

Transfrontier Shipment of Waste

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1 Introduction

In the 1970s initial bottlenecks appeared in the disposal of hazardous waste. So called "toxic waste scandals" occurred because no sufficient waste disposal capacities for hazardous waste were available. This led to substantial cost increases in the disposal of such waste and also resulted in illegal disposal at home and abroad. Then in 1976 in Italy a chemical accident occurred, which had a substantial influence on the development of the regulatory framework for transboundary shipments of waste. The malfunction of a chemical reactor for the manufacture of hexachlorophene led to the release of a huge amount of polychlorinated dibenzo-p-dioxins (PCDD). For the highly contaminated waste from this accident no adequate disposal possibility could be found in subsequent years.

In 1982 the hazardous waste resulting from the accident was packed into 41 barrels, transported off without any controls and "disappeared", until the barrels were found in France after more than six months of intensive search. The media interest this case triggered, and the search for the waste in different countries, including Germany, made the risks and problems of an insufficiently controlled transfrontier shipment of waste crystal clear to the interested public. The arising demands for regulation of transfrontier waste shipments were reinforced, and obtained a global dimension, by cases of export from industrial countries into developing countries which occurred in the 1980s.

In the EU, the "roving" barrels with dioxin containing waste led to the issue of Directive 84/631/EEC¹, based on the internal market competence of Article 95 EC Treaty (formerly, Art. 100a). This Directive remained however relatively ineffective. Therefore, the EC Waste Shipment Regulation No 259/93 (EC-WSR-259/93) issued in 1993 was already based on the environmental protection competence of Article 175 EC Treaty (formerly, Art. 130s).

Also beyond the EU long years of world-wide effort to control transfrontier shipments of waste, especially waste exports from industrialised countries to developing countries, led to the establishment of a comprehensive regulatory system², comprised of international, European and national laws that are often revised and modified. When looking into the details or dealing with individual cases, this regulatory system turns out to be a very complex and difficult-to-comprehend maze of regulations. These regulations are in particular:

- Basel Convention of March 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal³,

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- OECD Council Decision C(2001)107 on the Control of Transboundary Movements of Wastes Destined for Recovery Operations⁴,
- Regulation (EC) No 1013/2006 on Shipments of Waste (WSR)⁵,
- Regulation (EC) No 1418/2007 on shipments of "green wastes" to countries to which the OECD Decision does not apply⁶,
- Act Implementing the Basel Convention (Ger.)⁷,
- Basel Amendment Act (Ger.) of January 2002⁸ and Ordinance Amending Annexes to the Basel Convention⁹,
- Waste Shipment Act (Ger.)¹⁰ of July 2007.

This regulatory framework appears not to be transparent; however these rules have to be followed. In addition, the following regulations as particularly pertaining to waste definition and classification are significant on European level:

- EC Waste Framework Directive (WFD)¹¹ and
- Decision of the Commission on the Waste List (EWL)¹².

The Federal Republic of Germany is Party to the Basel Convention and the OECD as well as a Member State of the European Union. Therefore, it is obliged to implement the provisions of the Basel Convention and the OECD Council Decision as well as the EC provisions on transfrontier waste shipments.

The EC-WSR-259/93 of 1993 already had a certain "pooling" function, since it transposed in particular the regulations of the Basel Convention and the OECD Decision into directly applicable EU law. After many years of discussions¹³ in mid-2007 the EC-WSR-259/93 was replaced by Regulation (EC) No 1013/2006 on Shipments of Waste (WSR).

The WSR, which is applicable as of 12 July 2007, pursues the following goals in particular:

- Global harmonisation of regulations on the transfrontier shipment of waste,
- Transposition of Decision C(2001)107 of the OECD Council regarding the transboundary movement of waste for recovery into Community law,
- Improvements on the basis of the experiences with the application of EC-WSR-259/93,
- Simplification of the regulations - particularly concerning notification procedures - by a clearer structure.

The WSR retained the basic idea of EC-WSR-259/93 that certain procedures have to be followed in the transfrontier shipment of waste, depending on which type of waste is shipped into which destination country and how the waste is managed in the country of destination (recovery or disposal).

Despite the Commission's opposition, the WSR, as well, is based solely on the environmental protection competence, which in the first recital of the WSR is expressed as follows:

"The main and predominant objective and component of this regulation is the protection of the environment; its effects on international trade being only incidental."

2 Waste Shipment Regulation

The regulatory framework for waste shipments enforced in Germany is based on the WSR, which is applied in all Member States of the European Union and which in turn was established on the basis of the Basel Convention as well as the OECD-Council Decision on the control of transboundary movements of wastes.

The Basel Convention was adopted on 22 March 1989 and entered into force on 9 May 1992 with the objective of restricting shipments of hazardous wastes to developing countries. Parallel to the Basel Convention, a notification system for the notifying, identifying and control of transfrontier shipments of wastes for recovery was established by the OECD for the OECD countries. These two regulatory systems are presented in the following.

2.1 Basel Convention

The Basel Convention is based upon the Cairo Guidelines¹⁴, issued on 1 December 1985 by UNEP (United Nations Environment Program). They were the first milestone in the establishment of a regulatory system for world-wide supervision and control of transfrontier shipments of wastes. In the subsequent development of the Basel Convention, preliminary work done by the OECD was utilised, for example concerning disposal methods or categories of wastes and waste constituents.

2.1.1 Regulations of the Basel Convention

The Basel Convention, which was adopted on 22 March 1989 in Basel, contains the first outlines of a global "waste management convention", such as the principle of waste disposal at the site of generation, giving priority to measures aimed at reducing the volumes of waste and the task of formulating general principles for an environmentally sound system of waste disposal which is applicable globally.

