



Bundesministerium
für Umwelt, Naturschutz
und Reaktorsicherheit

Ordinance

on Waste Recovery and Disposal Records (Nachweisverordnung - NachwV)

of 20 October 2006

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Footnotes

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The Ordinance was issued as Article 1 of the Ordinance of 20 October 2006 I 2298, by the Federal Government and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU), after hearing the parties concerned, in agreement with the Federal Ministry of Food, Agriculture and Consumer Protection (BMELV) and with the consent of the Bundesrat. Pursuant to Article 8 of this Ordinance, it enters into force on 1 February 2007.

Part 2, Sub-Section 4, with the exception of Article 18 (1) Sentence 2, and Article 25 (2) Sentence 1 of Article 1 of the Ordinance on Waste Recovery and Disposal Records enters into force on 1 April 2010. Article 18 (1) Sentence 2 enters into force on the day after it is promulgated.

Ordinance on Waste Recovery and Disposal Records (*Nachweisverordnung – NachwV*)

Contents

Part 1

General Provisions

Article 1 Scope of application

Part 2

Furnishing Proof of Proper Management of Waste

Article 2 Parties required to furnish proof, and form requirements pertaining to records

Sub-Section 1

Proof of the Permissibility of the Planned Waste Management Operation

Article 3 Record of proper waste management (*Entsorgungsnachweis*)

Article 4 Confirmation of receipt

Article 5 Confirmation of proof of proper waste management

Article 6 Procedure following relevant decision

Article 7 Exemption and privileged procedure

Article 8 Order, revocation

Article 9 Collective record of proper waste management (*Sammelentsorgungsnachweis*)

Sub-Section 2

Proof of Completed Waste Management Furnishing

Article 10 Consignment note (*Begleitschein*)

Article 11 Completion and handling of consignment notes

Article 12 Handover certificate in cases of collective waste management

Article 13 Procedure relative to the consignment note in cases of collective waste management

Sub-Section 3

Special cases

Article 14 Waste management by third parties, associations and self-administered private corporations (*Selbstverwaltungskörperschaften*)

Article 15 Recovery outside of waste management facilities

Article 16 Small quantities

Sub-Section 4

Records Proof in electronic form (will enter into force on 1 April 2010)

Article 17 Basic principle

Article 18 Communication

Article 19 Signature, transmission

Article 20 Co-ordination

Article 21 Exceptions

Article 22 Problems with the communication system

Part 3

Keeping of a register of Proper Management of Waste

Article 23 Parties required to keep a register

Article 24 Procedure for keeping of a register

Article 25 Duration of registration; electronic registration

Part 4

Joint provisions

Article 26 Exemption; establishment, by order, of obligations to keep records and registers

Article 27 Furnishing of proof in special cases

Article 28 Issue of index numbers

Article 29 Administrative offences

Part 5

Final provisions

Article 30 Transitional provisions pertaining to valid records

Article 31 Transitional provisions pertaining to keeping of electronic records

Annex 1 Forms relative to Part 2 Sections 1 and 2 and to Article 24 (4)

Annex 2 Waste pursuant to Article 9 (1) 2nd sentence and Article 9 (3)

Annex 3 Requirements pertaining to structured messages / interfaces pursuant to Article 18 (1)

Part 1

General Provisions

Article 1

Scope of application

(1) This Ordinance shall apply to the keeping of documents and records, either by electronic means or by using form sheets, relative to management of hazardous and non-hazardous waste, by

1. Producers or holders of waste (waste producers),
2. Collectors or transporters of waste (waste transporters) and
3. Operators of relevant facilities, or companies that manage waste using a procedure pursuant to Annex II A or II B of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal (Kreislaufwirtschafts- und Abfallgesetz) (waste managers).

(2) Delivery and handover obligations under *Länder* law shall remain unaffected.

(3) This Ordinance shall not apply to private households.

(4) This Ordinance shall not apply to transboundary transports of waste.

Part 2

Furnishing Proof of Proper Management of Waste

Article 2

Parties required to furnish proof, and form requirements pertaining to records

(1) The group of parties required to keep records and furnish proof pursuant to this section includes waste producers, waste transporters and waste managers, where such parties are obligated to keep and furnish records pursuant to

1. Article 43 (1) of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal, with regard to management of hazardous waste, or
2. Article 44 (1) no. 1 of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal, with regard to non-hazardous waste, by order of the competent authority.

(2) Waste producers who produce a total of no more than 2,000 kg of hazardous waste (small quantities) per year shall be exempt from obligations to furnish proof pursuant to paragraph (1) no. 1. The obligations to keep and present handover certificates pursuant to Article 12 and Article 16 shall remain unaffected.

(3) The procedures and content described in sections 1 through 3 relative to keeping of records shall apply to keeping and furnishing of records by electronic means, as well as to keeping and furnishing of records using form sheets, except where mandated otherwise.

Sub-Section 1

Proof of the Permissibility of the Planned Waste Management Operation

Article 3

Record of Proper Waste Management

(1) Any party who brings waste for which records must be kept and furnished to a waste-management facility, as well as any party who accepts such waste at such a facility, shall furnish proof, prior to the relevant waste management, of the permissibility of a planned management operation; such proof shall be provided in the form of a record of proper waste management (*Entsorgungsnachweis*), making use of the forms provided for this purpose in Annex 1. The record of proper waste management shall consist of a Cover Sheet for Records of Proper Waste Management (*Deckblatt Entsorgungsnachweise*), the waste producer's Declaration of Responsibility (*Verantwortliche Erklärung*), including a Declaration Analysis (*Deklarationsanalyse*), and the Declaration of Acceptance (*Annahmeerklärung*) presented by the party responsible for waste management (declarations of proof); in cases in which no exemption from obligations to obtain confirmation pursuant to Article 5 apply pursuant to Article 7, such record shall also consist of the confirmation of the competent authority with regard to the facility chosen for waste management (waste management facility). A single record of proper waste management may be furnished

1. for management of waste oils with more than one waste code, if the waste oils pertain to the same collective category or to collective categories 2 through 4 pursuant to Annex 1 of the Ordinance on Waste Oils (*Altölverordnung*), where separate storage is not prescribed by the Ordinance on Waste Oils,
2. for management of waste wood with more than one waste code, if the waste wood pertains to the same waste-wood category A I through A IV of Annex III of Article 5 (1) of the Waste Wood Ordinance (*Altholzverordnung*), and where the Waste Wood Ordinance does not prescribe separate storage.

In such cases, proof shall be furnished of the permissibility of management of waste with the waste code that characterises the relevant waste-oil collective category or waste-wood category; the relevant other waste codes, which are also to be included in the record of proper waste management, shall be listed in the Declaration Analysis.

(2) Before forwarding the declarations of proof to the authority responsible for the waste management facility, the waste producer shall complete a Cover Sheet for Records of Proper Waste Management (*Deckblatt Entsorgungsnachweise*), the Declaration of Responsibility (*Verantwortliche Erklärung*) section of the record of proper waste management, including the Declaration Analysis (*Deklarationsanalyse*), and forward it to the waste manager. A declaration analysis shall not be required if the type of the waste, nature of the waste and the waste's definitive parameters and concentrations are known, or if the process in which the waste occurs and, in the case of pre-treatment of the waste, the method used in pre-treating the waste, is described and the information provided shows the type, nature and composition of the waste in a manner that allows further processing of the declarations of proof. Information provided in accordance with Sentence 2 shall be entered in the Further Details (*Weitere Angaben*) section of the Declaration Analysis form.

(3) Before forwarding the declarations of proof to the authority responsible for the waste management facility, the waste manager shall complete the Declaration of Acceptance (*Annahmeerklärung*) section and forward a copy to the waste producer. Waste manager shall forward the original copies of the declarations of proof, together with the Official Confirmation (*Behördliche Bestätigung*) section, to the authority responsible for the waste management facility.

(4) The waste producer may appoint a representative to submit the Declaration of Responsibility (*Verantwortliche Erklärung*) on his behalf. The relevant authorisation must be in writing, and it must be presented at the request of the authority responsible for the waste producer or the waste manager. Both the waste producer and the appointed representative are to be listed in the Cover Sheet for Records of Proper Waste Management (*Deckblatt Entsorgungsnachweise; DEM*).

Article 4

Confirmation of receipt

The authority responsible for the waste manager shall confirm, to the waste producer and the waste manager, and within a period of twelve calendar days, receipt of declarations of proof, indicating the date of receipt (receipt confirmation), unless within the same period it has already confirmed the permissibility of the planned waste management pursuant to Article 5 (1). Upon receiving such declarations, the competent authority shall check without undue delay whether the declarations of proof conform to relevant requirements. If the declarations of proof do not conform to the relevant requirements, then the authority responsible for the waste producer shall request the waste producer and the waste manager, without undue delay, to properly complete the declarations of proof within a reasonable period or to present other documents needed for relevant review. If the waste producer or waste manager fulfills such request to complete declarations of proof, or to present additional documents, then sentences 1 through 3 shall apply *mutatis mutandis* in further procedures.

Article 5

Confirmation of the record of proper waste management

(1) The competent authority for the waste-management facility shall confirm, within 30 calendar days following receipt of the declarations of proof, the permissibility of the planned waste management, if

1. the waste is to be treated, used for substance recycling or energy recovery or deposited or stored in the waste management facility intended for that purpose,
2. proper and safe recovery, or the compatibility of the intended waste disposal with the public interest, are assured.
3. in the case of waste storage, further waste management has already been defined via suitable records of proper waste management.

The course of the period pursuant to Sentence 1 shall be interrupted by any requests to complete declarations of proof or to present additional documents pursuant to Article 4 Sentence 3, if such completion or such additional

documents are required for processing of declarations of proof. A new period pursuant to Sentence 1 shall commence upon receipt, by the authority, of completed declarations of proof or of pertinent additional documents.

(2) Official decisions pertaining to the waste management facility, especially authorisations, licences, plan approvals or operating plans under mining law, where intended to assure conformance with the prerequisites referred to in Para 1, are to be taken into account in the decision regarding confirmation. In particular, information provided by an environmental declaration, submitted to the authority, pursuant to Article 3 (2) letters c and e and (3) letter b in conjunction with Annex III Section 3.2 of Regulation (EC) No. 761/2001 shall be taken into account.

(3) The decision on the permissibility of the waste management operation shall not be based on the question of whether the planned waste management involves recovery or disposal of waste, or whether the waste producer's other obligations resulting from the Closed Substance Cycle and Waste Management Act and from other federal and *Länder* regulations have been complied with.

(4) The confirmation shall be valid for no longer than five years. The confirmation may be issued subject to conditions or tied to obligations, and a shorter validity period (time limitation) than that set forth in Sentence 1 may be specified, where such measures are necessary to assure fulfilment of the prerequisites for confirmation referred to in paragraph (1) Sentence 1.

