required, it is appropriate to repeal that Regulation and replace it by this Regulation. However, waste classified in Regulation (EC) No 801/2007 as subject to no control in the country of destination but which in this Regulation is shown as requiring prior notification and consent should continue to be classified as subject to no control in the country of destination during a transitional period of 60 days after entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

Export for recovery of waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006, which is not prohibited under Article 36 of that Regulation, to certain countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations does not apply shall be governed by the procedures set out in the Annex.

[*F1* *Article 1a*

The replies received following a written request by the Commission in accordance with the first subparagraph of Article 37 (1) of Regulation (EC) No 1013/2006 are listed in the Annex.

Where it is indicated in the Annex that a country, with regard to certain shipments of waste, does not prohibit them or apply the procedure of prior written notification and consent as described in Article 35 of that Regulation, Article 18 of that Regulation shall apply mutatis mutandis to such shipments.**]**

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 1418/2007. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 967/2009 of 15 October 2009 amending Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste to certain non-OECD countries (Text with EEA relevance).

Article 2

Regulation (EC) No 801/2007 is repealed.

Article 3

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

It shall apply from the date of entry into force.

However, Regulation (EC) No 801/2007 shall continue to apply for 60 days after that date to waste listed in column (c) of the Annex to that Regulation which is listed in column (b), or in columns (b) and (d), of the Annex to the present Regulation.

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

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1418/2007. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX

The headings of the columns in this Annex refer to the following:

(a) prohibition;

(b) prior written notification and consent as described in Article 35 of Regulation (EC) No 1013/2006;

(c) no control in the country of destination;

[[F2](d)other control procedures will be followed in the country of destination under applicable national law.**]**

Where two codes are separated by a hyphen, this is to be understood as covering the two codes and all codes in between them.

Where two codes are separated by a semicolon, this is to be understood as covering the two codes in question.

[[F3]Where column (b) and column (d) are both designated for the same entry, that means that control procedures in the country of destination are applicable in addition to those laid down in Article 35 of Regulation (EC) No 1013/2006.**]**

[[F4]Where a particular waste or mixture of wastes is not indicated for a given country, this means that this country has not issued a sufficiently clear confirmation that this waste or mixture of wastes may be exported for recovery in that country and as to which control procedure, if any, would be followed in that country. Pursuant to Article 37(2) of Regulation (EC) No 1013/2006, the procedure of prior written notification and consent as described in Article 35 of that Regulation is applicable in such cases.**]**

[[F4]**Albania**

a	b	c	d
Single waste entries			
from B1010 — Precious metals (gold, silver, the platinum group but not mercury); — Tungsten scrap; — Molybdenum scrap; — Tantalum scrap; — Cobalt scrap; — Titanium scrap; — Zirconium scrap;	from B1010 — Iron and steel scrap; — Copper scrap; — Nickel scrap; — Aluminium scrap; — Zinc scrap; — Tin scrap — Magnesium scrap; — Bismuth scrap; — Manganese scrap;		from B1010 — Iron and steel scrap; — Copper scrap; — Nickel scrap; — Aluminium scrap; — Zinc scrap; — Tin scrap — Magnesium scrap; — Bismuth scrap; — Manganese scrap;

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 1418/2007. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F4Albania			
— Germanium scrap; — Vanadium Scrap; — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium; — Thorium scrap; — Rare earths scrap; — Chromium scrap			
B1020 – B2010			
	B2020 – B2030		B2020 – B2030
from B2040 — Partially refined calcium sulphate produced from flue-gas desulphurisation (FGD) — Waste gypsum wallboard or plasterboard arising from the demolition of buildings — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed	from B2040 — Limestone from the production of calcium cyanamide (having a pH less than 9) — Carborundum (silicon carbide)		from B2040 — Limestone from the production of calcium cyanamide (having a pH less than 9) — Carborundum (silicon carbide)