The following provisions form the core of the Convention:

- The import, export and shipment of hazardous waste for the purpose of disposal is only permitted providing all the participating states have been informed beforehand and have consented to the shipment.
- Transportation to "non-party states" is not permitted unless bi- or multilateral regulations whose contents corresponds to the requirements of the Basel Convention are in place.
- The exporter or, alternatively, the state from which the waste originates is responsible for compliance with the Convention and, if necessary, obligated to take back the waste. This obligation applies in particular to waste which is "illegally transported".

The adoption of these provisions did not end the discussions as to which waste types should be allowed to be exported, particularly from developed countries. This debate continued to play an important role at the Conferences of the Parties and initially led to a non-binding political decision of the 2nd Conference of the Parties (Decision II/12 on the "total ban") to extend the export ban to certain hazardous wastes destined for recovery.

Decision III/1 of the 3rd Conference of the Parties (COP 3), which took place at the end of September 1995 in Geneva, confirmed this extended export ban and contained at the same time an amendment to the Basel Convention requiring ratification. This amendment comprised the inclusion of a preamble, a new Art. 4a as well as a new Annex VII, which introduced a general ban on the shipment of hazardous wastes from states listed in Annex VII to the Basel Convention^{*)} to states not listed therein. Decision III/1 applies to wastes destined for disposal as well as to wastes destined for recovery. However, to be effective at international level, it has yet to be ratified by an appropriate number^{*)} of the Parties to the Basel Convention.

^{*)} which includes Lichtenstein as well as the OECD and EU Member States

^{*)} depending on the interpretation of the law either 2/3 of the Parties of that time (COP 3) or 2/3 of the Parties at the present time (so the opinion of the UN lawyers) – however, a successful completion of the ratification process is not currently foreseeable either by the one or the other procedure. For information on the status of ratification see: <http://www.basel.int/ratif/ban-alpha.htm>

Independent of this fact, Art. 36 WSR prohibits exports of hazardous wastes destined for recovery from EU Member States in countries to which the OECD Decision does not apply. Annex V of the same regulation offers a closer description of the hazardous wastes covered by this export ban; it also describes the wastes which do not fall under this export ban (non-hazardous wastes). The above-mentioned Annex VII to the Basel Convention was factually extended to include 12 new Member States of the EU, although this will not acquire importance under international law until the export prohibition enters into force.

The Basel Convention Amendment Act (Ger.) of January 2002 established the constitutional conditions for the ratification of the export prohibition by Germany. Immediately after issue of this act Germany ratified the export prohibition.

2.1.2 Definition of hazardous wastes within the Basel Convention

The Basel Convention offers only an unclear definition of the term 'hazardous waste'. According to Art. 1 the following wastes are "hazardous wastes":

- Wastes that belong to any category contained in Annex I unless they do not possess any of the characteristics contained in Annex III, and
- Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

This general definition on the basis of the waste streams and constituents specified in Annex I, in combination with the hazardous characteristics in Annex III, contributed to the emergence of different interpretations of the definition of hazardous waste. The implementation of the total export ban on hazardous wastes makes an exact and globally valid definition of the term hazardous waste absolutely necessary.

Therefore COP 4 decided to incorporate new waste lists as new annexes VIII and IX into the Basel Convention. Since these were included via a modification of Annex I, a formal ratification by the Parties was not necessary. The Basel waste lists

- List A, Annex VIII of the Basel Convention (waste classified as hazardous) and
- List B, Annex IX of the Basel Convention (waste not classified as hazardous),

each complemented by some waste types from the old OECD waste list system^{*)} which are not listed in the Basel waste lists, and with some deviations regarding the application of certain waste codes, were incorporated as waste lists into the revised OECD Decision from the year 2001. These waste lists (Green and Amber waste lists) in turn were incorporated as waste lists into the WSR (as Annexes III and IV).

2.1.3 Work priorities under the Basel Convention

The most important issues discussed at COP 5 in December 1999 in Basel were the adoption of a political declaration ("Basel Declaration on Environmentally Sound Management") and the decision regarding the liability protocol. The Basel Declaration comprises a 10-year agenda and places emphasis on practical environmental protection, e.g. promoting the development of environmentally friendly production and disposal plants, particularly in developing countries. In the following years, work focused on the development of partnership programmes with non-governmental organisations (NGO's) as well as the development of technical guidelines.

During COP 5 a Mobile Phone Partnership Initiative (MPPI) for environmentally sound management of used and end-of-life mobile phones was suggested, the first concrete world-wide Public Private

^{*)} from the Green, Amber and Red Waste Lists of OECD Decision C(92)39/final of 1992

Partnership (PPP). In December 2002, during COP 6, the world's main mobile phone manufacturers signed a declaration concerning the partnership for environmentally sound management of used and end-of-life mobile phones. Guidelines concerning the design, collection, transfrontier shipment, repair, refurbishment, recovery and disposal of mobile phones have been developed from that time up to COP 8 by working groups consisting of government representatives and NGO's.

During COP 7 and COP 8 technical guidelines on the environmentally sound management of waste containing persistent organic pollutants (POP) were developed and agreed. Furthermore at COP 8 in November 2006 in Nairobi an emphasis was put on the development of an initiative for environmentally sound management of electrical and electronic scrap.

