

COMMISSION DELEGATED REGULATION (EU) 2020/2174**of 19 October 2020****amending Annexes IC, III, IIIA, IV, V, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste****(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 waste ⁽¹⁾, and in particular points (a) and (c) of Article 58(1) thereof,

Whereas:

- (1) The Conference of the Parties to the Basel Convention decided at its fourteenth meeting held in May 2019, by Decision BC-14/12, to include a new entry for hazardous plastics waste (entry A3210) in Annex VIII and two new entries for non-hazardous plastic waste in Annex II (entry Y48) and Annex IX (entry B3011) to the Basel Convention. Those changes will become effective on 1 January 2021.
- (2) It is appropriate for the Union, which is a Party to the Basel Convention, to modify the relevant Annexes to Regulation (EC) No 1013/2006 to take account of changes relating to entries on plastic waste in the Annexes to the Basel Convention.
- (3) The Environment Policy Committee to the OECD adopted changes to Appendix 4 of the OECD Decision ⁽²⁾, relating to hazardous plastic waste and clarifications in Appendices 3 and 4 of the OECD Decision on 7 September 2020. Those changes will become effective on 1 January 2021. It is appropriate for the Union to modify the relevant Annexes to Regulation (EC) No 1013/2006 to take account of these changes.
- (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 non-hazardous plastic waste (entries B3011 and Y48) into the Appendices of the OECD Decision.
- (5) With respect to export of plastic waste from the Union to third countries and import of plastic 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 and of the changes to Appendix 4 to the OECD Decision. As a result, from 1 January 2021, the export from the Union and import into the Union of plastic waste under entries AC300 and Y48 to and from third countries to which the OECD Decision ⁽³⁾ 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, export of plastic waste under entries A3210 and Y48 will be prohibited to third countries to which the OECD Decision does not apply.
- (6) In view of the fact that the Union has submitted a notification, covering shipment of waste within the Union, to the Secretariat of the Basel Convention under Article 11 of that Convention, there is no requirement for the Union to implement the changes to the Annexes to the Basel Convention relating to non-hazardous plastic waste (entries B3011 and Y48) in Union law, for shipments between Member States. However, to ensure legal clarity, new entries for shipments of non-hazardous plastic waste within the Union should be introduced in Annexes III, IIIA and IV to Regulation (EC) No 1013/2006 which take account of the terminology used in the new entries B3011 and Y48 in the Basel Convention, and by which current controls on such shipments within the Union are largely maintained.
- (7) A number of technical guidelines and guidance documents on the environmentally sound management of various waste streams were adopted at the last meetings of the Conference of the Parties to the Basel Convention. Those technical guidelines and guidance documents provide useful guidance and should therefore be added in Annex VIII to Regulation (EC) No 1013/2006.

⁽¹⁾ OJ L 190, 12.7.2006, p. 1.

⁽²⁾ 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.

⁽³⁾ 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.

- (8) Regulation (EC) No 1013/2006 should therefore be amended accordingly.
- (9) Since the changes to the Annexes to the Basel Convention and the Appendices to the OECD Decision will become effective on 1 January 2021, the amendments to Regulation (EC) No 1013/2006 that relate to those changes should also become effective on 1 January 2021,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1013/2006 is amended as follows:

- (1) Annexes IC, III, IIIA, IV, V and VII are amended in accordance with Annex I to this Regulation;
- (2) Annex VIII is replaced by the text in Annex II to this Regulation.

Article 2

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

Article 1(1) shall apply from 1 January 2021.