(5) If the authority responsible for the waste management facility fails to make a decision on the confirmation within the period specified in paragraph (1), the confirmation shall be deemed to have been issued.

Article 6

Procedure following relevant decision

(1) The authority responsible for the waste management facility shall send the original copy of the confirmed record of proper waste management to the waste producer; it shall also send a copy to the party responsible for waste management. The original copy of the record of proper waste management shall remain with the waste producer, who shall send a copy to the competent authority no later than the time at which waste management commences.

(2) If the confirmation pursuant to Article 5 (5) is deemed issued, then the waste producer, prior to sending the declarations of proof to the competent authority, shall note, on the copy of the declarations of proof sent pursuant to Article 3 (3) Sentence 1, that the period pursuant to Article 5 (1) Sentence 1 has expired. No later than the time at which waste management commences, he shall send copies of the declarations of proof and of the receipt confirmation pursuant to Article 4 to the competent authority.

(3) The waste producer shall hand over to the waste transporter a copy of the record of proper waste management or, where the confirmation pursuant to Article 5 (5) is deemed to have been issued, copies of the declarations of proof and of the receipt confirmation pursuant to Article 4. The transporter – and any subsequent transporter – shall carry the documents referred to in Sentence 1, as well as a copy of the relevant transport licence, or a copy of his certification, substituting for such license, as a specialised waste-management company, during all transports and shall present these documents, upon request, to the persons authorised to supervise and control his operations.

(4) In the case of rail transports, the obligation to carry documents pursuant to Paragraph (3) second sentence shall not apply. In such cases, whenever a change of transporter occurs, the previous transporter shall ensure, by suitable means, that the documents referred to in Paragraph (3) Sentence 2 are handed over to the subsequent transporter.

(5) If the confirmation is refused, the authority responsible for the waste management facility shall make its own copy of the relevant original documents. It shall send the original documents directly to the waste producer and shall send one copy of each relevant document to the authority responsible for the waste producer and to the party responsible for waste management.

Article 7

Exemption and privileged procedure

(1) The obligations to issue a receipt confirmation pursuant to Article 4, and to obtain a confirmation pursuant to Article 5, shall be waived if the waste manager, with regard to the waste-management facility operated by him and to the waste treatment, substance or energy recovery, waste storage or waste landfill carried out at such facility,

1. is certified as a specialised waste-management company (*Entsorgungsfachbetrieb*),
2. has been exempted from confirmation obligations, upon application, by the competent authority, or
3. the waste-management facility operated by him pertains to a company location or sub-location registered in the EMAS registry pursuant to Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (OJ EC No L 114 p. 1) and pursuant to the German Environmental Audit Act; any such registration must be reported to the competent authority.

Article 5 (1) Sentence 1 No. 3 shall apply *mutatis mutandis*.

(2) The exemption pursuant to (1) No. 1 shall apply only if the certificate of supervision lists the company's certified activities, with respect to the company's locations and facilities, and including the relevant waste types and pertinent waste codes. If the specialised waste-management company has restricted its specialised activities pursuant to Article 2 (2) Sentence 2 Ordinance on Specialised Waste Management Companies (*Entsorgungsfachbetriebeverordnung*), then the certificate of supervision must also list the waste types covered by the company's specialised activity, including their relevant areas of origin, and the recovery or disposal processes covered by that activity. The exemption pursuant to (1) No. 3 shall apply only if the environmental declaration deemed to be valid within the meaning of Article 3 (2) letters c and e and (3) letter b in conjunction with Annex III Section 3.2 of Regulation (EC) No. 761/2001 contains information about the waste-management facility, and about the waste codes of the waste managed in the facility, and if such information agrees with the relevant information in the declarations of proof.

(3) Upon the waste producer's application, using the relevant forms included in Annex 1, the competent authority shall exempt the waste producer pursuant to (1) No. 2 from confirmation obligations, if

1. compliance with the prerequisites listed in Article 5 (1) Sentence 1 is assured with regard to the waste listed in the application, and
2. there are no indications or known facts to suggest that the waste manager (party responsible for waste management) is violating, or has violated, his obligations during the course of the waste management operations or in the framework of supervision.

Article 5 (2), (3) and (4) Sentence 2 shall apply *mutatis mutandis*.

(4) Where confirmation obligations pursuant to (1) do not apply, the waste manager shall send the declarations of proof as required pursuant to Article 3 (2) and (3), prior to the commencement of the planned waste management operation, to the authority responsible for the waste-management facility. Prior to the commencement of the waste management operation, the waste producer shall send a copy of the complete declarations of proof to the competent authority. Declarations of proof shall be valid for no longer than five years from the date of the waste manager's declaration of acceptance (*Annahmeerklärung*). The authority responsible for the waste-management facility may, via suitable application of Article 5 (4), ordain a shorter period of validity for declarations of proof and mandate obligations pertaining to execution of relevant activities. Article 6 (3) and (4) shall apply *mutatis mutandis*.

(5) The waste manager shall notify the waste producer without delay if the exemption granted on the basis of (1) Sentence 1 No. 2 and (3) loses its validity, if the prerequisites for the exemption pursuant to (1) Sentence 1 Nos. 1 or 3 or (2) are no longer fulfilled or if the waste manager has been issued an order or revocation pursuant to Article 8. If the prerequisites for an exemption pursuant to (1) Sentence 1 No. 3 and (2) Sentence 2 are no longer fulfilled, the waste manager must notify the competent authority accordingly.

Article 8

Order, revocation

(1) The competent authority may ordain that the waste producer and the waste manager exempted pursuant to Article 7 (1), in derogation of Article 7 (4), must obtain confirmation pursuant to Article 5, for purposes of proving the permissibility of the waste-management operation in certain cases, if

1. there are facts that support the assumption that the waste producer or the waste manager, in such cases, is violating, or has violated, obligations applying in connection with waste-management operations or in the framework of supervision, or
2. other reasons related to the public interest necessitate an official order that such confirmation be obtained.

If the competent authority is aware of facts within the meaning of Sentence 1 No. 1, the waste producer or the waste manager shall have the burden of refuting such facts.

(2) If, in cases to which Para (1) No. 1 applies, facts are present that support the assumption that the waste manager has violated his obligations, then the competent authority may

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1. also ordain, in communication with a waste manager exempted pursuant to Article 7 (1) Nos. 1 or 3, that such waste manager, in derogation of Article 7 (1), may accept waste only following previous confirmation pursuant to Article 5, and
 2. in communication with a waste manager exempted, upon application, pursuant to Article 7 (1) No. 2, revoke the exemption
- if the exempted waste manager does not refute the relevant facts within a suitable period imposed by the competent authority.

Article 9

Collective record of proper waste management

(1) Notwithstanding Article 3, the proof of the permissibility of the planned waste management operation may be provided by the collector in the form of a collective record of proper waste management, if all of the collected waste

1. has the same waste code,
2. passes through the same waste management chain,
3. corresponds in its composition to the relevant requirements listed in the collective record of proper waste management for joint waste consignments;
4. the quantity of waste collected from each waste producer, at each relevant location, does not exceed 20 tonnes per code of waste and calendar year.

The first sentence in No. 4 shall not apply to collection of the waste referred to in Annex 2 letter a.

(2) Notwithstanding Para 1 Sentence 1 Nos. 1 and 4, use of a collective record of proper waste management

1. is also permissible for collected waste oils, if the waste oils pertain to the same collective category or to collective categories 2 through 4 pursuant to Annex 1 of the Ordinance on Waste Oils (*Altölverordnung*), where separate storage is not prescribed by the Ordinance on Waste Oils and the waste-oil quantity collected from each waste-oil producer does not exceed 20 tonnes per collection category and calendar year, and
2. is also permissible for collected waste wood, if the waste wood pertains to the same waste-wood category A I through A IV of Annex III of Article 5 (1) of the Waste Wood Ordinance (*Altholzverordnung*), and where the Waste Wood Ordinance does not prescribe separate storage and the waste-wood quantity collected from each waste-wood producer does not exceed 20 tonnes per waste-wood category and calendar year.

In the case of collection of waste oils or waste wood, proof of the permissibility of the planned waste management may be provided by using the waste code that characterises the relevant collective waste-oil category or waste-wood category.

(3) Article 3 (1) through (3) and Articles 4 through 6 shall apply to the use of collective records of proper waste management, with the added requirement that the waste producer's obligations under these provisions must be fulfilled *mutatis mutandis* by the collector. In the case of collection of waste listed in Annex 2 letters a and b,

Articles 7 and 8 shall also apply; paragraphs 1, 2 and 3 Sentence 1, and paragraphs 4 through 6, shall apply *mutatis mutandis*.

(4) If the collection area crosses the boundaries of the state (Land) in which the authority responsible for the collector is located, the collector must also provide, no later than the time at which collection commences, the collective record of proper waste management or, in the case of exemption from confirmation obligations pursuant to Paragraph 3 Sentence 2, the declarations of proof, to the competent authorities of the other Länder concerned.

(5) The collector must keep a collective record of proper waste management, pursuant to paragraphs 1 through 4, showing the permissibility of the planned waste management, even if the producers of the collected waste are exempted, pursuant to Article 2 (2), from obligations to keep and furnish records.

(6) The collective record of proper waste management pursuant to paragraph 1 is not transferable.

Sub-Section 2

Proof of completed waste management operations

Article 10

Consignment note

(1) Proof of completed management operations for waste for which records must be kept and furnished shall be provided in the form of consignment notes, using the forms provided for this purpose in Annex 1.

(2) Where waste is handed over by a waste producer, a separate set of consignment notes shall be used for each type of waste involved, each set consisting of six copies. The number of copies to be filled out shall be reduced if the waste producer or waste transporter and the party responsible for waste management are wholly or partly identical. If there is a change of waste transporter, the transporter accepting handover of the waste shall issue to the previous transporter a handover certificate in order to prove handover of the waste, with Article 12 being applied *mutatis mutandis*, or by any other appropriate means.

(3) The various copies of the consignment notes shall be distributed as follows:

1. copies 1 (white) and 5 (old gold) shall be added to the waste producer's registry;
2. copies 2 (pink) and 3 (blue) shall be submitted to the competent authority;
3. copy 4 (yellow) shall be added to the waste transporter's registry; if there is a change of transporter, it shall be added to the last waste transporter's registry;
4. copy 6 (green) shall be added to the registry of the party responsible for waste management.

