

TRANSBOUNDARY MOVEMENTS OF WASTE



1

TASK CUSTOMS



- Protection of the environment and the public health



- Control on transboundary movements of waste inwards, outwards and through the EU



OBJECTIVE : to stop illegal waste shipments

2

Transboundary movements



- ▶ Between member states of the EU or via third countries.
- ▶ Import into the EU.
- ▶ Export out of the EU.
- ▶ Between third countries via the EU (transit).



3

Definition of waste



- ▶ any substance or object which the holder
- ▶ discards
- ▶ or intends
- ▶ or is required to discard
- ▶ Belonging to one of categories set out in Annex I of the Directive 2006/12/EC

Are indicated with the letter **Q**.



4

Q LIST - examples



- ▶ Q3 Products whose date for appropriate use has expired
- ▶ Q4 Materials spilled, lost or having undergone other mishap, including any materials, equipment, etc.,
- ▶ Q5 Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.)
- ▶ Q6 Unusable parts (e.g. reject batteries, exhausted catalysts, etc.)
- ▶ Q1 to Q16

5

Disposal operations



- ▶ Operations without endangering human health and without using processes or methods which could harm the environment
- ▶ Indicated by the letter D 1 to D 15 and must be listed in the notification – movement document

List of Codes Annex Ib Reg. 1013/2006

6

Recovery operations



- ▶ Work to prepare the waste for reuse as raw material or as an excipient.
- ▶ The recovery of useful substances from waste.
- ▶ Without endangering human health and without using processes or methods which could harm the environment.
- ▶ Are indicated by the letter R 1 to R 13 and are listed on the notification and movement document or the information sheet

List of Codes annex Ib Reg. 1013/2006

7

Illegal shipment art. 2.35



any shipment of waste effected:

- a) without notification when required or
- b) without the consent of the competent authorities when required or
- c) with consent obtained from the competent authorities through falsification, misrepresentation or fraud; or
- d) in a way which is not specified in the notification or movement documents; or
- e) in a way which results in recovery or disposal in contravention of Community or international rules; or

8

illegal shipment art. 2.35



- f) contrary to Regulation or
- g) Accompanied by a Annex VII Form and :
 - the waste not being listed in Annexes III, IIIA or IIIB, (had to be notification procedure) or
 - the shipment being done in a way which is not specified in the document set out in Annex VII.



9

European list of waste - EURL



- ▶ 20 chapters (production proces)
- ▶ Each waste has a code of 6 digits :
 - Independent from the HS Code
 - Seperate nomenclature
- ▶ Not exhaustive (regular adjustments)
- ▶ Waste indicated by an asterix * is considered **dangerous waste !!!**

Annex V Part 2 Reg. 1013/2006



10

Annexes WSR



4 kinds of waste-lists :

1. 'Green list' waste
2. 'Amber list' waste
3. List of 'other' waste (non listed waste)
4. List of waste with export prohibition towards countries



11

NON HAZARDOUS WASTE (GREEN LIST)



Waste with very little danger to the environment.

Annex III

Annex V – Part I list B

Shipments of these wastes must be accompanied by an information form. (Annex VII)



12

HAZARDOUS WASTE (Amber list)



Code A (Amber)

Wastes with increased risk

Procedure: prior written notification and consent



13

HAZARDOUS WASTE (Amber list)



- ▶ Characteristics are indicated by the letter H1 to H13
 - E.g. . H1 = explosive
- ▶ Goods listed in :
 - Annex IV – Part II
 - Annex V – Part I List A
 - Annex V – Part 3 List A
 - Annex V – Part 2 (EURAL) indicated with an *



14

Non-listed wastes



Waste listed in EURL
(Annex II – Part 1 B without *)

But :

Not mentioned in the 'green' list

Shipment for recovery requires the prior written notification and consent procedure



15

Waste with export prohibitions towards NON-OECD countries



'Amber' list of image 11

EXPORT PROHIBITION

OECD-COUNTRIES:

<http://www.oecd.org/countries/>



16

FORMALITIES RELATED TO WASTE SHIPMENTS



Documents accompanying the shipment

2 forms :

1. Notification-movement document
(Annex I A-B)
2. Information Form (Annex VII)



1. Notification document



FUNCTION :

- ✓ Providing information to the competent authorities, necessary for authorization of the movement
- ✓ Expressing the authorization (in most cases)



19

1. Movement document



FUNCTION :

- ▶ Accompanies the transport
- ▶ Corresponds to the notification document
- ▶ Is also used as an information form of the *arrival* of the goods at destination



20

Parties involved



- ▶ Environmental Authorities to whom the notification should be sent in the country of
 - dispatch
 - destination
 - transit
- ▶ Environmental Authorities assess if the shipment is in accordance to the WSR