2.1.3.1 Basel Protocol – Liability Protocol for Environmental Damages

One significant outcome of COP 5 is the adoption of the "Basel Protocol" following eight years of difficult negotiations. This Protocol of Liability to the Basel Convention secures the implementation of and regulates compensation claims for environmental damages world-wide due to transboundary waste shipments.

OECD countries are exempted from applying the Protocol of Liability for environmental damages in their countries caused during transboundary waste shipments between OECD states. Consequently, the OECD states did not need to amend their already existent regulations on liability to apply globally.

The Basel Protocol is the first liability regime in the environment sector worldwide and can be acknowledged as an immense success in international environmental protection. The next important steps include the signing and ratification of the Protocol, which requires 20 ratifications^{*)} to enter into force.

2.1.3.2 Initiative for Environmentally Sound Management of Electrical and Electronic Waste

Globally, 20 to 50 million tonnes of electrical and electronic scrap result are generated each year. Many electronic devices contain hazardous pollutants such as lead, cadmium and brominated flame retardants. The export of electrical and electronic scrap under the label of reuse in the importing country, which often is not possible, currently presents a large problem. The most serious problem is the processing of electrical and electronic scrap in ways that are not environmentally sound and pose a risk to health.

Against this background, a "World Forum on E-waste" took place on 30 November 2006 in Nairobi as part of COP 8 to discuss innovative solutions for the environmentally sound management of used and end-of-life electrical and electronic devices. As a result, decisions and a Ministerial Declaration were adopted, which stresses *inter alia* that the prohibition on exports of hazardous electrical and electronic waste from industrialised countries into developing countries has to be implemented more effectively. World-wide, devices free of hazardous substances shall be developed, and electrical and electronic waste is to be collected separately and disposed of in an environmentally sound way. In addition the take-back of old devices by the manufacturers shall be expanded world-wide.

2.1.3.3 Partnership Acting on Computing Equipment

The Partnership for Action on Computing Equipment (PACE) was launched in 2008 by the ninth meeting of the Conference of the Parties to the Basel Convention, which took place in Bali, Indonesia. PACE was developed as a multi-stakeholder public-private partnership that provides a forum for

^{*)} status of ratifications see: <http://www.basel.int/ratif/protocol.htm>

representatives of personal computer manufacturers, recyclers, international organizations, associations, academia, environmental groups and governments to tackle environmentally sound refurbishment, repair, material recovery, recycling and disposal of used and end-of-life computing equipment.

In the framework of PACE guidelines on re-use, refurbishment and repair, environmentally sound material recovery and recycling of used computing equipment have been developed. The guidelines on environmentally sound testing, refurbishment and recycling of used computing equipment and the guideline on environmentally sound material recovery and recycling of end-of-life computing equipment were field tested to take into account practical experiences of private companies that agreed to evaluate these two guidelines and to provide recommendations for revisions.

The Secretariat and the Parties are invited to conduct further work e.g. pilot projects on collection and management of used and end-of-life computing equipment. The guidance on procedures for transboundary movement of used and end-of-life computing equipment was not approved. It shall be adjusted in light of technical guidelines on transboundary movements of used electronic and electrical equipment and e-waste.

2.1.3.4 Guidelines on POP-containing Waste

COP 7 to the Basel Convention in October 2004 in Geneva adopted two technical guidelines on the environmentally sound management of waste containing POPs (a general guideline concerning all POPs as well as a special guideline dealing with PCB, PCT and PBB). At COP8, which took place at the end of 2006 in Nairobi, these guidelines were updated and three further guidelines on waste containing POPs such as pesticides, hexachlorobenzene, DDT as well as polychlorinated dioxins and furans were adopted.

The general guideline contains limit values for POP content above which the POPs in waste have to be destroyed in principle (low POP content):

- polychlorinated biphenyls (PCB): 50 mg/kg
- polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF): 15 µg TEQ/kg
- other POPs (aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex and toxaphen): 50 mg/kg each

The list of POPs has been enlarged by including new POPs in the Annexes of Stockholm Convention by decisions of COP 4 in May 2009 and COP5 in May 2011 as follows:

- the pesticides chlordecone, alpha hexachlorocyclohexane, beta hexachlorocyclohexane, lindane, and pentachlorobenzene;
- the industrial chemicals hexabromobiphenyl, tetra-, penta-, hexa- and heptabromodiphenyl ether, pentachlorobenzene, perfluorooctane sulfonic acid (PFOS), its salts, perfluorooctane sulfonyl fluoride;
- the by-products alpha hexachlorocyclohexane, beta hexachlorocyclohexane and pentachlorobenzene; and
- endosulfane

In the framework of Basel Convention the existing guidelines have to be updated and concerning PFOS and pentabromodiphenyl ether (PBDE) new guidelines have to be developed. The adoption of the guidelines is estimated for COP 12 in 2015.

2.1.4 Bilateral Agreements in accordance with Article 11 of the Basel Convention

The Basel Convention prohibits the transfrontier shipment of wastes to or from non-Parties (Article 4 Para 5). However, Article 11 of the Basel Convention allows Parties to enter into bilateral agreements on transfrontier waste shipments with non-Party states, on the condition that environmentally sound waste management as required by the Basel Convention is carried out.

The only remaining bilateral agreement of Germany pursuant to Article 11 of the Basel Convention, after Afghanistan has ratified Basel Convention in 2013, is the one with the UN/KFOR – UN administration in Kosovo (import of waste from KFOR military activities into Germany). Shipments of waste are subject both to the provisions of the EC Waste Shipment Regulation and to the national laws of the individual state.