Article 11

Completion and handling of consignment notes

(1) In keeping with the applicable instructions on the various copies, the waste producer must complete consignment notes no later than the time at which he hands over waste, the transporter or collector must complete them no later than the time at which they accept the waste and the waste manager must complete them no later than the time at which he accepts the waste. If a record of proper waste management relative to

management of waste oils or waste wood with more than one waste code is being used, the waste producer must enter the main characteristic waste code in the waste-code space provided on the consignment note and, in the multi-use space (*Mehrzweckfeld*) "available for remarks" ("*Frei für Vermerke*"), must then enter the waste codes of the waste actually being disposed of on the basis of the consignment note. For the purposes referred to in Sentences 1 and 2, consignment notes must be used in the form of sets of multiple copies, for production of carbon copies. The consignment note set starts with Copy 2 (pink). This is followed in numerical order by Copies 3 (blue) to 6 (green). The last copy to be attached is Copy 1 (white). Pursuant to the instructions in the first sentence, the waste producer, the waste collector or the waste transporter fills out the relevant sections of Copy 1 (white) by filling out the relevant sections of Copy 2 (pink) and ensuring that an impression is made on Copy 1 (white).

(2) Upon accepting handover of the waste, the waste transporter shall hand over to the waste producer copy 1 (white) of the consignment notes, to be added to the waste producer's registry, after assuring him of proper delivery and making necessary additions to the documents. The waste transporter shall carry copies 2 through 6 with him during the transport and hand them over to the party responsible for waste management, together with the waste; in addition, the transporter shall present the documents to the persons authorised to supervise and control transport operations on demand.

(3) Within no more than ten calendar days after accepting handover of the waste from the waste transporter, the party responsible for waste management shall hand over or send copies 3 (pink) and 3 (blue) to the authority responsible for the waste management facility, as proof of the acceptance of the waste; it shall hand over or send copy 4 (yellow) to the waste transporter, and copy 5 (old gold) to the waste producer, to be added to their respective registries. The party responsible for waste management shall retain copy 6 (green) for his own registry.

(4) Within no more than ten calendar days after receipt, the authority responsible for the waste management facility shall send copy 2 (pink) to the authority responsible for the waste producer; in the case of collective waste management, the copy shall be sent to the authority responsible for the relevant collection area.

(5) In the case of rail transports, the obligation to carry the copies referred to in paragraph (2) during transports shall not apply. In such cases, whenever a change of transporter occurs, the previous transporter shall ensure that the copies referred to in paragraph (2) are handed over to the subsequent transporter.

Article 12

Handover certificate in cases of collective waste management

(1) If a collective record of proper waste management, or declarations of proof are used, and confirmation obligations pursuant to Article 9 (3) Sentence 2 are waived, proof of completed waste management operations shall be furnished in the form of handover certificates, using the forms provided for this purpose in Annex 1, which are carbonised and to be used as an acceptance-note set, as well as in the form of the consignment notes within the meaning of Article 10. The provisions of Article 10 (2) shall apply to the handover certificate *mutatis mutandis*.

(2) The handover certificate consists of two copies. These shall be distributed as follows:

1. copy 1 (white) shall be added to the waste producer's registry;
2. copy 2 (yellow) shall be added to the collector's registry.

(3) The waste producer and the collector shall fill out the handover certificates, using the spaces defined for them on their respective copies, no later than the time at which the collector accepts handover of the waste. If a record of proper waste management relative to management of waste oils or waste wood with more than one waste code is being used, the waste collector and the waste producer must enter the main characteristic waste code in the waste-code space provided on the handover certificate and, in the multi-use space (*Mehrzweckfeld*) "available for remarks" ("*Frei für Vermerke*"), must then enter the waste codes of the waste actually being disposed of on the basis of the handover certificate.

(4) Upon accepting handover of the waste, the collector shall hand over to the waste producer copy 1 (white) of the handover certificate, to be added to the waste producer's registry. The collector shall carry copy 2 (yellow) during the transport, present it on demand to the persons authorised to supervise and control collection operations and, after handing the waste over to the party responsible for waste management, file this copy, together with copy 4 (yellow) of the consignment note, in his registry. Article 11 (5) shall apply *mutatis mutandis*.

Article 13

Procedure relative to the consignment note in cases of collective waste management

(1) The waste collector, upon commencement of collection, shall complete the relevant consignment notes, in keeping with Article 11 (1), shall enter himself as the waste transporter and, in particular, shall enter the number of the relevant collective record of proper waste management. In the space for the waste producer (*Erzeugerfeld*), the collector must always enter a fictitious producer number. That number always begins with the relevant Land (state) code pursuant to the provisions of Article 28 (6), followed by an "S"; zeroes are to be entered in the remaining spaces. Before handing over the waste, he shall enter, in the multi-purpose space in the consignment note ("*Frei für Vermerke*" – remarks), the numbers of the handover certificates corresponding to the waste in the joint consignment. The further procedure shall be in accordance with the provisions for consignment notes.

(2) If the collection involves crossing the borders of a *Land*, a separate consignment note shall be carried for each *Land* in which collection operations take place. The code for the relevant collection area is to be entered, as described in paragraph (1). After the party responsible for waste management has accepted the waste, copy 2 (pink) of the consignment note must be forwarded, with Article 11 (3) and (4) being applied *mutatis mutandis*, to the authority responsible for the *Land* in which the collection took place.

Sub-Section 3

Special cases

Article 14

Waste management by third parties, associations and self-administered private corporations

If a waste producer's and waste holder's obligations pursuant to Article 16 (2), Article 17 (3) or Article 18 (2) of the Closed Substance Cycle and Waste Management Act are transferred to third parties, associations or self-

administrative bodies (Selbstverwaltungskörperschaften) in industry, the competent authority may permit, on application, such parties responsible for waste management to furnish proof by applying Articles 9, 12 and 13, mutatis mutandis. The first sentence shall apply mutatis mutandis, if the waste management operation is carried out by public-law parties responsible for waste management.

Article 15

Recovery outside of waste management facilities

Where recovery operations are carried out outside of waste management facilities, the following provisions shall be applicable, with the provisions of Sections One and Two, and of this section, being applied mutatis mutandis:

1. obligations of the party responsible for waste management shall be fulfilled by the party carrying out the recovery operation;
2. the tasks of the authority responsible for the waste management facility shall be performed by the competent authority pursuant to *Land* law.

Article 16

Small quantities

The waste producer and the waste manager shall keep records of the proper disposal of small quantities of hazardous waste within the meaning of Article 2 (2), using handover certificates pursuant to the provisions of Article 12.

Sub-Section 4

Records in electronic form

Article 17

Basic principle

(1) Notwithstanding the provisions of sections 1 through 3, parties obligated to keep and furnish records of disposal of hazardous waste, and the competent authorities, in the cases set forth in those sections, shall transmit the declarations necessary for furnishing of proof, remarks regarding expiry of relevant periods, confirmations and decisions, copies, applications and notifications of exemption by electronic means, in keeping with the provisions of this section, shall include qualified electronic signatures in such transmissions, within the meaning of the Signature Act, and shall provide the accesses necessary for receipt of such transmissions, except where another form of transmission, using form sheets, is explicitly permitted, pursuant to the provisions of this section or to a decision of the competent authority issued on the basis of Article 26.

(2) Para 1 shall also apply to parties obligated pursuant to Article 2 (1) No. 2, to the extent use and presentation of electronic records and proof is permitted or has been ordained pursuant to Article 44 of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal.

Article 18

Communication

(1) Parties obligated to keep and furnish records, and the competent authorities, shall transmit the declarations necessary for furnishing of proof, remarks regarding expiry of relevant periods, confirmations and decisions, duplicates, copies, applications and notifications of exemption as structured messages, using standardised interfaces and in keeping with the provisions of Annex 3; in each instance of such transmission, the transmitting party shall include his address (access) for receipt of transmissions. The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) shall announce the definitions of the interfaces referred to in Annex 3 by the end of the fifth calendar month following promulgation of the Ordinance on the Simplification of Waste Management Monitoring (Verordnung zur Vereinfachung der abfallrechtlichen Überwachung) of 20 October 2006 (Federal Law Gazette I p. 2298), as well as any subsequently required changes or corrections to those definitions, in the Internet at www.bmu.bund.de.

(2) The waste transporter must ensure that information shown in the consignment note and handover certificate, including the company name and the address of the waste manager, is available at all times during transports and can be presented at any time to the authorities responsible for monitoring and supervision pursuant to the provisions of Article 11 (2) Sentence 2 and Article 12 (4) Sentence 2. Additional consignment documents are not required under this Ordinance. The obligation pursuant to Sentence 1 shall be considered fulfilled if the waste transporter provides the required information to the authorities responsible for monitoring and supervision using electronic documents.

Article 19

Signature, transmission

(1) Parties obligated to keep and furnish records, and the competent authorities, shall add qualified electronic signatures to transmitted electronic documents, adding in each case the signer's name in legible type, and doing so in the chronological order specified, in sub-sections 1 through 3, for issuing of declarations necessary for furnishing of proof, provision of notifications, preparation of entries, issuing of confirmations and decisions, handing over or transmitting of duplicates or copies, submission of applications and issuing of exemptions. In particular, waste producers, waste transporters and waste managers

1. shall sign, with qualified electronic signatures, the electronic documents corresponding to the necessary declarations of proof, doing so pursuant to Article 3 (2) and (3) and prior to obtaining confirmation pursuant to Article 5, or to providing notification pursuant to Article 7 (4), and
2. shall sign, with qualified electronic signatures, the electronic documents corresponding to the consignment notes, at times no later than the times specified for completion, handover or transmission of consignment notes pursuant to Article 11 (1) Sentence 1 and Article 11 (3) Sentence 1.

(2) In derogation of Article 11 (1) Sentence 1 and Article 12 (3), confirmation of the waste transporter's acceptance of waste from the waste producer, using a consignment note, may also be electronically signed as

necessary after the waste transporter has accepted relevant waste, and prior to handover of waste to the waste manager, if the waste producer and the waste transporter have agreed, in writing, on such a signature procedure. Such agreement shall be presented to the competent authority upon request. Sentences 1 and 2 shall apply *mutatis mutandis* for electronic management and handling of handover certificates.

(3) In derogation of Article 6 (1) Sentence 2, in addition to sending the confirmed record of proper waste management to the waste producer and the waste manager, the authority responsible for the waste manager shall also send such record to the authority responsible for the waste producer. Notwithstanding Article 7 (4) Sentence 2, the authority responsible for the waste manager shall send declarations of proof to the authority responsible for the waste producer. As a result, the waste producer is then freed of his obligation to submit a copy of the confirmed record of proper waste management pursuant to Article 6 (1) Sentence 2, or of declarations of proof pursuant to Article 7 (4) Sentence 2, to the authority responsible for him (i.e. competent authority).

