

ANNEX

3. ENVIRONMENT

3.9. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste⁽¹⁾

As regards Regulation (EC) No 1013/2006, the Commission should be empowered to amend the annexes as laid down in Article 58 of Regulation (EC) No 1013/2006 and to adopt certain additional measures as laid down in Article 59 of Regulation (EC) No 1013/2006. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1013/2006, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 1013/2006 is hereby amended as follows:

1. in Article 11(3), the third subparagraph shall be replaced by the following:

If there is no satisfactory solution, either Member State may refer the matter to the Commission. The issue shall then be determined in accordance with the regulatory procedure referred to in Article 59a(2).;
2. Article 58 shall be replaced by the following:

Article 58

Amendment of Annexes

1. The Commission may amend the Annexes to take account of scientific and technical progress. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 59a(3). In addition:
 - a Annexes I, II, III, IIIA, IV and V shall be amended to take account of changes agreed under the Basel Convention and the OECD Decision;
 - b unclassified wastes may be added to Annex IIIB, IV or V on a provisional basis pending a decision on their inclusion in the relevant Annexes to the Basel Convention or to the OECD Decision;
 - c following the submission of a request by a Member State, mixtures of two or more wastes listed in Annex III may be considered for inclusion in Annex IIIA in the cases referred to in Article 3(2) on a provisional basis pending a decision on their inclusion in the relevant Annexes to the Basel Convention or to the OECD Decision. Annex IIIA may contain the proviso that one or more of the entries therein shall not apply for exports to countries to which the OECD Decision does not apply;
 - d the exceptional cases referred to in Article 3(3) shall be determined and, where necessary, such waste shall be added to Annexes IVA and V and deleted from Annex III;
 - e Annex V shall be amended to reflect agreed changes to the list of hazardous waste adopted in accordance with Article 1(4) of Directive 91/689/EEC;
 - f Annex VIII shall be amended to reflect relevant international conventions and agreements.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 3.9.. (See end of Document for details)

2 When amending Annex IX, the Committee established by Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment⁽²⁾ shall be fully associated with the deliberations.;

3. Article 59 shall be replaced by the following:

Article 59

Additional measures

1 The Commission may adopt, in accordance with the regulatory procedure referred to in Article 59a(2), the following additional measures related to the implementation of this Regulation:

- a guidelines for the application of Article 12(1)(g);
- b guidelines on the application of Article 15 in relation to the identification and tracking of waste undergoing substantial changes in the interim recovery or disposal operation;
- c guidelines for the cooperation of competent authorities with regard to illegal shipments as referred to in Article 24;
- d technical and organisational requirements for the practical implementation of electronic data interchange for the submission of documents and information in accordance with Article 26(4);
- e further guidance concerning the use of languages referred to in Article 27;
- f further clarification of the procedural requirements of Title II as regards their application to exports, imports and transit of waste from, to, and through the Community;
- g further recommendations concerning undefined legal terms.

2 The Commission may adopt implementing measures concerning the following:

- a a method for calculating the financial guarantee or equivalent insurance as set out in Article 6;
- b further conditions and requirements in relation to pre-consented recovery facilities as referred to in Article 14.

Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 59a(3).;

4. The following Article shall be inserted:

Article 59a

Committee procedure

1 The Commission shall be assisted by the committee set up by Article 18(1) of Directive 2006/12/EC.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 3.9.. (See end of Document for details)

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;

5. Article 63 shall be amended as follows:

(a) in paragraph 2, the third subparagraph shall be replaced by the following:

With the exception of glass waste, paper waste and waste pneumatic tyres, this period may be extended until no later than 31 December 2012 in accordance with the regulatory procedure referred to in Article 59a(2).;

(b) in paragraph 4, the third subparagraph shall be replaced by the following:

This period may be extended until no later than 31 December 2012 in accordance with the regulatory procedure referred to in Article 59a(2).;

(c) paragraph 5 shall be amended as follows:

(i) the third subparagraph shall be replaced by the following:

This period may be extended until no later than 31 December 2015 in accordance with the regulatory procedure referred to in Article 59a(2).;

(ii) the fifth subparagraph shall be replaced by the following:

This period may be extended until no later than 31 December 2015 in accordance with the regulatory procedure referred to in Article 59a(2).

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 3.9.. (See end of Document for details)

- (1) OJ L 190, 12.7.2006, p. 1.
- (2) OJ L 377, 31.12.1991, p. 48.';

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 3.9..