



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2024) XXX

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

**amending Annexes III, IV and V to Regulation (EC) No 1013/2006 of the European
Parliament and of the Council on shipments of waste**

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The Union and its Member States are Parties to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal ('the Basel Convention'), which was adopted on 22 March 1989 and entered into force in 1992¹. The Basel Convention has 191 Parties.

The Conference of the Parties of the Basel Convention decided at its fifteenth meeting on 17 June 2022 to include all electrical and electronic waste under the control mechanisms of the Convention (Decision BC 15/18). These types of waste will be included in Annexes II and VIII of the Basel Convention. The current entries for such waste in Annexes VIII and IX will be replaced by the new entries. These changes will improve controls of transboundary shipments of electrical and electronic waste, thereby encouraging their environmentally sound management and contributing to curb illegal cross-border movement of waste.

These changes will become effective on 1 January 2025.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This Delegated Regulation has been developed to implement into EU law the above changes to the Basel Convention's annexes and builds on the wording of the decision on this matter adopted by the Conference of the Parties (CoP) to the Basel Convention at its fifteenth meeting. There was substantial consultation of Member States and stakeholders on this issue, at the occasion of the definition of the EU position at the CoP of the Basel Convention and afterwards.

The implementation of the respective changes to the Basel Convention through this Delegated Regulation was then further discussed with the Member States at meetings of the Council Working Party on International Environmental Issues, dealing with the Basel Convention and during [an] Expert Meeting[s] on the topic. Stakeholders were also informed throughout this process. Notably, stakeholders were informally consulted on the issue by the European Commission in the course of February 2024.

[Section to be completed following the four-week feedback consultation and the consultation of the relevant expert group.]

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered to adopt delegated acts through Article 58 of the Waste Shipment Regulation (EC) No 1013/2006 to amend the annexes of the Regulation to take account of changes and reflect decisions agreed under the Basel Convention.

This delegated act provides for changes in Annexes III, IV and V to Regulation (EC) No 1013/2006, taking into account Council Decision (EU) 2020/1829 of 24 November 2020².

These changes are designed to:

- incorporate the new entry on hazardous electrical and electronic waste (A1181) agreed under the Basel Convention into Regulation (EC) No 1013/2006 (Annex V),

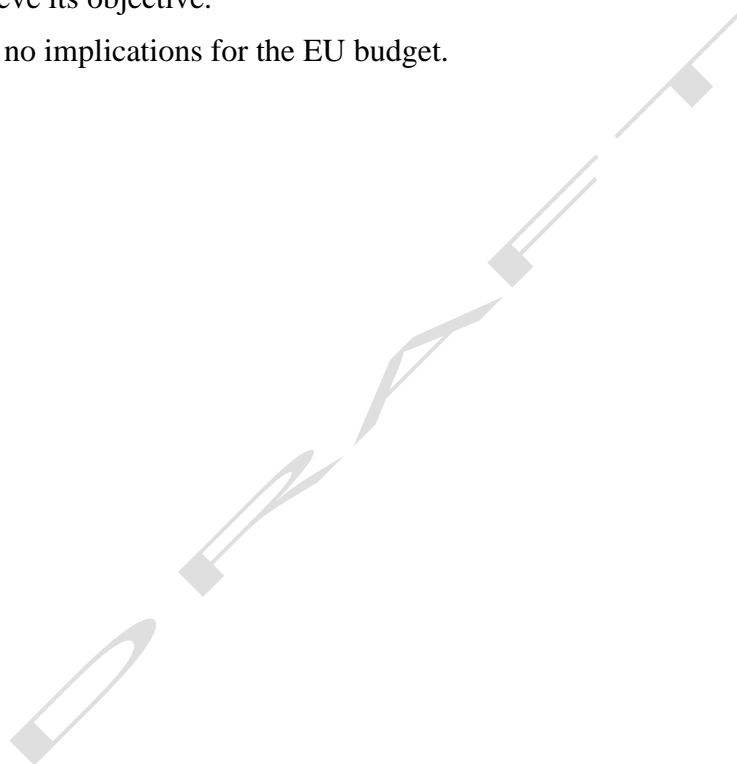
¹ Council Decision 93/98/EEC concerning the conclusion, on behalf of the Community, of the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal, OJ L 39, 16.2.1993, p. 1.