21

Consent



- ⇒ All competent authorities involved in the shipment give their prior consent.
- ⇒ Written consent, valid for one year
- ⇒ Competent authorities of transit can give a silent consent



22

Procedures



Movement	Type of waste	Recovery/disposal	Required document
Import	Green-listed waste (Annex III and IIIA of Reg. 1013/2006 - B list)	Recovery	Annex VII "Information Document" in <u>all</u> cases
Transit	Green-listed waste (Annex III and IIIA of Reg. 1013/2006 - B list)	Recovery	
Export to OECD Decision countries	Green-listed waste (Annex III and IIIA of Reg. 1013/2006 - B list)	Recovery	
Export to non-OECD Decision countries without any specific procedure indicated in Reg. 1418/2007	Green-listed waste (Annex III and IIIA of Reg. 1013/2006 - B list)	Recovery	
Free movement in the territory of the EU	Green-listed waste (Annex III and IIIA of Reg. 1013/2006 - B list)	Recovery	
In all other cases			- Annex IB "Movement Document" and - copy of the Notification form and - conditions

23

1. Procedure of prior written notification and consent



- ▶ Shipment must be accompanied by a notification – movement form.
- ▶ Consent by competent authorities is made by stamping the form.
- ▶ Competent authority of dispatch (export) or destination (import) must send a stamped copy of the document to the Customs office of export, exit or entry.

24

1. Procedure of prior written notification and consent



- ▶ In case of transit, the first and last competent authority must send a stamped copy of the document to the Customs office of entry or exit.
- ▶ The carrier must provide a copy of the movement form to the Customs office of entry or export.

25

2. 'Green list' waste for recovery



- ✓ Notification and consent are NOT required.
- ✓ Shipment accompanied by an Information Form (Annex VII)
- ✓ Filled out and signed by the carrier.

General information procedure

26

Procedures - conclusion



The applicable procedure depends :

- ▶ on the nature of the movement : into, out of or via the EU.
- ▶ on the nature of the treatment: disposal or recovery.
- ▶ on the nature of the waste : green list, amber list and non-listed waste.
- ▶ on the destination : check specific directives about NON-OECD countries

27

Export



Disposal

Recovery



2 possibilities

- Towards countries where the OECD convention is applicable e.g. Canada
- Towards countries where the OECD convention is not applicable e.g. China

28

OECD MEMBERS



Founding members (1961):

- | | |
|-----------------------------------|----------------------------------|
| • Belgium | • Norway |
| • Canada | • Austria |
| • Denmark | • Portugal |
| • Germany | • Spain |
| • France | • Turkey |
| • Greece | • United Kingdom |
| • Ireland | • United States |
| • Italy | • Iceland |
| • Luxemburg | • Sweden |
| • The Netherlands | • Switzerland |

Joined later on (alphabetical, with year van admittance):

- | | |
|------------------------------------|---|
| • Australia (1971) | • Mexico (1994) |
| • Chile (2010) | • New-Zealand (1973) |
| • Estonia (2010) | • Poland (1996) |
| • Finland (1969) | • Slovenia (2010) |
| • Hungary (1996) | • Slovakia (2000) |
| • Israel (2010) | • Czech Republic (1995) |
| • Japan (1964) | • South Korea (1996) |

29

Export for recovery



a) Towards countries where the OECD convention is applicable

Is permitted for :

- ✓ Green list
- ✓ Amber list
- ✓ Non-listed waste

30

Export for recovery



a) Towards countries where the OECD convention is applicable

- Green list waste (annexes III and IIIA)
- Wastes for laboratory analyses (max 25kg)

⇒ General information procedure

⇒ Annex VII



31

Export for recovery



b) Towards countries where the OECD convention is NOT applicable

- Green list waste annex IIIB
- Amber list waste annex IV en IVA
- Non-listed waste (non-hazardous)

⇒ Procedure of written prior notification and consent



32

Export for recovery



b) Towards countries where the OECD convention is NOT applicable

Is prohibited for hazardous waste of annex V

How to use annex V ?

Annex V has 3 parts :

✓ Parts 2 and 3 are only applicable when wastes are not mentioned in part 1

✓ Part 1 is divided in list A and list B

List A: hazardous waste with **export prohibition**

List B: waste with no export prohibition, unless the list of countries in Reg.1418/2007 says differently

33

Export for recovery



b) Towards countries where the OECD convention is NOT applicable

–When waste is not mentioned in Part 1 List A or B :

✓ Search for it in Part 2 as hazardous waste

✓ If listed in Part 2 with an *

⇒ **export prohibition**

–Waste is not mentioned in Part 1 nor Part 2 :

✓ Search for it in Part 3

✓ If listed in Part 3

⇒ **export prohibition**

34

Export for recovery



b) Towards countries where the OECD convention is NOT applicable

MESSAGE OF NON-OECD COUNTRIES IN REG. 1418/2007 :

- ✓ Whether they accept 'green list' waste of annexes III & IIIA or not and
- ✓ Which procedures are applicable

Procedures :

1. Prohibition
2. Prior written notification-consent procedure
3. General information procedure ⇒ Annex VII
4. No choice made ⇒ procedure 3

35

Export for recovery



Procedure

- ▶ Waste must be presented at the office of exit together with a customs declaration
- ▶ In box 44 of the declaration mentioning of :
 - C669 + serialnumber notification document
 - C670 + serialnumber movement document
 - 5537 + reference to Annex VII
 - 5532 = WSR not applicable
- ▶ Depending on the origin

36

Export - disposal



In principle



EXCEPTION !