(4) For transmission of electronic documents, only secure transmission pathways may be used that block all access to transmitted documents, during transmissions, for unauthorised parties.

Article 20

Co-ordination

The Länder shall ensure that obligated parties, and the competent authorities, are able to keep and use electronic records even in cases of waste-management operation that cross Länder boundaries. In particular, it must be ensured that declarations necessary for furnishing of proof, remarks regarding expiry of relevant periods, confirmations and decisions, copies, applications and notifications of exemption

1. can be transmitted at all times between senders and the intended recipients,
2. can be encrypted in such a manner as to render them accessible only for the intended recipients, and
3. are not stored on a continuing basis within the framework of relevant transmission.

Where the Länder, in fulfillment of their obligations pursuant to Sentences 1 and 2, provide facilities for electronic communication, parties required to keep and furnish records may use such facilities only for the purpose of furnishing records and proof, except where the Länder make other provisions.

Article 21

Exceptions

Notwithstanding Article 17, handover certificates pursuant to Article 12 may also be completed and provided using the relevant forms in Annex 1. Obligations relative to keeping and using of electronic records and proof shall otherwise remain unaffected.

Article 22

Problems with the communication system

(1) Where use of electronic records and documents is not possible to the fullest extent, as a result of a disruption of the communications system, or for other reasons, required documents shall be kept and furnished using the

form sheets specified in sections 1 through 3, or using receipt forms instead of consignment notes. In terms of form and content, receipt forms include the information needed for use of consignment notes; in each case, only one copy is used. The provisions pursuant to Article 10 (2) Sentences 1 and 3, Article 11 (1) Sentence 1 and (5) and Article 13 shall apply mutatis mutandis. In each case, after completion of the waste-transport process, the receipt form remains with the waste manager, who then keeps it in accordance with the provisions of Article 24 (1) and (2) and of Article 25 (1). Parties subject to record-keeping and record-furnishing obligations who discover a relevant disruption, must report such disruption without delay to the parties involved in the record/proof procedure, as well as to the competent authorities, if the disruption cannot be cleared within a reasonable period of time.

(2) If a disruption of the communications system occurs repeatedly, or not for only a short period of time, and there are grounds to presume that the disruption originates from the area of responsibility of a particular party subject to record-keeping and record-furnishing obligations, the competent authority may ordain that the party subject to record-keeping and record-furnishing obligations

1. must commission an expert selected by the responsible Land authority to review proof procedures in which the party subject to record-keeping and record-furnishing obligations is involved,

2. must commission an expert selected by the responsible Land authority to review the status and operation of his company communications system, where such system is used, either directly or indirectly, for keeping and administrating of records and registries,

3. in addition to keeping and using electronic records and registries, must also keep and use records and registries using the relevant form sheets, if there is no other way of ensuring proper keeping and submission of records and proof.

(3) Para 2 Sentence 1 No. 2 shall apply mutatis mutandis for orders to third parties that the party subject to record-keeping and record-furnishing obligations commissions to keep and administrate electronic records and registries.

(4) At a time no later than ten calendar days after the disruption of the communications system has been cleared, parties subject to record-keeping and record-furnishing obligations must electronically retransmit records and proof data sent, pursuant to Para 1, using form sheets or receipt forms.

Part 3

Keeping of a registry of proper management of waste

Article 23

Parties required to keep a register

Producers, collectors, transporters and managers of waste are required to keep and use electronic registries, also using forms pursuant to the provisions of this section, to the extent such parties are obligated to keep and use registries pursuant to

1. Article 42 of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal

or

2. Article 44 (1) No. 1 of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal, by order of the competent authority.

Article 24

Procedure for a register

(1) Registries contain descriptions of waste-management procedures to which registry obligations apply; in keeping with the provisions of Article 42 (1) and (2) of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal, and with the provisions of this Ordinance, such descriptions must be properly ordered, both thematically and chronologically.

(2) Notwithstanding Para 3, registries of waste for which records must be kept and furnished must be kept in the following manner:

1. Waste producers, collectors and managers must file their copies of consignment notes at a time no later than ten calendar days following receipt, and must file them in the proper chronological sequence, and properly correlated with the relevant records of proper waste management, and of collective records of proper waste management; this shall apply even if a relevant waste producer files consignment-note copies intended for him – 5 (old gold) and 1 (white) – together, without concern for proper chronological sequence,

2. In addition, the waste collector must file his copies of handover certificates at a time no later than ten calendar days following receipt, and must file them in the proper chronological sequence, and properly correlated with his pertinent copies of consignment notes, and

3. the waste transporter must file, and add to his registry, his copies of consignment notes, no later than ten days following receipt; such copies must be filed in proper chronological sequence and must be separated by waste types.

Where the waste producer is also the waste transporter, he must file copies 4 and 5 (yellow and old gold) of the consignment note, pursuant to Sentence 1, and must add them to his registry; if he is also the waste manager, then he must only file copy 6 (green) in this manner. If the waste transporter manages the waste himself, he must file copy 6 (green), pursuant to Sentence 1, and add it to his registry.

(3) Producers of small quantities of hazardous waste, waste producers who hand over hazardous waste to a collector and waste managers who accept small quantities of hazardous waste must all keep registries in the following manner: no later than ten days following receipt, they must file handover certificates in proper chronological sequence, separated by waste types, and must add such certificates to their registries. Sentence 1 shall apply mutatis mutandis if the competent authority has imposed obligations to keep and use handover certificates pursuant to Article 44 (1) No. 1 of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal.

(4) Waste managers who are not obligated to keep and furnish records shall register waste deliveries by creating a separate waste directory for each waste type and each waste-management facility; with such directories, they must proceed as follows:

1. As the title, they must use the waste code for the waste in question, pursuant to the Ordinance on the European Waste Catalogue (*Abfallverzeichnis-Verordnung*); in addition, they must include the pertinent company name and address, the name and address of the pertinent waste-management facility and (where available) the pertinent waste-manager number (*Entsorgernummer*), and
2. Below this information, they must include a running list of all accepted waste consignments; for each accepted waste consignment, they must list, no later than ten calendar days following acceptance, the quantity of waste accepted, and the date on which the waste was accepted, and then must sign this information.

The information referred to in Sentence 1 No. 2, and the relevant signature, may be included in documents from actual operations – especially certificates of delivery or of weighing, if such documents show the waste type in question and can be properly correlated, in terms of both content and chronology, with the information referred to in Sentence 1 No. 1. To record the information referred to in Sentence 1 No. 1, waste producers may also use the form Declaration of Acceptance (*Annahmeerklärung* – AE), and to record the information referred to in Sentence 1 No. 2, they may also use the form Consignment note (*Begleitschein*), both pursuant to Annex 1. Where waste producers keep and furnish registries electronically, pursuant to Article 25 (2) Sentence 2, they must structure their registries in accordance with these forms.

(5) Waste managers who treat and store waste, and who are not obligated to keep and furnish records, must also register each instance of handover of treated and stored waste, in accordance with the provisions of Para 6 (Article 42 (2) Sentence 1 of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal). The obligations pertaining to registries pursuant to Sentence 1 shall not apply to waste managers who

1. recover or dispose of treated or stored waste in waste-management facilities of their own that have a close spatial connection to the relevant treatment or storage sites, or
2. as a result of use of waste in production processes, produce only non-hazardous waste, and produce such waste only in insignificant quantities.

Sentence 2 shall not apply to waste managers who in their facilities recover or dispose of waste as a main operational activity.

(6) Waste producers who are not obligated to keep and furnish records shall register all waste deliveries by creating a separate waste directory for each waste type and each waste-occurrence site; with such directories, they must proceed as follows:

1. As the title, they must use the waste code for the waste in question, pursuant to the Ordinance on the European Waste Catalogue (*Abfallverzeichnis-Verordnung*); in addition, they must include the pertinent company name and address, the name and address of the pertinent waste-occurrence site and (where available) the pertinent waste-producer number (*Erzeugernummer*), and

2. Below this information, they must include a running list of all waste consignments handed over; for each waste consignment handed over, they must list, no later than ten calendar days following handover, the quantity of waste handed over, the date on which the waste was handed over and the name of the person who accepted the waste consignment, and then they must sign this information.

Para 4 Sentence 2 shall apply mutatis mutandis. To record the information referred to in Sentence 1 No. 1, waste producers may also use the form Cover Sheet for Records of Proper Waste Management (*Deckblatt Entsorgungsnachweise; DEM*), in conjunction with the form Declaration of Responsibility (*Verantwortliche Erklärung; VE*), impression 1 (Aufdruck 1), and to record the information referred to in Sentence 1 No. 2, they may also use the form Consignment note (*Begleitschein*), all pursuant to Annex 1. Where waste producers keep and furnish registries electronically, pursuant to Article 25 (2) Sentence 2, they must structure their registries in accordance with these forms; in the electronic consignment note form, the person accepting the waste consignment must be listed in the space "Frei für Vermerke" ("remarks").

(7) Waste managers who are not obligated to keep and furnish records shall register all waste transports by creating a separate waste directory for each waste type; with such directories, they must proceed as follows:

1. As the title, they must use the waste code for the waste type in question, pursuant to the Ordinance on the European Waste Catalogue (*Abfallverzeichnis-Verordnung*); in addition, they must include the pertinent company name and address and (where available) the pertinent waste-transporter number (*Beförderernummer*), and

2. Below this information, they must include a running list of all waste transports; for each waste consignment handed over, they must list, no later than ten calendar days following completion of relevant transport, the quantity of waste handed over, and the date on which the waste was handed over; in addition, they must sign this information.

Para 4 Sentence 2 shall apply mutatis mutandis. To record the information referred to in Sentence 1 No. 1, waste transporters may also use the form Cover Sheet for Records of Proper Waste Management (*Deckblatt Entsorgungsnachweise; DEM*), in conjunction with the form Declaration of Responsibility (*Verantwortliche Erklärung; VE*), impression 2 (Aufdruck 2), and to record the information referred to in Sentence 1 No. 2, they may also use the form Consignment note (*Begleitschein*), all pursuant to Annex 1. Where waste transporters keep and furnish registries electronically, pursuant to Article 25 (2) Sentence 2, they must structure their registries in accordance with these forms.

Article 25

Article 25 Duration of registration; electronic registration

(1) Parties required to create and keep registries must keep or retain those documents or information that registries, pursuant to Article 24 (2) through (4), (5) Sentence 1, (6) or (7), must include, for a period of three years, in each case counted from the time at which a relevant document or item of information is placed in the registry. The permit notification for a waste-management facility may stipulate a longer period than that called for by Sentence 1.