2.2 OECD Council Decision

In addition to the above agreements, there is a multilateral agreement based on Article 11 of the Basel Convention through which the OECD Council in May 1992 regulated transboundary movements of wastes destined for recovery operations to or from OECD states. This OECD-Council Decision, together with other Council decisions, constitutes a multilateral agreement pursuant to Article 11 Para 2 of the Basel Convention. The fundamentally revised OECD Decision of 2001 [C(2001)107/final] was transposed into EU law by the WSR.

Unlike the Basel Convention, the OECD-Council Decision only contains stipulations relating to shipments of wastes destined for recovery, not for disposal. On the other hand, the Decision applies not only to hazardous wastes, but to all types of wastes. In addition the OECD Decision contains more concrete provisions, including in particular concerning the deadlines of the notification procedure.

2.3 Waste Shipment Act (Ger.)

The Waste Shipment Act (Ger.) contains the legal provisions necessary for the implementation of the Basel Convention and simultaneously makes necessary additions to the WSR, such as supplementary provisions governing in particular compulsory re-importing, the financial guarantee, the establishment of a focal point, exchange of data, as well as provisions concerning penalties and fines.

2.4 Regulation on Shipments of Waste

The Regulation of the European Parliament and of the Council on shipments of waste (WSR) fully transposes the procedural rules of the Basel Convention and the OECD Decision into directly applicable law of the EU. The WSR contains a ban on exports of waste for disposal outside the European Union with the exception of the export in countries which belong to European Free Trade Association (Island, Norway, Switzerland and Liechtenstein) and are Party to the Basel Convention. Pursuant to Article 36 in conjunction with Annex V, the WSR in addition prohibits all exports of hazardous waste for recovery to countries to which the OECD Decision does not apply.

The provisions of the WSR aim to ensure proper transfrontier shipment of waste as well as an environmentally sound disposal of waste not posing a risk to health. Environment and health risks shall be prevented and developing countries protected against imports of waste.

2.4.1 Scope of Application and Requirements

The WSR is applicable to all waste excluding the exceptions as specified in Art. 1 Para 3 of the WSR, which are not subject to the control procedures of the WSR on the basis of special regulations, applicably, where already covered by other Community legislation containing similar conditions apply.

A newly added exception applies to the import of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping operations. This introduces facilitations for the import of waste generated abroad on missions of the German Federal Armed Forces, for example.

To ensure a as much as possible nationwide uniform application of the regulations the Federation/Federal States Working Party on Waste (LAGA) has issued a guide¹⁵ covering the stipulations of WSR and Waste Shipment Act (Ger.).

The WSR applies to wastes as defined in the Waste Framework Directive. Consequently, the WSR is applicable only to materials to which this definition applies. The differentiation between waste and products is therefore very important. Some guidance for this differentiation is provided by a paper produced within the framework of the OECD¹⁶, a Communication from the Commission to the Council and the European Parliament¹⁷ as well as a paper developed by German federal and federal state governments concerning waste definition, waste recovery and waste disposal¹⁸. For waste electrical and electronic equipment the WEEE Directive contains specific regulations¹⁹.

Where a competent authority does not classify a material as waste, Article 28 No. 1 WSR provides that it nevertheless has to treat it as waste and apply the WSR if another, foreign authority involved in the shipment classifies the material as waste.

The wastes are classified by a two-list-system supplemented by OECD and implemented in European law with the WSR:

- Green List (Annexes III, IIIA and IIIB of WSR – based on Annex IX of Basel Convention and supplemented by OECD and EU),
- Amber List (Annexes IV and IVA of WSR – based on Annex VIII of Basel Convention and supplemented by OECD).

The classification in the lists is based on substances by applying a risk based approach. Mentioning of waste sources only gives additional indications²⁰. The wastes are classified according to their constituents (substances) as metal wastes, metal containing wastes, wastes containing principally inorganic constituents, wastes containing principally organic constituents and wastes which may contain either inorganic or organic constituents.

Depending on the intended management method and the classification of the waste, a transfrontier waste shipment is subject either to the procedure of prior written notification and consent by the authority or to general information requirements. Subject to the general information requirements are shipments of:

- waste for recovery listed in Annexes III or IIIB, as well as non-hazardous waste mixtures listed in Annex IIIA when shipped in amounts of more than 20 kg, and
- waste destined for laboratory analysis up to a maximum of 25 kg.

Such shipments have to be accompanied by a form (consignment information) in accordance with Annex VII (see Fig. 2).

However shipments of waste specified in Annexes III, IIIA or IIIB into certain new EU Member States are subject to time-limited exceptions pursuant to Article 63 WSR which require consent for the shipment of "Green Waste". In addition, the exceptions existing for third countries have to be observed.

If an authority involved does not regard a waste as being listed in Annexes III, IIIA, and/or IIIB and therefore regards transfrontier shipments as requiring notification, the other competent authorities must also treat the waste as notifiable, in accordance with Article 28 No. 2 WSR.

Tables 1 and 2 give an overview of further substantial provisions of the WSR. Where a notification duty based on WSR and the Waste Shipment Act (Ger.) exists, shipments between the Member States of the EU, imports into the EU and exports from the EU into third countries are subject to the procedure of prior written notification and consent. In this connection the competent authority of dispatch, if necessary the competent authority (ies) of transit and the competent authority of destination cooperate in order to settle the modalities of the waste shipment.