² See Council Decision (EU) 2020/1829 of 24 November 2020, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020D1829&from=en>

- incorporate the new entry on non-hazardous electrical and electronic (Y49) agreed under the Basel Convention into the Regulation (EC) No 1013/2006 (Annex V), as far as export and import from the Union to third countries are concerned,
- delete the reference to entry B1110, as well as to entries GC010 and GC020, in Annex III, as these entries will no longer apply from 1 January 2025,
- delete the reference to entry A1180, as well as to entries GC010 and GC020, in Annex IV, as these entries will no longer apply from 1 January 2025,
- establish transitional provisions to ensure legal certainty for economic operators and competent authorities as well as to ensure a harmonised approach to the implementation of the amendments introduced by this Regulation.

In accordance with the principle of proportionality, the measure does not go beyond what is necessary to achieve its objective.

The proposal has no implications for the EU budget.



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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste³, and in particular points (a) of Article 58(1) thereof,

Whereas:

- (1) The Conference of the Parties to the Basel Convention decided at its fifteenth meeting held in June 2022, by Decision BC-15/18, to include a new entry for hazardous electrical and electronic waste (entry A1181) in Annex VIII, while deleting entry A1180 in that Annex and adding a new entry for non-hazardous electrical and electronic waste in Annex II (entry Y49), while deleting the current entry for such waste in Annex IX (entry B1110) to the Basel Convention. Those changes will become effective on 1 January 2025.
- (2) It is appropriate for the Union, which is a Party to the Basel Convention, to modify the entries related to electrical and electronic waste in the relevant Annexes to Regulation (EC) No 1013/2006 where they refer to the Annexes to the Basel Convention.
- (3) With respect to export of electrical and electronic waste from the Union to third countries and import of such waste into the Union from third countries, Annexes III, IV and V to Regulation (EC) No 1013/2006 should be amended to take account of the changes to Annexes II, VIII and IX to the Basel Convention. As a result, from 1 January 2025, the export from the Union and import into the Union of electrical and electronic waste under entries A1181 and Y49 to and from third countries to which the OECD Decision⁴ applies, will be subject to the procedure of prior written notification and consent. In accordance with points (a) and (b) of Article 36(1) and Annex V of Regulation (EC) No 1013/2006, the export of electrical and electronic waste under entries A1181 and Y49 will be prohibited to third countries to which the OECD Decision does not apply.
- (4) This Regulation takes account of the fact that no agreement has been reached within the OECD to incorporate the amendments to the Annexes to the Basel Convention on electrical and electronic waste into the Appendices of the OECD Decision. The respective OECD entries GC010 and GC020 should therefore no longer be applied from 1 January 2025.

³ OJ L 190, 12.7.2006, p. 1

⁴ Decision OECD/LEGAL/0266 of the OECD Council on the control of transboundary movements of wastes destined for recovery operations.

- (5) Since the changes to the Annexes to the Basel Convention will not be effective until 1 January 2025, the application of amendments to Regulation (EC) No 1013/2006 should be accordingly deferred.
- (6) To ensure legal certainty for economic operators and competent authorities as well as to ensure a harmonised approach to the implementation of amendments introduced by this Regulation it is necessary to include transitional provisions. They should specify that consents for shipments of electrical and electronic waste issued before the amendments to Regulation (EC) No 1013/2006 become applicable, remain valid for the period they were consented, but should be completed by 1 January 2026.
- (7) Economic operators should be able to submit requests regarding shipments of electrical and electronic waste based on the new entries, already before 1 January 2025, in order to facilitate swift decision-making.

HAS ADOPTED THIS REGULATION:

Article 1

Annexes III, IV and V to Regulation (EC) No 1013/2006 are amended in accordance with Annex I to this Regulation.

Article 2

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. Article 1 shall apply from 1 January 2025.
3. All shipments of electrical and electronic waste, including waste classified under entries A1180, B1110 or B4030, for which the competent authorities concerned have given their consents before 1 January 2025, shall be completed by 1 January 2026.

This provision does not apply to shipments of non-hazardous electrical and electronic waste, including of waste classified under entries B1110, B4030, GC010 or GC020, to countries to which the OECD Decision does not apply.
4. Where a notifier has submitted a notification concerning shipments of waste classified under entries A1180, B1110, B4030, GC010 or GC020 before 31 December 2024 and for which the competent authorities concerned have not taken a decision before that date, this notifier shall be allowed, by 1 February 2025, to update the notification taking into account changes introduced by this Regulation.

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

Done at Brussels,

For the Commission
The President
[...]