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

Done at Brussels, 19 October 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annexes IC, III, IIIA, IV, V and VII to Regulation (EC) No 1013/2006 are amended as follows:

(1) in Annex IC, the second paragraph of point 25(e) is replaced by the following:

‘Such codes may be included in Annexes IIIA, IIIB, IV (EU48) or IVA of this Regulation. In that case, the Annex number should be stated in front of the codes. As regards Annex IIIA, the relevant code(s) as indicated in Annex IIIA should be used, as appropriate in sequence. Certain Basel entries such as B1100 and B3020 are restricted to particular waste streams only, as indicated in Annex IIIA.’;

(2) Annex III is amended as follows:

(a) the title is replaced by the following:

‘LIST OF WASTES SUBJECT TO THE GENERAL INFORMATION REQUIREMENTS LAID DOWN IN ARTICLE 18 (“GREEN” LISTED WASTE)’;

(b) in part I, point (a) is replaced by the following:

‘(a) Any reference in Annex IX of the Basel Convention to list A shall be understood as a reference to Annex IV to this Regulation.’;

(c) in part I, point (g) is replaced by the following:

‘(g) For waste shipped within the Union, Basel entry B3011 does not apply and the following entry applies instead:

EU3011 Plastic waste (note the related entry AC300 in part II of Annex IV, and the related entry EU48 in part I of Annex IV):

Plastic waste listed below, provided it is almost free from contamination and other types of waste *:

— Plastic waste almost exclusively ** consisting of one non-halogenated polymer, including but not limited to the following polymers:

- Polyethylene (PE)
- Polypropylene (PP)
- Polystyrene (PS)
- Acrylonitrile butadiene styrene (ABS)
- Polyethylene terephthalate (PET)
- Polycarbonates (PC)
- Polyethers

— Plastic waste almost exclusively ** consisting of one cured resin or condensation product, including but not limited to the following resins:

- Urea formaldehyde resins
- Phenol formaldehyde resins
- Melamine formaldehyde resins
- Epoxy resins
- Alkyd resins

— Plastic waste almost exclusively ** consisting of one of the following fluorinated polymers ***:

- Perfluoroethylene/propylene (FEP)
- Perfluoroalkoxy alkanes:
 - Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
 - Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)

- Polyvinylfluoride (PVF)
- Polyvinylidene fluoride (PVDF)
- Polytetrafluoroethylene (PTFE)
- Polyvinyl chloride (PVC).

* In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.

** In relation to “almost exclusively”, international and national specifications may offer a point of reference.

*** Post consumer wastes are excluded;

(d) in part II, the following text is deleted:

‘Solid plastic wastes

GH013 391530 ex 390410—40 Polymers of vinyl chloride’;

(3) Annex IIIA is amended as follows:

(a) in point 3, points (d), (e) and (f) are deleted;

(b) the following point 4 is added:

‘4. The following mixtures of wastes classified under separate indents or sub-indents of one single entry are included in this Annex only for the purposes of shipments within the Union:

- (a) mixtures of wastes classified under entry EU3011 and listed under the indent referring to non-halogenated polymers;
- (b) mixtures of wastes classified under entry EU3011 and listed under the indent referring to cured resins or condensation products;
- (c) mixtures of wastes classified under entry EU3011 and listed under “perfluoroalkoxy alkanes”;

(4) Annex IV is amended as follows:

(a) the title is replaced by the following:

‘LIST OF WASTES SUBJECT TO THE PROCEDURE OF PRIOR WRITTEN NOTIFICATION AND CONSENT (“AMBER” LISTED WASTE)’;

(b) Part I is amended as follows:

(i) the first and second paragraphs are replaced by the following:

‘The following wastes will be subject to the procedure of prior written notification and consent:

Wastes listed in Annexes II and VIII to the Basel Convention *.

* Annex VIII to the Basel Convention is listed in this Regulation in Annex V, Part 1, List A. Annex II to the Basel Convention is listed in this Regulation in Annex V, Part 3, List A.’;

(ii) point (a) is replaced by the following:

‘(a) Any reference in Annex VIII of the Basel Convention to list B shall be understood as a reference to Annex III to this Regulation’.

(iii) the following points (e) and (f) are added:

‘(e) Basel entry A3210 does not apply and entry AC300 in part II applies instead.

