

CORRESPONDENTS' GUIDELINES No 2

Subject: Information on imports into the Community of waste generated by armed forces or relief organisations according to Article 1(3)(g) of Regulation (EC) No 1013/2006 on shipments of waste

These correspondents' guidelines represent the common understanding of all Member States on how Regulation (EC) No 1013/2006 on shipments of waste should be interpreted. The guidelines were agreed by the correspondents through written procedure on *[insert date of agreement]*. They are not legally binding. The binding interpretation of Community law is the exclusive competence of the European Court of Justice. The guidelines apply from 12 July 2007 and should be reviewed at the latest five years from the above date and, if necessary, revised.

Pursuant to Article 1(3)(g) of Regulation (EC) No 1013/2006 on shipments of waste, any competent authority of transit and the competent authority of destination in the Community *shall be informed in advance concerning a waste shipment and its destination* in case of imports into the Community of waste generated by armed forces or relief organisations in certain situations.

It is unclear which information is to be provided according to Article 1(3)(g). There is a need to seek to achieve a Community-wide approach in order to ensure that different competent authorities in Member States require the same information. An example is the situation of imports of waste generated by armed forces e.g. by road from Kosovo via Bosnia and Herzegovina, Croatia, Slovenia and Austria to Germany. The information to be provided should serve two purposes, namely to receive sufficient information in case inspections of establishments or undertakings which treat such waste are carried out (cf. Article 13 of Directive 2006/12/EC on waste) and to be able to fulfil the reporting requirements of the Basel Convention (for this purpose, the information in boxes No 3, 4, 7, 9, without OECD and EC code, and 10 of the attached document is necessary).

As a common understanding of the correspondents it was agreed to recommend that the information set out in the document in the Annex should be provided, to the extent possible in advance of the shipment (with regard to providing the actual quantity, see also footnote in the annex). If it is not possible to provide the full information in advance, e.g. in cases of urgency, only the fact that a shipment will take place (including date of shipment) and the first place of destination (the disposal or recovery facility or, if not known at the time of the shipment, e. g. a military area or an airport) should be given in advance. It is recommended that the information is provided using the attached document in due time after arrival in the disposal or recovery facility or, if not known at the time of the shipment, before the waste is moved from the first place of destination.

In urgent cases where the disposal or recovery facility is not known at the time of the shipment, the competent authority responsible for the area of the first place of destination (e.g. a military area or an airport) should be informed. In addition, only one competent authority in a country should be informed in urgent cases, e.g. the competent authority of transit which would then inform the competent authority of destination.

With regard to the format of the communication, post, fax or e-mail may be used.

In addition to sending the information in advance to competent authorities, the information sent should also accompany the shipment. In case of checks on shipments it would then be clear to the authorities that the shipment concerns waste for which Article 1(3)(g) applies.