(2) Registries of waste for which records must be kept and furnished must be kept and administrated electronically in cases in which electronic administration of records to be placed in registries is mandatory. Otherwise, registries may be kept and administrated electronically. Where registries are electronically kept and administrated, relevant documents and information are to be stored permanently and in an orderly manner; Para 1 and Article 24 are to be applied mutatis mutandis. Where the competent authority pursuant to Article 42 (4) of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal ordains submission of a registry, or of individual registry entries, Articles 17 through 20 and Article 22 shall apply mutatis mutandis to fulfilment of such an order.

(3) Para 2 Sentence 1 shall apply to handover-certificate copies that collectors are required to add to their registries, even in cases in which the handover certificate pursuant to Article 21 is used in connection with the pertinent forms in Annex 1.

Part 4

Joint provisions

Article 26

Article 26 Exemption; establishment, by order, of obligations to keep records and registries

(1) By application or ex officio, the competent authority may exempt, either wholly or partly, and subject to revocation, a party required, pursuant to Article 42 or Article 43 of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal, from obligations to keep and furnish records or registries, if there are no grounds to presume that such exemption would impair the public interest. The competent authority may require that other, suitable records and proof be presented.

(2) The competent authority may require a party who is obligated, pursuant to Article 42 of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal, to keep and furnish registries of disposal of non-hazardous waste to enter additional information in registries.

Article 27

Furnishing of proof in special cases

(1) Anyone who accepts any waste for which he is required to keep records from another person who is not required to keep records for the waste in question shall also list such person's name and address on the copies or documents of the records required pursuant to this Ordinance that are intended for him and on the copies or documents he is required to transmit or forward. Anyone who hands over waste to another person who in this regard is not required to keep records shall list such other person's name and address on the copies of the records required pursuant to this Ordinance.

(2) If, due to special circumstances other than those referred to in Para 1, unrestricted provisions pertaining to keeping and furnishing of records are not possible, the party required to provide proof shall use relevant records in a manner to be determined by the competent authority. Where more than one authority is competent, then the relevant authorities shall make the decision pursuant to Sentence 1 via consensus.

Article 28

Issue of index numbers

(1) The identification, producer, transporter and waste-manager numbers required for use of records and registries shall be issued by the competent authority.

(2) The numbers needed for differentiation of the procedures relative to keeping and furnishing of records, and the relevant exemption numbers, shall be issued by the authority responsible for the waste manager. The registry numbers needed in cases of substitution for individual records pursuant to Article 43 (2) of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal shall be issued by the authority responsible for the waste producer. The competent authority may permit index numbers required pursuant to Sentence 1 to be issued by a third party – in particular, by an exempted waste manager. The index numbers to be issued pursuant to Sentence 1 shall include the following identifying letters in their first two places:

1. "EN" for the record of proper waste management (*Entsorgungsnachweis*),
2. "SN" for the collective record of proper waste management (*Sammelentsorgungsnachweis*),
3. "FR" for exemption (*Freistellung*),
4. "RE" for registry (*Register*).

The code for the relevant Land (state) is to be entered in the third place.

(3) In cases in which electronic records are used, index numbers pursuant to Para 2 are issued, pursuant to Article 20, by the Länder.

(4) For each electronically recorded waste-disposal operation, only one consignment-note/handover-certificate number is to be used; such numbers are provided by the relevant system established by the Länder (Article 20).

(5) Records must contain the numbers issued pursuant to Paragraphs 1 through 4. Parties obligated to keep and furnish records may use such numbers only for the purposes described in those paragraphs.

(6) This Ordinance requires that the following Länder codes be used:

A Schleswig-Holstein

B Hamburg

C Lower Saxony

D Bremen

E North Rhine – Westphalia

F Hesse

G Rhineland-Palatinate

H Baden-Württemberg

I Bavaria

K Saarland

L Berlin

M Mecklenburg – West Pomerania

N Saxony-Anhalt

P Brandenburg

R Thuringia

S Saxony.

Article 29

Administrative offences

An administrative offence within the meaning of Article 61 (2) No. 14 of the Closed Substance Cycle and Waste Management Act shall be deemed to have been committed by anyone who, wilfully or negligently

1. violates an enforceable condition pursuant to Article 5 (4) Sentence 2, also in conjunction with Article 9 (3) Sentence 1 or Article 15 No. 1,
2. in contravention of Article 6 (3) Sentence 2, also in conjunction with Article 9 (3) Sentence 1, Article 11 (2) Sentence 2 or Article 12 (4) Sentence 2, by not keeping a document mentioned in those provisions, or by not submitting it, or by not submitting it on time,
3. violates an enforceable condition pursuant to Article 8 (1) Sentence 1 or (2) No. 1, also in conjunction with Article 9 (3) Sentence 2, or Article 22 (2), also in conjunction with (3),
4. in contravention of Article 17 (1), does not install the access required for receipt of the electronic documents mentioned in those provisions,
5. in contravention of Article 18 (1) Sentence 1, transmits a message without listing the relevant installed access for receipt,
6. in contravention of Article 18 (2) Sentence 1, does not ensure that information mentioned in that provision can be submitted or reported,
7. in contravention of Article 19 (4), does not use a secure transmission pathway for transmission of electronic documents,
8. in contravention of Article 22 (1) Sentence 5, fails to provide notification, or fails to provide notification correctly, completely, or on time, or
9. in contravention of Article 25 (1) Sentence 1, also in conjunction with Sentence 2, fails to keep a document or item of information or fails to keep a document or item of information for the relevant prescribed period
or
10. in contravention of Article 28 (5) Sentence 2, uses a number.

Part 5

Final provisions

Article 30

Article 30 Transitional provisions pertaining to valid records

(1) Records of proper waste management and collective records of proper waste management that have already been confirmed, pursuant to the entry into force mandated by Article 8 (1) of the Ordinance on Simplification of

Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298), pursuant to the Ordinance on Waste Recovery and Disposal Records (*Nachweisverordnung*) in the version promulgated on 17 June 2002 (Federal Law Gazette I p. 2374), last amended by Article 4 of the ordinance of 15 August 2002 (Federal Law Gazette I p. 3302), shall remain valid, until the expiry of their validity, as records of proper waste management and collective records of proper waste management pursuant to this Ordinance.

(2) Declarations of proof that have been provided via the privileged procedure, pursuant to the entry into force mandated by Article 8 (1) of the Ordinance on Simplification of Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298), pursuant to the Ordinance on Waste Recovery and Disposal Records (*Nachweisverordnung*) in the version promulgated on 17 June 2002 (Federal Law Gazette I p. 2374), last amended by Article 4 of the ordinance of 15 August 2002 (Federal Law Gazette I p. 3302), shall remain valid as declarations of proof within the meaning of Article 7 (4) until the expiry of their validity period, if they are forwarded to the authority responsible for the waste-management facility no later than 30 calendar days prior to the entry into force of the Ordinance on Simplification of Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298) or no later than 30 calendar days after being made.

(3) Exemptions from confirmation obligations, issued at the application of the waste manager, and issued, pursuant to the entry into force mandated by Article 8 (1) of the Ordinance on Simplification of Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298), pursuant to the Ordinance on Waste Recovery and Disposal Records (*Nachweisverordnung*) in the version promulgated on 17 June 2002 (Federal Law Gazette I p. 2374), last amended by Article 4 of the ordinance of 15 August 2002 (Federal Law Gazette I p. 3302), shall remain valid as exemptions, until the expiry of their validity periods, pursuant to 7 (1) No. 2.

(4) Waste-management concepts and waste balance sheets that, until the entry into force mandated by Article 8 (1) of the Ordinance on Simplification of Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298), have substituted for records of waste requiring special supervision, shall remain valid, until the expiry of their validity periods, as registries within the meaning of this Ordinance.

(5) Permission pursuant to Article 32 (4) of the Ordinance on Waste Recovery and Disposal Records in the version promulgated on 17 June 2002 (Federal Law Gazette I p. 2374), last amended by Article 4 of the ordinance of 15 August 2002 (Federal Law Gazette I p. 3302), for testing of electronic procedures for keeping and furnishing records, shall remain valid, until the expiry of its validity period, no longer than the entry into force, as mandated by Article 8 (2) of the Ordinance on Simplification of Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298), of Section 4 of Part 2. The competent authority may retroactively add auxiliary conditions to a permission pursuant to Sentence 1.

Article 31

Transitional provisions pertaining to keeping of electronic records

(1) With the consent of the competent authority, parties subject to obligations to keep and furnish records may keep and use records and registries pursuant to this Ordinance in electronic form, also with application of Paras 2 through 5, as of the entry into force mandated in Article 8 (1) of the Ordinance on Simplification of Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298). Relevant permission granted to a waste manager also extends to pertinent waste producers, waste transporters and waste collectors who are subject to obligations to keep and furnish records and who wish to take part in electronic records/proof procedures in keeping with the conditions and scope set forth in the issued permission. The competent authority should issue such permission as soon as the affected enforcement authorities have the technical basis in place for electronic records/proof procedures; this may also occur during the transition period mentioned in Sentence 1. Such permission may be issued with auxiliary provisions or conditions or with a term limitation, especially for implementation of Article 20. Where more than one authority is competent, the authority responsible for the waste-management facility shall make the relevant decision.

(2) For a period of no longer than four full years after the entry into force mandated by Article 8 (1) of the Ordinance on Simplification of Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298), handover, acceptance and receipt of hazardous waste within the framework of transport procedures, may be documented by the waste producer, waste collector, waste transporter and waste manager using a document of receipt pursuant to Article 22 (1) Sentences 2 through 4.

(3) Where a document of receipt pursuant to Para 2 is used, the waste producer and the waste transporter shall be exempted of obligations to use qualified electronic signatures pursuant to Article 19 (1). Otherwise, obligations to use and furnish consignment notes in electronic form shall remain unaffected, and the conditions for their fulfilment shall be qualified in that in the cases specified by Article 11 (2) through (4), only subsequent transmission of the consignment note, within the periods specified by those provisions, is required. A copy of the document of receipt does not have to be provided to the waste producer, the waste collector or the waste transporter when waste is accepted or received.

(4) When he electronically transmits the consignment note to the competent authority, the waste manager shall declare that the document of receipt has been filled out completely and, in particular, has been properly signed, that the information shown in the document of receipt agrees with that in the consignment note or that any changes have been marked and that he will keep the document safely on file. Such declaration must be covered by the waste manager's qualified electronic signature.

(5) For a period of no longer than four full years after the entry into force mandated by Article 8 (1) of the Ordinance on Simplification of Supervision under Laws Pertaining to Waste Management of 20 October 2006 (Federal Law Gazette I p. 2298), the waste producer may provide the declaration of responsibility for disposal of hazardous waste without using a qualified electronic signature. Where he does not use such a signature, he must provide the waste manager with a declaration of responsibility that has been generated by the communication

system, that contains the required information and that he has signed by hand. Article 3 (2) Sentence 1 shall apply mutatis mutandis. Otherwise, obligations to keep and use electronic records/proof shall not be affected. With regard to other requirements for the waste manager's use of the declaration of responsibility, Para 2 Sentence 3 and Para 4 shall apply mutatis mutandis.