(f) For waste shipped within the Union, Basel entry Y48 does not apply and the following entry applies instead:

EU48: Plastic waste not covered by entry AC300 in part II or by entry EU3011 in part I of Annex III, as well as mixtures of plastic waste not covered by point 4 of Annex IIIA.’;

(c) In Part II, the following entry is inserted after the entry AC270:

'AC300 Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry EU3011 in part I of Annex III, and the related entry EU48 in part I)';

(5) Annex V is amended as follows:

(a) Part 1 is amended as follows:

(i) in List A, section A3, the following entry is added:

'A3210 Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entry B3011, in list B of this Part, and entry Y48, in list A of Part 3)';

(ii) in List B, section B3 is amended as follows:

— entry B3010 is deleted;

— the following entry is inserted before entry B3020:

'B3011 Plastic waste (note the related entry A3210, in list A of this Part, and entry Y48, in list A of Part 3)

— Plastic waste listed below, provided it is destined for recycling * in an environmentally sound manner and almost free from contamination and other types of wastes **:

— Plastic waste almost exclusively *** consisting of one non-halogenated polymer, including but not limited to the following polymers:

— Polyethylene (PE)

— Polypropylene (PP)

— Polystyrene (PS)

— Acrylonitrile butadiene styrene (ABS)

— Polyethylene terephthalate (PET)

— Polycarbonates (PC)

— Polyethers

— Plastic waste almost exclusively *** consisting of one cured resin or condensation product, including but not limited to the following resins:

— Urea formaldehyde resins

— Phenol formaldehyde resins

— Melamine formaldehyde resins

— Epoxy resins

— Alkyd resins

— Plastic waste almost exclusively *** consisting of one of the following fluorinated polymers: ****

— Perfluoroethylene/propylene (FEP)

— Perfluoroalkoxy alkanes:

— Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)

— Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)

— Polyvinylfluoride (PVF)

— Polyvinylidene fluoride (PVDF)

- Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling ***** of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes **.

- * Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
- ** In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.
- *** In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.
- **** Post-consumer wastes are excluded.
- ***** Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.;

(b) in Part 3, List A is replaced by the following:

List A (Annex II to the Basel Convention)

Y46 Waste collected from households *

Y47 Residues arising from the incineration of household wastes

Y48 Plastic waste, including mixtures of such waste, with the exception of the following:

- Plastic waste that is hazardous waste (see entry A3210 in part 1 of list A in Annex V)
- Plastic waste listed below, provided it is destined for recycling ** in an environmentally sound manner and almost free from contamination and other types of wastes: ***
 - Plastic waste almost exclusively **** consisting of one non-halogenated polymer, including but not limited to the following polymers:
 - Polyethylene (PE)
 - Polypropylene (PP)
 - Polystyrene (PS)
 - Acrylonitrile butadiene styrene (ABS)
 - Polyethylene terephthalate (PET)
 - Polycarbonates (PC)
 - Polyethers
 - Plastic waste almost exclusively **** consisting of one cured resin or condensation product, including but not limited to the following resins:
 - Urea formaldehyde resins
 - Phenol formaldehyde resins
 - Melamine formaldehyde resins
 - Epoxy resins
 - Alkyd resins
- Plastic waste almost exclusively **** consisting of one of the following fluorinated polymers: *****
 - Perfluoroethylene/propylene (FEP)
 - Perfluoroalkoxy alkanes:
 - Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
 - Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)

- Polyvinylfluoride (PVF)
- Polyvinylidene fluoride (PVDF)
- Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling ^{*****} of each material and in an environmentally sound manner and almost free from contamination and other types of wastes. ^{***}

* Unless appropriately classified under a single entry in Annex III.

** Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.

*** In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.

**** In relation to “almost exclusively”, international and national specifications may offer a point of reference.

***** Post-consumer wastes are excluded.

***** Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.;

(c) in Part 3, the heading of List B is replaced by the following:

*‘List B (Waste from Appendix 4, Part II of the OECD Decision) **

* The wastes numbered AB130, AC250, AC260 and AC270 have been deleted since they have been considered, in accordance with the procedure laid down in Article 18 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ L 114, 27.4.2006, p. 9, as repealed by Directive 2008/98/EC), to be non-hazardous and therefore not subject to the export prohibition in Article 36 of this Regulation. The waste numbered AC300 has been deleted since the waste in question is covered by entry A3210 in List A of part 1.;

(6) Annex VII is amended as follows:

In block 10, the following is added:

(vii) Other *(please specify)*’.