Table 1: Regulatory Areas of the EC Waste Shipment Regulation for Shipments within, into and through the EU

Transfrontier shipment	within the EU Articles 3 to 17	import into the EU Articles 41 to 46	transit through the EU, Articles 47/48
Waste for recovery Annexes III, IIIA and IIIB ≤ 20 kg	free movement Art. 3 (2)	free movement Art. 3 (2)	free movement Art. 3 (2)
Waste for recovery Annexes III, IIIA and IIIB > 20 kg	information requirements Art. 18	information requirements Art. 18	information requirements Art. 18
Waste for recovery Annexes IV und IVA	permitted notification according to Articles 4 to 17	prohibited, with exceptions ^{*)} notification according to Articles 43 to 46	permitted notification according to Art. 48
Waste for laboratory analysis ≤ 25 kg	information requirements Art. 3 (4), Art. 18	information requirements Art. 3 (4), Art. 18	information requirements Art. 3 (4), Art.18
Waste for disposal	permitted notification according to Art. 4 to 17	prohibited, with exceptions ^{*)} notification according to Articles 41 and 42	permitted notification according to Art. 47

♦) the import from countries to which the OECD Decision applies, Parties to the Basel Convention and countries with which bilateral agreement exist is permitted

*) the import from Parties to the Basel Convention and countries with which bilateral agreements exist is permitted

Illegal waste shipments or legal waste shipments which cannot be completed within the country of destination must be returned by the generator/producer or the notifying person. This party must bear the costs for the return shipment and the environmentally sound disposal of the wastes within the country of dispatch.

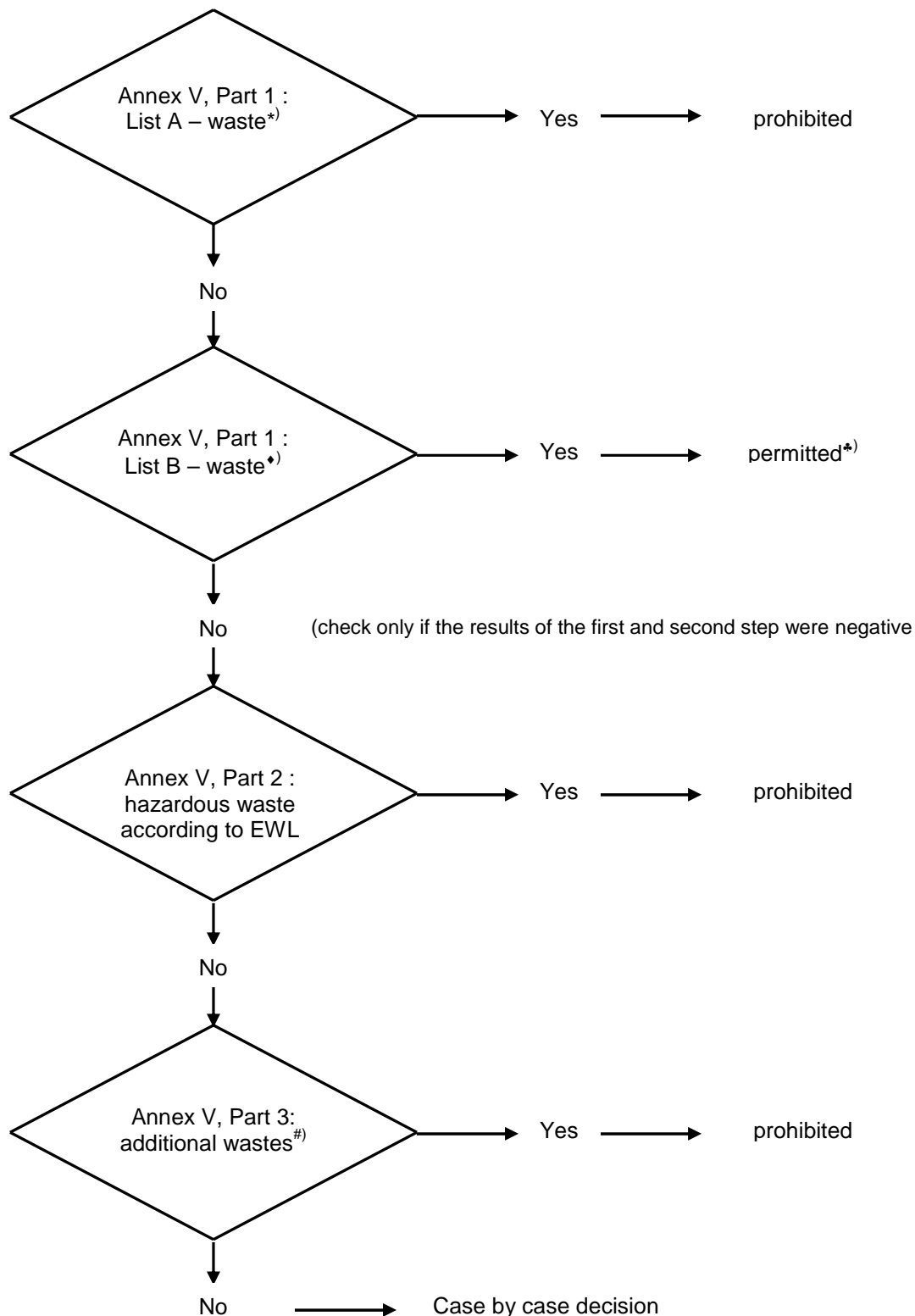
2.4.1.1 Export and Import of Waste destined for Disposal

EU Member States are allowed to export waste for disposal only into other EU Member States and in EFTA countries which are Parties to the Basel Convention.

Likewise, the import of waste for disposal into the EU is only permitted from states which are Parties to the Basel Convention, members of EFTA and Parties to the Basel Convention, or with which the EU or individual Member States has or have concluded bilateral or multi-lateral agreements or arrangements.