(6) Where use of special forms is required pursuant to this Ordinance, until 1 April 2010 the forms pursuant to Annex 1 of the Ordinance on Waste Recovery and Disposal Records in the version promulgated on 17 June 2002 (Federal Law Gazette I p. 2374), last amended by Article 4 of the ordinance of 15 August 2002 (Federal Law Gazette I p. 3302), shall be used.

Annex 1

Forms relative to Part 2 Sections 1 and 2 and to Article 24 4

This Annex contains forms¹⁾ that are to be used in the cases, as regulated by the Ordinance, involving keeping and furnishing of records, submission of notifications, creation and use of registries and exemptions.

The required information must be entered in keeping with the instructions for completing the various spaces. All the entries in the forms listed in the Annex shall be clearly legible and in the German language; they shall be printed, typewritten or written with a ball-point pen or other writing instrument that makes indelible marks. Where an original entry is rendered illegible, a note shall be added indicating whether such change occurred when the entry was made or at a later time.

The forms shall be used as follows:

1. For the records of proper waste management (Article 3) and the collective records of proper waste management (Article 9), the forms to be used are as follows:

- Cover sheet for records of proper waste management (DEN; *Deckblatt Entsorgungsnachweise*),
- Declaration of Responsibility (VE; *Verantwortliche Erklärung*),
- Declaration Analysis (DA; *Deklarationsanalyse*),
- Declaration of Acceptance (AE; *Annahmeerklärung*),
- Official Confirmation (BB; *Behördenbestätigung*),

2. For providing records of proper waste management without official confirmation (Article 7, notification), the forms to be used are as follows:

- Cover sheet for records of proper waste management (DEN; *Deckblatt Entsorgungsnachweise*),
- Declaration of Responsibility (VE; *Verantwortliche Erklärung*),
- Declaration Analysis (DA; *Deklarationsanalyse*),
- Declaration of Acceptance (AE; *Annahmeerklärung*),

3. For exemptions (Article 7), the forms to be used are as follows:

- Cover Sheet for Application (DAN; *Deckblatt Antrag*),
- Declaration of Acceptance (AE; *Annahmeerklärung*),
- Official Confirmation (BB; *Behördenbestätigung*),

¹ Remarks on the layout of forms

1. The forms have been reduced in size; at their current size, they are not machine-readable, and entries cannot be made with a typewriter or computer printer. For proper use, the forms must be enlarged to the DIN A4 format (enlargement ratio of 84: 100). The dimensions of the handover certificate (*Übernahmeschein*) must be 210 mm x 210 mm.

2. All space boundaries and shaded areas of the forms, except for the consignment notes (*Begleitscheine*) and handover certificates (*Übernahmescheine*) should be printed in the colour HKS 6 N, if possible. The shaded areas must not exceed 50% of the full-tone value. All fonts and numbers, and the alignment mark for computer systems, should be printed in black.

4. For providing proof of completed proper waste management (Articles 10, 12), the forms to be used are as follows:

- Consignment note,
- Handover certificate,

5. For keeping of registries (Article 24 (4) through (7)), the forms to be used are as follows:

- Cover sheet for records of proper waste management (DEN; *Deckblatt Entsorgungsnachweise*),
- Declaration of Responsibility (VE; *Verantwortliche Erklärung*),
- Declaration of Acceptance (AE; *Annahmeerklärung*),
- Consignment note.

[Formulare ab S. 2311 des BGBl. (Jahrgang 2006, Teil I Nummer 48) (jeweils von oben nach unten, und nach vollständigen Zeilen bzw. nach den in den Formularen verwendeten Nummern.)

Für alle gilt:

NachwV = Nachweisverordnung = Ordinance on Waste Recovery and Disposal Records

KrW-/AbfG = Kreislaufwirtschafts- und Abfallgesetz = Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal]

[S. 2311]

Cover Sheet for Records of Proper Waste Management (DEN – *Deckblatt Entsorgungsnachweise*)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

Complete or check as appropriate!

No. / PZ*)

To be completed by the waste producer / authorised party

(not to be completed by applicant)

Record of proper waste management (Entsorgungsnachweis) / Collective record of proper waste management (Sammelentsorgungsnachweis) / EN / SN

EN Record of proper waste management (Entsorgungsnachweis) for waste to which records obligations apply

SN Collective record of proper waste management (Sammelentsorgungsnachweis) for waste to which records obligations apply

With authorities' confirmation

Without authorities' confirmation (Article 7 NachwV)

For recovery

For disposal

To be completed only when used as a registry cover sheet

Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

Waste code

Waste designation

For internal remarks of authorities

1 Contact data of the waste producer

Company / corporation

1.1

Street

Number

1.2

Postal code

City

1.3

Contact person

1.4

Telephone

Telefax

1.5

E-mail address

2 Contact data of the authorised party

2.1

Street

Number

2.2

Postal code

City

2.3

Contact person

2.4

Telephone

Telefax

2.5

E-mail address

For the waste producer's remarks (complete for Record of proper waste management (Entsorgungsnachweis) / Collective record of proper waste management (Sammelentsorgungsnachweis))

Date of receipt, confirmed by the authority

Day

Month

Year

Documents complete

Expiration of the period pursuant to Article 5 (5)

Date

Day

Month

Year

Copies of the Declaration of Responsibility (Verantwortliche Erklärung) and Declaration of Acceptance (Annahmeerklärung) and authority's confirmation (if so required by the NachwV) were sent to the competent authority on

Date

Day

Month

Year

*) Checking number

[S. 2312]

Declaration of Responsibility (VE - *Verantwortliche Erklärung*)

Page 1

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

Complete separately for each waste-production site and for each waste code.

Complete or check as appropriate!

Nr. (PZ*)

(not to be completed by applicant)

Declaration of Responsibility (VE - *Verantwortliche Erklärung*)

For internal remarks of authorities

1 Waste origin (do not complete in cases of collective waste management)

Waste producer number / PZ*)

1.1

Operational site, other permanent facility, structure, land parcel or immobile technical facility that is independent of such land parcel for operational purposes

1.2

Street or co-ordinates

1.3

Postal code

City

1.4

Contact person

1.5

Telephone

Telefax

1.6

E-mail address

1.7

Name of the waste-production site

1.8

1.9

The facility has been licensed pursuant to the Federal Immission Control Act (BimSchG), No. Column of the Annex to the 4th Ordinance Implementing the Federal Immission Control Act (BimSchV)

2 Waste origin (complete only in cases of collective waste management)

2.1

Land / Länder in which waste is collected

Transporter number / PZ*)

2.2

Name

2.3

Street or co-ordinates

2.4

Postal code

City

2.5

Contact person

2.6

Telephone

Telefax

2.7

E-mail address

2.8

*) Checking number

[Zweite Seite]

Declaration of Responsibility (VE - *Verantwortliche Erklärung*)

Page 2

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

Nr. (PZ*)

(not to be completed by applicant)

For internal remarks of authorities

3 Waste description

3.1 Internal operational designation

Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

Waste code

Waste designation

The waste has been pre-treated (Article 3 (2) NachwV):

Yes

No

3.2

Type of pre-treatment

3.3

Consistency:

Solid

Compact

Pasty/muddy/mushy

Dusty

Liquid

3.4 Declaration analysis (analyses) has/have been attached

Yes

No

4

Waste quantity

4.1

Waste quantity with regard to the term of the Record of proper waste management (Entsorgungsnachweis)

5

Term applied for

5.1

From

Date

Day

Month

Year

To

Date

Day

Month

Year

6 Declaration of responsibility

6.1 We certify that the information provided in this Declaration of Responsibility is correct. We will only provide waste for disposal that conforms to the information in the Declaration of Responsibility.

Waste producer's legally binding signature

Authorised person's legally binding signature

6.2

Place

Date

Day

Month

Year

*) Checking number

[S. 2314]

Declaration Analysis (DA - *Deklarationsanalyse*)

Page 1

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

To be completed by the waste producer / waste collector, in co-operation with the waste manager.

No. / PZ*)

(not to be completed by applicant)

Declaration Analysis for the Record of proper waste management (Entsorgungsnachweis) / SN

Part of declarations of proper waste management

Initial completion

Change / addition

Additional information

The information provided must include the parameters and concentrations that characterise the waste, the type of sampling conducted, sampling records and the analysis procedures used, where such information is required to prove proper waste management.

*) Checking number

[S. 2315]

Attachment sheet for

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

No. / PZ*)

(not to be completed by applicant)

Additional information

*) Checking number

[S. 2316]

Declaration of Acceptance (*Annahmeerklärung*)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

To be completed by the waste manager

Complete or check as appropriate!

No. / PZ*)

(not to be completed by applicant)

Declaration of Acceptance

Complete only when used as a registry cover sheet

Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

Waste code

Waste designation

1

Information about the waste manager

1.1

Company / corporation

1.2

Street

Number

Postal code

City

1.3

Waste-management facility

2.1

Chemical-physical treatment

Thermal treatment

Above-ground landfill

Below-ground landfill

Other disposal procedure

2.2

Disposal procedure (indicate procedure pursuant to Annex IIA or IIB of the KrW-/AbfG)

R or D

2.3

Designation of the waste-management facility

Waste manager number / PZ*)

Street

Number

2.4

Postal code

City

2.5

Contact person

2.6

Telephone

Telefax

2.7

E-mail address

2.9

The facility has been exempted pursuant to Article 7 NachwV:

Yes

Exemption number / PZ*)

3

Term of the Declaration of Acceptance

3.1

from

Date

Day

Month

Year

To
Date
Day
Month
Year

4

We certify that the information provided is correct. The facility is licensed for disposal of the declared waste. We certify that in our facility the waste will be properly stored, used for recovery safely and without damage or disposed of in a manner in keeping with the public interest. We agree to accept the declared waste.

Place

Date
Day
Month
Year

Waste manager's legally binding signature

*) Checking number

[S. 2317]

Official Confirmation (BB; *Behördenbestätigung*)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

To be completed by the authority responsible for the waste-management facility.

Complete or check as appropriate!

No. / PZ*)

(not to be completed by applicant)

Official confirmation of the permissibility of waste disposal

Official exemption pursuant to Article 7 NachwV

1

Confirmation of the permissibility of waste disposal / exemption pursuant to Article NachwV

1.1

The permissibility of the planned disposal of the waste described in the Declaration of Responsibility, in the waste-management facility described in Declaration of Acceptance, is confirmed:

Yes

No

1.2

The waste-management facility described in the application for exemption pursuant to Article 7 NachwV is exempted, for acceptance of the waste named in the sheet attached to the application (waste code), from the obligation to only accept waste for which records must be kept and furnished (nachweispflichtige Abfälle) following confirmation of the Record of proper waste management (Entsorgungsnachweis) within the meaning of Article 5 NachwV.