ANNEX II

'ANNEX VIII

GUIDELINES ON ENVIRONMENTALLY SOUND MANAGEMENT (ARTICLE 49)**I. Guidelines and guidance documents adopted under the Basel Convention:**

1. Technical guidelines on the environmentally sound management of biomedical and health care wastes (Y1; Y3) ⁽¹⁾
2. Technical guidelines on the environmentally sound management of waste lead acid batteries¹
3. Technical guidelines on the environmentally sound management of the full and partial dismantling of ships¹
4. Technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4) ⁽²⁾
5. General technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants ⁽³⁾
6. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with 1,1,1 trichloro 2,2 bis (4 chlorophenyl) ethane (DDT) ⁽⁴⁾
7. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromocyclododecane (HBCD) ⁽⁵⁾
8. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF)⁵
9. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with pentachlorophenol and its salts and esters (PCP) ⁽⁶⁾
10. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with the pesticides aldrin, alpha hexachlorocyclohexane, beta hexachlorocyclohexane, chlordane, chlordecone, dieldrin, endrin, heptachlor, hexachlorobenzene, hexachlorobutadiene, lindane, mirex, pentachlorobenzene, pentachlorophenol and its salts, perfluorooctane sulfonic acid, technical endosulfan and its related isomers or toxaphene or with hexachlorobenzene as an industrial chemical (POP Pesticides)⁶
11. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls, polychlorinated terphenyls, polychlorinated naphthalenes or polybrominated biphenyls including hexabromobiphenyl (PCBs, PCTs, PCNs or PBBs, including HBB)⁶
12. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexabromodiphenyl ether and heptabromodiphenyl ether, or tetrabromodiphenyl ether and pentabromodiphenyl ether or decabromodiphenyl ether (POP-BDEs)³
13. Technical Guidelines for the Environmentally Sound Management of Wastes Containing or Contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, hexachlorobenzene, polychlorinated biphenyls, pentachlorobenzene, polychlorinated naphthalenes or hexachlorobutadiene³

⁽¹⁾ Adopted by the sixth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, December 2002.

⁽²⁾ Adopted by the seventh meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, October 2004.

⁽³⁾ Adopted by the fourteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2019.

⁽⁴⁾ Adopted by the eighth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, December 2006.

⁽⁵⁾ Adopted by the twelfth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2015.

⁽⁶⁾ Adopted by the thirteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2017.

14. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with hexachlorobutadiene³
15. Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with short-chain chlorinated paraffins³
16. Technical guidelines for the environmentally sound management of used and waste pneumatic tyres ⁽⁷⁾
17. Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds⁵
18. Technical guidelines for the environmentally sound co-processing of hazardous wastes in cement kilns⁷
19. Guidance document on the environmentally sound management of used and end-of-life computing equipment⁶
20. Guidance document on environmentally sound management of used and end-of-life mobile phones⁷
21. Framework for the environmentally sound management of hazardous wastes and other wastes ⁽⁸⁾
22. Practical manuals for the promotion of the environmentally sound management of wastes ⁽⁹⁾

II. Guidelines adopted by the OECD:

Technical guidance for the environmentally sound management of specific waste streams:

Used and scrap personal computers ⁽¹⁰⁾

III. Guidelines adopted by the International Maritime Organization (IMO):

Guidelines on ship recycling ⁽¹¹⁾

IV. Guidelines adopted by the International Labour Organization (ILO):

Safety and health in shipbreaking guidelines for Asian countries and Turkey ⁽¹²⁾

⁽⁷⁾ Adopted by the tenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, October 2013.

⁽⁸⁾ Adopted by the eleventh meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, October 2013.

⁽⁹⁾ Adopted by the thirteenth and fourteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, May 2017 and May 2019.

⁽¹⁰⁾ Adopted by the Environment Policy Committee of the OECD in February 2003 (document ENV/EPOC/WGWPR(2001)3/FINAL).

⁽¹¹⁾ Resolution A 962 adopted by the Assembly of the IMO at its 23rd Regular session, 24 November to 5 December 2003.

⁽¹²⁾ Approved for publication by the Governing Body of the ILO at its 289th session, 11-26 March 2004.'