2.4.1.2 Export and Import of Waste destined for Recovery

The export and import of hazardous waste for recovery from or into the EU are likewise prohibited depending on the third country involved. The export for recovery of hazardous waste listed in Annex V of the WSR from the EU into countries to which the OECD Decision does not apply is prohibited (cf. Fig. 1).

Figure 1: Decision Tree for the Export Prohibition for Hazardous Wastes Listed in Annex V of WSR

*) hazardous waste listed in Annex VIII to the Basel Convention

♦) non hazardous waste listed in Annex IX to the Basel Convention

*) taking into account export prohibitions and authorisation requirements laid down in Commission Regulation (EC) No 801/2007, including corrections and amendments

#) Y46, Y47, AA010, AA060, AA190, AB030, AB070, AB120, AB150, AC060, AC070, AC080, AC150, AC160, AC170, AD090, AD100, AD120, AD150, RB020

The import of waste for recovery into the EU from countries to which the OECD Decision applies, which are a Party to the Basel Convention and countries with bilateral agreement is permitted (also cf. Tables 1 and 2).

Table 2: Regulatory Areas of the WSR for shipments out of the EU (export)

Transfrontier shipment	Export from the EU to countries to which the OECD Decision applies Articles 18, 34, 35 and 38	Export out of the EU to countries to which the OECD Decision does not apply; Articles 18, 36 and 37
Waste for recovery Annexes III, IIIA	information requirements within EU Art. 18; Art. 38	information requirements within EU, Art. 18, but special provisions ^{*)} according to Art. 37
Waste for recovery Annexes IV, IVA	permitted notification according to Art. 38	not applicable
Hazardous waste for recovery according to Annex V^{*)}	not applicable	prohibited
Waste for disposal	prohibited, with exceptions ^{*)} notification according art. 35	prohibited

♦) according to Commission Regulation No 801/2007 including issued corrections and amendments

▲) also see Figure 1 concerning Annex V

♣) export is only permitted to EFTA countries which are Parties to the Basel Convention

Such shipments are subject to a control system which differentiates between two waste categories. While notification is required for waste of the Amber Waste List, an exemption from the requirement to carry out a notification procedure applies to "Green Waste". This waste can be shipped "freely" within the EU and the countries to which the OECD Decision applies, although it has to be accompanied within the EU by certain information pursuant to Art. 18 WSR (form in Annex VII of the WSR).

However exports of this non hazardous waste for recovery into a country to which the OECD Decision does not apply are subject to special arrangements in accordance with Art. 37 WSR.

If such an export is intended into a country to which of the OECD decision does not apply, the exporter (notifier) is advised to obtain information from his competent authority of dispatch or from the Basel Convention Focal Point at the Federal Environment Agency regarding if and which procedure is necessary for his particular case.

Whether and, if so, which procedure is necessary depends on the statements which the third countries in question have delivered to the EU Commission (Directorate-General for Trade) and which the Commission has published in the form of a binding Regulation in the Official Journal (Regulation (EC) No 1418/2007/EC). According to Article 37 para 2 of WSR the procedure of prior notification and consent is applied concerning countries which have not replied. The Commission Regulation will be adapted on an ongoing basis. This information is also available in a paper called 'country list' (Staatenliste)²¹ compiled by the Basel Convention Focal Point at the Federal Environment Agency.

2.4.2 General Information Requirements

The shipment of "green waste" for recovery as referred to in Art. 3 Para 2 of WSR and listed in Annexes III and IIIB, and of "green" waste mixtures of Annex IIIA of more than 20 kg requires general information in accordance with Article 18 of WSR. For shipments which are subject to the general information requirements neither a notification (prior announcement) of such shipment nor consent of the authorities is necessary. However the person arranging the shipment has to complete the consignment information in accordance with Art. 18 and Annex VII before each individual waste shipment, the carrier has to assure that the consignment information accompanies each shipment and the operator of the recovery facility has to sign the consignment information at the arrival of the waste and to keep

it. In addition a written contract between the person arranging the shipment and the consignee of the waste shipment must have been concluded in advance.

Figure 2: Information accompanying Shipments of Waste as referred to in Article 3 Paras 2 and 4 – Annex VII WSR

Consignment Information ⁽¹⁾

1. Person, who arranges the shipment: Name: Address: Contact person: Tel.: Fax: E-mail:		2. Importer / Consignee: Name: Address: Contact person: Tel.: Fax: E-mail:	
3. Actual quantity : Tonnes (Mg): m ³ :		4. Actual date of shipment:	
5.(a) 1st Carrier (2): Name: Address: Contact person: Tel.: Fax: E-mail: Means of transport: Date of transfer: Signature:		5.(c): 3rd Carrier: Name: Address: Contact person: Tel.: Fax: E-mail: Means of transport: Date of transfer: Signature:	
6. Waste generator ⁽³⁾ Original producer(s), new producer(s) or collector: Name: Address: Contact person: Tel.: Fax: E-mail:		8. Recovery operation (or if appropriate disposal operation in case of waste referred to in Article 3(4)): R-Code/D-Code:	
7. Recovery facility <input type="checkbox"/> Laboratory <input type="checkbox"/> Name: Address: Contact person: Tel.: Fax: E-mail:		9. Usual description of the waste:	
10. Waste identification (fill in relevant codes): (i) Basel Annex IX: (ii) OECD (if different from (i)): (iii) Annex IIIA ⁽⁴⁾ (iv) Annex IIIB ⁽⁵⁾ (v) EC list of wastes: (vi) National Code:			
11. Countries/State(s) concerned:			
Export/Dispatch		Transit	
12. Declaration of the person who arranges the shipment: I certify that the above information is complete and correct to my best knowledge. I also certify that legally-binding written contractual obligations have been entered into with the consignee (not required in case of waste referred to in Article 3(4)): Name: Date: Signature:			
13. Signature upon receipt of the waste by the consignee: Name: Date: Signature:			
To be completed by the Recovery facility or by the Laboratory:			
14. Shipment received at recovery facility: <input type="checkbox"/> or laboratory: <input type="checkbox"/> Quantity received: Tonnes (Mg): m ³ : Name: Date: Signature:			