Export towards an EFTA- country (Switzerland, Norway, Liechtenstein and Island)

Procedure of prior notification and consent

37

Import



Disposal

Recovery



2 possibilities

a. From countries where the OECD convention is applicable

b. From countries or with transit via countries where the OECD convention is not applicable

38

Import - disposal



In principle



EXCEPTION !

From countries who are part of the Basel Convention

Procedure of prior notification and consent



39

Import for recovery



a) From countries where the OECD convention is applicable

- Green list waste (annexes III and IIIA)
- Wastes for laboratory analyses (max 25kg)
 - ⇒ General information procedure
 - ⇒ Annex VII
- Amber list waste annex IV en IVA
 - ⇒ Procedure of written prior notification and consent



40

Import for recovery



b) From countries where the OECD convention is NOT applicable but part of the Basel Convention

- ▶ Same procedure as for import of 'green list' and 'amber list' waste for disposal
- ▶ See image 39

41

Import for recovery



Procedure

- ▶ Waste must be presented at the Customs office of entry together with an customs declaration
- ▶ In box 44 of the declaration mentioning of :
 - C669 + serialnumber notification document
 - C670 + serialnumber movement document
 - 5537 + reference to Annex VII
- ▶ Depending on the origin

42

Import for recovery Procedure of prior written consent



- ✓The declarant or the carrier must present an original and a copy of the movement form at the Customs office of entry.
- ✓Customs stamp box 21 of the original form and return it to the provider
- ✓A stamped copy of the movement document must be sent to the NCA of the MS of destination to notify them of the arrival of the waste



43

Import for recovery General information procedure



- ✓Customs at the office of entry may demand the Annex VII to verify if the waste is not prohibited
- ✓The annex VII must accompany the shipment and is therefore due at all times



44

Transit



Disposal

Recovery



2 possibilities

- a. From or towards countries where the OECD convention is applicable
- b. From or towards countries where the OECD convention is not applicable

45

Transit- disposal



⇒ Procedure of prior notification and consent

46

Transit for recovery



a) From or towards countries where the OECD convention is applicable

- Green list waste (annexes III and IIIA)

- ⇒ General information procedure

- ⇒ Annex VII

- Amber list waste annex IV en IVA

- ⇒ Procedure of written prior notification and consent



47

Transit for recovery



b) From or towards countries where the OECD convention is not applicable

- ⇒ Procedure of written prior notification and consent



48

Transit



Procedure

- ▶ Waste must be presented at the office of entry together with an customs declaration NCTS
- ▶ In box 44 of the declaration mentioning of :
 - C669 + serialnumber notification document
 - C670 + serialnumber movement document
 - 5537 + reference to Annex VII
- ▶ Depending on the origin and or destination

49

Transit Procedure of prior written consent



PROCEDURE AT ENTRY

- ✓The declarant or the carrier must present an original and a copy of the movement form at the Customs office of entry.
- ✓Customs stamp box 21 of the original form and return it to the provider
- ✓A stamped copy of the movement document must be sent to the first NCA in the EU to notify them of the arrival of the waste

50

Transit General information procedure



- ✓ Customs at the office of entry may demand the Annex VII to verify if the waste is not prohibited
- ✓ The annex VII must accompany the shipment and is therefore due at all times
- ✓ Customs decide whether the shipment should be the subject of a documentary check or rather should be inspected physically



51

Transit Procedure of prior written consent



PROCEDURE AT EXIT

- ✓ The shipment must be presented at the Customs office of destination within the validity of the declaration
- ✓ A copy of the movement must be provided with the declaration
- ✓ Customs decide whether the shipment should be the subject of a documentary check or rather should be inspected physically



52

Transit Procedure of prior written consent



PROCEDURE AT EXIT

- ✓ If no irregularities were found ⇒ shipment is released for exit
- ✓ Customs stamp box 20 of the original form and return it to the provider
- ✓ A stamped copy of the movement document must be sent to the last NCA in the EU to notify them of the exit of the waste



53

Irregularities



Shipment must be stopped and retained provisionally

The NCA must be contacted immediately

Customs act according the directives of the NCA



54