The exemption is issued subject to revocation.

1.3

The confirmation / exemption is provided subject to the following auxiliary conditions:

1.4

The Record of proper waste management (Entsorgungsnachweis) / exemption is valid

from

Date

Day

Month

Year

To

Date

Day

Month

Year

1.5

Reason, if not confirmed, if limited to a term of less than five years, if issued subject to revocation or if issued with auxiliary conditions:

1.6

This confirmation is directed at the waste producer named in the Declaration of Responsibility (VE)

This confirmation is directed at the waste producer named in the Declaration of Acceptance (AE)

1.7

This official notification is subject to a fee. A separate fee notification shall be sent.

1.8

The attached instructions about available legal remedies are part of this notification.

File number

1.9

1.10

Place

Date

Day

Month

Year

Signature

*) Checking number

[S. 2318]

Cover Sheet for Application (DAN; *Deckblatt Antrag*)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

Complete or check as appropriate!

No. / PZ*)

(not to be completed by applicant)

Application for exemption pursuant to Article 7 NachwV

1

Information about the waste manager

1.1

Company / corporation

1.2

Street

Number

Postal code

City

1.3

2

Waste-management facility

2.1

Chemical-physical treatment

Thermal treatment

Above-ground landfill

Below-ground landfill

Other disposal procedure

2.2

Disposal procedure (indicate procedure pursuant to Annex IIA or IIB of the KrW-/AbfG)

R or D

2.3

Designation of the waste-management facility

Waste manager number / PZ*)

Street

Number

2.4

Postal code

City

2.5

Contact person

2.6

Telephone

Telefax

2.7

E-mail address

2.8

2.9

List and description of waste by nature, characteristics and quantity, pursuant to Article 7 NachwV, on a separate sheet, in keeping with the competent authority's instructions.

3

Application

3.1

We apply for the described facility to be exempted from the obligation to only accept waste for which records must be kept and furnished (nachweispflichtige Abfälle) following confirmation of the Record of proper waste management (Entsorgungsnachweis) within the meaning of Article 5 NachwV.

The waste codes assigned to the facility are listed on a separate sheet.

Place

Date

Day

Month

Year

Waste manager's legally binding signature

*) Checking number

[S. 2319]

Alignment mark for IT systems

Consignment note

Sheet 1

No. / PZ¹⁾

Document for proving proper management of waste

This copy (white) is to be signed by the waste transporter and added to the waste producer's registry.

Waste designation²⁾

Waste code²⁾

Number of record of proper waste management (Entsorgungsnachweis)

Amount in t

Waste producer number

Waste transporter number

Waste manager number

Date of handover (day, month, year)

Date of acceptance in handover (day, month, year)

Date of acceptance for waste management (day, month, year)

Motor-vehicle license number³⁾

Company name, address

Company name, address

Company name, address

Signature (as certification of proper declaration)

Signature (as certification of proper transport)

Signature (as certification of acceptance for proper management / disposal)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

For remarks / handover-certificate numbers (if a collective record of proper waste management is used)

Other companies involved in transport:

Transporter number (1st change of transporter)

Transporter number (2nd change of transporter)

Short-term storage / transfer

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Motor-vehicle license number³⁾

Motor-vehicle license number³⁾

Transporter (only company name, address)

Transporter (only company name, address)

Company name, address

Signature (as certification of further proper transport)

Signature (as certification of further proper transport)

Signature (as certification of proper storage)

1) Checking number

2) Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

3) Not applicable for transport other than motor-vehicle transport

[S. 2320]

Alignment mark for IT systems

Consignment note⁴⁾

Sheet 2

No. / PZ¹⁾

Document for proving proper management of waste

This copy (pink) is to be signed by the waste manager and the waste transporter and then sent, together with copy 3 (blue), to the authority responsible for him (the waste manager).

Waste designation²⁾

Waste code²⁾

Number of record of proper waste management (Entsorgungsnachweis)

Amount in t

Waste producer number

Waste transporter number

Waste manager number

Date of handover (day, month, year)

Date of acceptance in handover (day, month, year)

Date of acceptance for waste management (day, month, year)

Motor-vehicle license number³⁾

Company name, address

Company name, address

Company name, address

Signature (as certification of proper declaration)

Signature (as certification of proper transport)

Signature (as certification of acceptance for proper management / disposal)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

For remarks / handover-certificate numbers (if a collective record of proper waste management is used)

Other companies involved in transport:

Transporter number (1st change of transporter)

Transporter number (2nd change of transporter)

Short-term storage / transfer

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Motor-vehicle license number³⁾

Motor-vehicle license number³⁾

Transporter (only company name, address)

Transporter (only company name, address)

Company name, address

Signature (as certification of further proper transport)

Signature (as certification of further proper transport)

Signature (as certification of proper storage)

1) Checking number

2) Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

3) Not applicable for transport other than motor-vehicle transport

4) All shaded areas, lines, numerals and letters of the pink copy (sheet 2) of the form "Consignment note" (*Begleitschein*) should be printed in the colour HKS 12, if possible. The shaded areas must not exceed 60% of

the full-tone value. The consignment-note number, and the alignment mark for computer systems, should be printed in black. To allow for the scanning procedures commonly in use, the forms should weigh at least 80 g/m².

[S. 2321]

Alignment mark for IT systems

Consignment note

Sheet 3

No. / PZ¹⁾

Document for proving proper management of waste

This copy (blue) is to be signed by the waste manager and the waste transporter and then sent, together with copy 2 (pink), to the authority responsible for him (the waste manager).

Waste designation²⁾

Waste code²⁾

Number of record of proper waste management (Entsorgungsnachweis)

Amount in t

Waste producer number

Waste transporter number

Waste manager number

Date of handover (day, month, year)

Date of acceptance in handover (day, month, year)

Date of acceptance for waste management (day, month, year)

Motor-vehicle license number³⁾

Company name, address

Company name, address

Company name, address

Signature (as certification of proper declaration)

Signature (as certification of proper transport)

Signature (as certification of acceptance for proper management / disposal)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

For remarks / handover-certificate numbers (if a collective record of proper waste management is used)

Other companies involved in transport:

Transporter number (1st change of transporter)

Transporter number (2nd change of transporter)

Short-term storage / transfer

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Motor-vehicle license number³⁾

Motor-vehicle license number³⁾

Transporter (only company name, address)

Transporter (only company name, address)

Company name, address

Signature (as certification of further proper transport)

Signature (as certification of further proper transport)

Signature (as certification of proper storage)

1) Checking number

2) Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

3) Not applicable for transport other than motor-vehicle transport

[S. 2322]

Alignment mark for IT systems

Consignment note

Sheet 4

No. / PZ¹⁾

Document for proving proper management of waste

This copy (yellow) is to be signed by the waste manager and then added to the waste transporter's registry.

Waste designation²⁾

Waste code²⁾

Number of record of proper waste management (Entsorgungsnachweis)

Amount in t

Waste producer number

Waste transporter number

Waste manager number

Date of handover (day, month, year)

Date of acceptance in handover (day, month, year)

Date of acceptance for waste management (day, month, year)

Motor-vehicle license number³⁾

Company name, address

Company name, address

Company name, address

Signature (as certification of proper declaration)

Signature (as certification of proper transport)

Signature (as certification of acceptance for proper management / disposal)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

For remarks / handover-certificate numbers (if a collective record of proper waste management is used)

Other companies involved in transport:

Transporter number (1st change of transporter)

Transporter number (2nd change of transporter)

Short-term storage / transfer

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Motor-vehicle license number³⁾

Motor-vehicle license number³⁾

Transporter (only company name, address)

Transporter (only company name, address)

Company name, address

Signature (as certification of further proper transport)

Signature (as certification of further proper transport)

Signature (as certification of proper storage)

1) Checking number

2) Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

3) Not applicable for transport other than motor-vehicle transport

[S. 2323]

Alignment mark for IT systems

Consignment note

Sheet 5

No. / PZ¹⁾

Document for proving proper management of waste

This copy (old gold) is to be signed by the waste manager and the waste transporter and then sent to the waste producer.

Waste designation²⁾

Waste code²⁾

Number of record of proper waste management (Entsorgungsnachweis)

Amount in t

Waste producer number

Waste transporter number

Waste manager number

Date of handover (day, month, year)

Date of acceptance in handover (day, month, year)

Date of acceptance for waste management (day, month, year)

Motor-vehicle license number³⁾

Company name, address

Company name, address

Company name, address

Signature (as certification of proper declaration)

Signature (as certification of proper transport)

Signature (as certification of acceptance for proper management / disposal)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

For remarks / handover-certificate numbers (if a collective record of proper waste management is used)

Other companies involved in transport:

Transporter number (1st change of transporter)

Transporter number (2nd change of transporter)

Short-term storage / transfer

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Motor-vehicle license number³⁾

Motor-vehicle license number³⁾

Transporter (only company name, address)

Transporter (only company name, address)

Company name, address

Signature (as certification of further proper transport)

Signature (as certification of further proper transport)

Signature (as certification of proper storage)

¹⁾ Checking number

²⁾ Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

³⁾ Not applicable for transport other than motor-vehicle transport

[S. 2324]

Alignment mark for IT systems

Consignment note

Sheet 6

No. / PZ¹⁾

Document for proving proper management of waste

This copy (green) is to be signed by the waste transporter and added to the waste manager's registry.

Waste designation²⁾

Waste code²⁾

Number of record of proper waste management (Entsorgungsnachweis)

Amount in t

Waste producer number

Waste transporter number

Waste manager number

Date of handover (day, month, year)

Date of acceptance in handover (day, month, year)

Date of acceptance for waste management (day, month, year)

Motor-vehicle license number³⁾

Company name, address

Company name, address

Company name, address

Signature (as certification of proper declaration)

Signature (as certification of proper transport)

Signature (as certification of acceptance for proper management / disposal)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

For remarks / handover-certificate numbers (if a collective record of proper waste management is used)

Other companies involved in transport:

Transporter number (1st change of transporter)

Transporter number (2nd change of transporter)

Short-term storage / transfer

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Date of acceptance (day, month, year)

Motor-vehicle license number³⁾

Motor-vehicle license number³⁾

Transporter (only company name, address)

Transporter (only company name, address)

Company name, address

Signature (as certification of further proper transport)

Signature (as certification of further proper transport)

Signature (as certification of proper storage)

1) Checking number

2) Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

3) Not applicable for transport other than motor-vehicle transport

[S. 2325]

Alignment mark for IT systems

Handover certificate

Document for proving handover of waste

Sheet 1

No. / PZ¹⁾

Copy (white).