- (1) Information accompanying shipments of green listed waste and destined for recovery of waste destined for laboratory analysis pursuant to Regulation (EC) No. 1013/2006. For completing this document, see also the corresponding specific instructions as contained in Annex IC of Regulation (EC) No 1013/2006.
- (2) If more than three carriers, attach information as required in blocks 5 (a, b, c).
- (3) When the person who arranges the shipment is not the producer or collector, information about the producer or collector shall be provided.
- (4) The relevant code(s) as indicated in Annex IIIA to Regulation (EC) No 1013/2006 are to be used, as appropriate in sequence. Certain Basel entries such as B1100, B3010 and B3020 are restricted to particular waste streams only, as indicated in Annex IIIA.
- (5) The BEU-Codes listed in Annex IIIB of Regulation (EC) No 1013/2006 are to be used.

These provisions replace Art. 11 of the EC-WSR-259/93 and extend it, because the obligations according to Art. 18 WSR in connection with the obligatory form prescribed in Annex VII (see Fig. 2) constitute a number of obligations for shipments of green waste. These elements are:

- the consignment information, specified in accordance with the form in Annex VII, has to be filled in by the person arranging the shipment in advance of the shipment in boxes 1 to 11, be signed in box 12 and be carried by the carrier during the actual shipment,
- between the person arranging the shipment and the consignee a contract has to be concluded before shipment,
- this disposal contract has to be submitted to the competent authority on official order and
- a copy of the consignment information has to be kept for three years.

It is clear that the general information requirement of the WSR is formalised and more extensive than that of Article 11 of the EC-WSR-259/93. As of 12 July 2007 the form contained in Annex VII must accompany each individual shipment. A transition period does not exist.

Shipments of waste destined for laboratory analysis of less than 25 kg of waste type to be analysed are not subject to the procedure of prior written notification and consent, in accordance with Article 3 para 4 WSR. The general information requirements apply instead.

By way of derogation, transitional arrangements apply to certain new EU Member States, as provided for in Article 63 WSR. Furthermore – as already mentioned - third countries can expressly require a notification concerning the import of this non hazardous waste.

For shipments of waste for laboratory analysis a contract pursuant to Article 18 para 2 WSR is not necessary, as stated in box 12 of the consignment information form. This has as a consequence that no obligations are agreed between the person who arranges the shipment and the laboratory as consignee to take back the waste, ensure its recovery in an alternative way and provide for its storage in the meantime.

2.4.3 Procedure of Prior Written Notification and Consent

All transfrontier waste shipments which are not subject to the general information requirements or otherwise exempted by the provisions of the WSR are subject to the procedure of prior written notification and consent.

The procedure of prior written notification and consent comprises obligations concerning prior checks (before the beginning of the waste shipment) and verification of the waste's fate (for each waste shipment). Beyond that additional provisions exist concerning shipments of waste destined for interim recovery or disposal operations (disposal operations D 12 to D 15 and R 12 to R 13, in accordance with Art. 15 WSR). Furthermore different provisions exist concerning the shipment of waste to pre-consented recovery facilities in accordance with Art. 14 WSR.

The notifier has to notify the planned shipment of waste to the competent authority in his home country by means of a notification form and further necessary documents. According to Art. 2 No 15 WSR, the notifier can be:

- the original producer
- a licensed new producer
- a licensed collector
- a registered dealer or a registered broker or
- the holder of the waste.

As before, individual notifications as well as general notifications – covering several shipments - are allowed.

Transfrontier waste shipments are permitted only if and as long as the competent authorities at the place of dispatch (competent authority of dispatch) and at the place of destination (competent authority of destination) have given their prior written consent and any transit authority involved (competent authority of transit) have consented at least tacitly. All authorities must have consented. For example, if the written consent of the competent authority of destination is absent, the waste shipment is prohibited even if the written consent of the competent authority of dispatch is available and all competent authorities of transit have consented at least tacitly.

2.4.3.1 Competent Authorities

Competent authorities responsible for the implementation of the WSR are to be designated by the Member States, as provided for in Article 53 WSR. In addition, Art. 54 WSR provides that each Member State has to designate at least one correspondent, responsible for cooperation in particular between the Member States and the EU Commission and also for informing or advising persons or undertaking.

In Germany, the Federal Environment Agency (Umweltbundesamt) has been designated as Focal Point in accordance with Art. 15 Waste Shipment Act (Ger.) and as competent authority for the authorisation of the transit of wastes in accordance with Art. 14 para 4 Waste Shipment Act (Ger.). The competent authorities designated for the import and export of wastes in the Federal States are the regional authorities (district governments or district administrations in North-Rhine Westphalia, Hesse and Bavaria). Most of the Federal States have designated only one authority.

In some Member States of the EU the responsibility is likewise divided according to export, import and transit, based on the political structure (counties, districts, regions and departments). In other Member States only one competent authority has been designated. Addresses and contact persons concerning Germany and foreign countries can be obtained from the Focal Point in the Federal Environment Agency.