Waste designation²⁾

Waste code²⁾

Number of record of proper waste management (Entsorgungsnachweis)

Amount in t

Waste producer number (except for producers of small quantities)

Waste transporter number (handover from waste producer)

Waste manager number³⁾

Date of handover (day, month, year)

Date of acceptance in handover (day, month, year)

Date of acceptance (day, month, year)

Waste producer or waste transporter in cases of change of transporter

(Company name, address)

Waste transporter

(Company name, address)

Waste manager

(Company name, address)

Signature (as certification of proper declaration)

Signature (as certification of proper transport)

Signature (as certification of acceptance for proper management / disposal)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

For remarks

1) Checking number

2) Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

3) Only to be completed in the case of Article 16 (1) NachwV (direct delivery of small quantities to the waste manager)

[S. 2326]

Alignment mark for IT systems

Handover certificate

Document for proving handover of waste

Sheet 2

No. / PZ¹⁾

Copy (yellow).

Waste designation²⁾

Waste code²⁾

Number of record of proper waste management (Entsorgungsnachweis)

Amount in t

Waste producer number (except for producers of small quantities)

Waste transporter number (handover from waste producer)

Waste manager number³⁾

Date of handover (day, month, year)

Date of acceptance in handover (day, month, year)

Date of acceptance (day, month, year)

Waste producer or waste transporter in cases of change of transporter

(Company name, address)

Waste transporter

(Company name, address)

Waste manager

(Company name, address)

Signature (as certification of proper declaration)

Signature (as certification of proper transport)

Signature (as certification of acceptance for proper management / disposal)

[linker Rand]

If completed by hand, please print in capital letters in the numbered spaces!

For remarks

1) Checking number

2) Pursuant to the Ordinance on the European Waste Catalogue (Abfallverzeichnisverordnung (AVV))

3) Only to be completed in the case of Article 16 (1) NachwV (direct delivery of small quantities to the waste manager)

Annex 2

Waste pursuant to Article 9 (1) Sentence 2 and Article 9 (3)

a) List of waste pursuant to Article 9 (1) Sentence 2 and (3) Sentence 2

13 04 01 Bilge oils from inland navigation

13 04 02 Bilge oils from jetty sewers

13 04 03 Bilge oils from other navigation

16 06 01 Lead batteries

16 07 08 Wastes containing oil (from marine transport)

b) List of waste pursuant to Article 9 (3) Sentence 2

09 01 01 Water based developer and activator solutions

09 01 02 Water based offset plate developer solutions

09 01 04 Fixer solutions

09 01 05 Bleach solutions and bleach fixer solutions

09 01 11 Single-use cameras containing batteries that fall under 16 06 01, 16 06 02 or 16 06 03

12 01 06 waste machining oils containing halogens (not emulsioned)

12 01 07 Waste machining oils free of halogens (not emulsioned)

12 01 08 Waste machining emulsions containing halogens

12 01 09 Waste machining emulsions free of halogens

12 01 10 Synthetic machining oils

12 01 12 Spent waxes and fats

12 01 19 Readily biodegradable machining oils

13 01 04 Chlorinated emulsions

13 01 05 Non-chlorinated emulsions

13 01 09 Mineral-based chlorinated hydraulic oils

13 01 10 Mineral-based non-chlorinated hydraulic oils

13 01 11 Synthetic hydraulic oils

13 01 12 Readily biodegradable hydraulic oils

13 01 13 Other hydraulic oils

13 02 04 Mineral-based chlorinated machine, gear and lubricating oils

13 02 05 Mineral-based non-chlorinated machine, gear and lubricating oils

13 02 06 Synthetic machine, gear and lubricating oils

13 02 07 Readily biodegradable machine, gear and lubricating oils

13 02 08 Other machine, gear and lubricating oils

13 03 06 Mineral-based chlorinated insulating and heat-transmission oils, with the exception of those that fall under 13 03 01

13 03 07 Mineral-based non-chlorinated insulating and heat-transmission oils

-
- 13 03 08 Synthetic insulating and heat-transmission oils
 - 13 03 09 Readily biodegradable insulating and heat-transmission oils
 - 13 03 10 Other insulating and heat-transmission oils
 - 13 05 01 Solids from grit chambers and oil/water separators
 - 13 05 02 Oil/water separator sludges
 - 13 05 03 Interceptor sludges
 - 13 05 06 Oils from oil/water separators
 - 13 05 07 Oily water from oil/water separators
 - 13 05 08 Mixtures of wastes from grit chambers and oil/water separators
 - 13 07 01 Fuel oil and diesel
 - 13 07 02 Petrol
 - 16 01 07 Oil filters
 - 16 01 11 Brake pads containing asbestos
 - 16 01 13 Brake fluids
 - 16 01 14 Antifreezes that contain hazardous substances
 - 16 06 02 Ni-Cd batteries
 - 16 06 03 Mercury dry cells
 - 17 06 01 Insulation materials containing asbestos
 - 17 06 05 Construction materials containing asbestos
 - 18 01 02 Wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
 - 18 01 03 Other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
 - 18 01 10 Wastes of dental amalgam from dentists
 - 20 01 17 Photo chemicals
 - 20 01 21 Fluorescent tubes and other mercury-containing waste
 - 20 01 33 Batteries and capacitors stated under 16 06 01, 16 06 02 or 16 06 03, and unsorted batteries and capacitors containing such batteries

Annex 3

Requirements pertaining to structured messages / interfaces pursuant to Article 18 (1)

This Annex contains the requirements for the structured messages and interfaces, pursuant to Article 18 (1) Sentence 1 (electronic forms), that are to be used in cases, as regulated by the Ordinance, involving keeping and furnishing of records, submission of notifications, creation and administration of registries, exemption, and transmission of other information required in the framework of proper keeping and furnishing of records and proof.

1. General requirements

- The electronic forms contain the information required, pursuant to the Ordinance, especially in conjunction with Annex 1, for keeping and furnishing of records, submission of notifications, creation and administration of registries, exemption, and transmission of other information required in the framework of proper keeping and furnishing of records and proof.
- The electronic forms are defined in keeping with the pertinent state of the art, on the basis of the XML (Extensible Markup Language) descriptive language, and are provided with the relevant XML schemes.
- In the cases defined pursuant to Article 19 (1), qualified electronic signatures are integrated within electronic forms as XML signatures, in conformance with the XML-DSig IETF W3C standard, as well as in conformance with additional relevant and significant standards.
- Encryption of individual fields within an electronic forms (element-level encryption) is not permitted, notwithstanding the definition of W3C-standard encryptions at the element level for XML-based documents.
- For easier integration in existing background systems, the electronic forms have integrated length restrictions for their individual fields (spaces), as well as field-type definitions and mandatory fields that are controlled via the provided XML schemes.
- In the cases regulated by Article 19 (1), the qualified electronic signature includes the information that must be provided in writing when the forms pursuant to Annex 1 are used.

2. Special requirements

a) The record of proper waste management / collective record of proper waste management (Articles 3, 9), an aggregation, comprises the information in the forms

- Cover sheet for records of proper waste management (DEN; *Deckblatt Entsorgungsnachweise*),
- Declaration of Responsibility (VE; *Verantwortliche Erklärung*),
- Declaration Analysis (DA; *Deklarationsanalyse*),
- Declaration of Acceptance (AE; *Annahmeerklärung*),
- Official Confirmation (BB; *Behördenbestätigung*),

aa) In declarations of proof (Article 3 (1)), detected errors may be corrected if a qualified electronic signature is used to show who made the correction and if the original declaration remains legible. In cases of changes pursuant to Sentence 1, the procedure specified for changing consignment notes, pursuant to letter c, is to be used *mutatis mutandis* (layer technology). Other regulations may be issued

with regard to other changes in records of proper waste management and in declarations of proof, during the validity periods of such records and declarations.

bb) The declaration analysis, and other required annexes, must be included, as data containers, within the record of proper waste management, within that record's own data structure. Notwithstanding the general requirements pursuant to Number 1, the declaration analysis, and other required annexes, may be transmitted in formats other than XML. Where other formats are used, only formats that the competent authority can read and process may be used; such formats especially include Microsoft Word, Adobe PDF, TIFF, RTF and Open Office.

b) Where records of proper waste management / collective records of proper waste management are kept and furnished without authorities' confirmation (Article 7), the requirements pursuant to letter a shall apply *mutatis mutandis*.

c) The requirement to use consignment notes in the form of sets of multiple copies, for production of carbon copies (Article 11 (1) Sentence 2), is fulfilled electronically as follows:

The various "copies" are shown as individual views, each of which contains a valid representation of form data (layer technology).

A specially marked page of the underlying electronic form (base layer) is created when form data is first entered, including cases in which a qualified electronic signature is attached. The base layer constitutes the first view.

Changes and additions to individual information items are always entered as separate views (following views), in their own separate layers (change layers); each such layer refers only to the previous layer (reference layer).

In each case, changes are superimposed over the relevant information in the reference layer. Additions expand the reference layer, so that it includes additional information. In each case, the information in a change layer, together with the data in the underlying reference layer, constitutes the valid representation of the electronic form for the relevant view.

In each case, a qualified electronic signature is included as an addition to the relevant layer assigned to the view in question.

The chain of reference layers, beginning with the base layer, shows the chronological sequence of all changes and additions made.

- In each case, the qualified electronic signature of a party obligated to submit a declaration covers both the party's declaration and the party's awareness of the pertinent original information.
- Additional changes (change layers) may be included in a consignment note as necessary.

d) The requirements pursuant to letter c apply *mutatis mutandis* to use of handover certificates.

e) A registry of waste for which no records are kept (Article 24 (4) through (7)) comprises, as an aggregation for submission to the competent authority, the information in the forms specified in No. 5 of Annex 1:

- Cover sheet for records of proper waste management (DEN; *Deckblatt Entsorgungsnachweise*),
- Declaration of Responsibility (VE; *Verantwortliche Erklärung*),
- Declaration of Acceptance (AE; *Annahmeerklärung*),
- Consignment note.

f) An application for exemption (Article 7) comprises, as an aggregation, the information in the following forms:

- Cover Sheet for Application (DAN; *Deckblatt Antrag*),
- Declaration of Acceptance (AE; *Annahmeerklärung*),
- Official Confirmation (BB; *Behördenbestätigung*).

g) The receipt confirmation includes the required information pursuant to Article 4 of the Ordinance on Waste Recovery and Disposal Records (*Nachweisverordnung*), especially the relevant date of receipt.