2.4.3.2 Application Procedure

The application for transfrontier shipments of waste (notification) has to be submitted to the competent authority of dispatch with the notification document (see Figures 3 and 4) and the movement document (see Figures 5 and 6) contained in Annexes IA and IB of the WSR.

These sets of documents are harmonised with the forms issued by the OECD and the Basel Convention and serve as notification document, as document accompanying the transboundary shipment of waste and as disposal or recovery certificate. Both forms contain fields for official entries such as acknowledgment of receipt, consent, customs office stamp, etc.

When submitting an application for the transfrontier shipment of waste, in addition to the notification document, the movement document has to be submitted containing the entries in boxes 1, 3, 4, 7, 8 (as far as possible at the time of notification) and 9 to 14. Care must be taken to ensure that the notification number in box 3 of the notification document matches that in box 1 of the movement document.

The application is to be submitted in German or together with the corresponding translation - certified if necessary. In accordance with the LAGA^{*)} Guidance on the enforcement of the WSR, in individual cases the authorities can also accept other languages.

The notifier has to have prior consultations with the relevant competent authority on the details (of the shipment). Where the intention is to export waste it is advisable that the other required copies of the application be submitted in the relevant national languages of the countries concerned.

^{*)} LAGA = Federal Government and Federal States Working Party on Waste

Figure 3 Front page of the Notification Document for Transfrontier Shipments of Waste in Annex IA of WSR

EU

Passer für EDV

Notification document for transboundary movements/shipments of waste

<p>1. Exporter - notifier Registration No:</p> <p>Name:</p> <p>Address:</p> <p>Contact person:</p> <p>Tel: Fax:</p> <p>E-mail:</p>	<p>3. Notification No: DE 0000 / 000000</p> <p>Notification concerning</p> <p>A. (i) Individual shipment: <input type="checkbox"/> (ii) Multiple shipments: <input type="checkbox"/></p> <p>B. (i) Disposal (1): <input type="checkbox"/> (ii) Recovery: <input type="checkbox"/></p> <p>C. Pre-consented recovery facility (2,3) Yes: <input type="checkbox"/> No: <input type="checkbox"/></p>												
<p>2. Importer - consignee Registration No:</p> <p>Name:</p> <p>Address:</p> <p>Contact person:</p> <p>Tel: Fax:</p> <p>E-mail:</p>	<p>4. Total intended number of shipments:</p> <p>5. Total intended quantity (4):</p> <p>Tonnes (Mg):</p> <p>m³:</p> <p>6. Intended period of time for shipment(s) (4):</p> <p>First departure: Last departure:</p> <p>7. Packaging type(s) (5):</p> <p>Special handling requirements (6): Yes: <input type="checkbox"/> No: <input type="checkbox"/></p>												
<p>8. Intended carrier(s) Registration No:</p> <p>Name (7):</p> <p>Address:</p> <p>Contact person:</p> <p>Tel: Fax:</p> <p>E-mail:</p> <p>Means of transport (5):</p>	<p>11. Disposal / recovery operation(s) (2)</p> <p>D-code / R-code (5):</p> <p>Technology employed (6):</p> <p>Reason for export (1,6):</p>												
<p>9. Waste generator(s) - producer(s) (1,7,8) Registration No:</p> <p>Name:</p> <p>Address:</p> <p>Contact person:</p> <p>Tel: Fax:</p> <p>E-mail:</p> <p>Site and process of generation (6):</p>	<p>12. Designation and composition of the waste (6):</p>												
<p>10. Disposal facility (2): <input type="checkbox"/> or recovery facility (2): <input type="checkbox"/></p> <p>Registration No:</p> <p>Name:</p> <p>Address:</p> <p>Contact person:</p> <p>Tel: Fax:</p> <p>E-mail:</p> <p>Actual site of disposal/recovery:</p>	<p>13. Physical characteristics (5):</p> <p>14. Waste identification (fill in relevant codes)</p> <p>(i) Basel Annex VIII (or IX if applicable):</p> <p>(ii) OECD code (if different from (i)):</p> <p>(iii) EC list of wastes:</p> <p>(iv) National code in country of export:</p> <p>(v) National code in country of import:</p> <p>(vi) Other (specify):</p> <p>(vii) Y-code:</p> <p>(viii) H-code (5):</p> <p>(ix) UN class (5):</p> <p>(x) UN Number:</p> <p>(xi) UN Shipping name:</p> <p>(xii) Customs code(s) (HS):</p>												
<p>15. (a) Countries/states concerned, (b) code No. of competent authorities where applicable, (c) specific points of exit or entry (border crossing or port)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">State of export - dispatch</th> <th style="width: 33%;">State(s) of transit (entry and exit)</th> <th style="width: 33%;">State of import - destination</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td></td> <td></td> </tr> <tr> <td>(b)</td> <td></td> <td></td> </tr> <tr> <td>(c)</td> <td></td> <td></td> </tr> </tbody> </table>		State of export - dispatch	State(s) of transit (entry and exit)	State of import - destination	(a)			(b)			(c)		
State of export - dispatch	State(s) of transit (entry and exit)	State of import - destination											
(a)													
(b)													
(c)													
<p>16. Customs offices of entry and/or exit and/or export (European Community):</p> <p>Entry: Exit: Export:</p>													
<p>17. Exporter's - notifier's / generator's - producer's (1) declaration:</p> <p>I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.</p> <p>Exporter's - notifier's name: Date: Signature:</p> <p>Generator's - producer's name: Date: Signature:</p>													
<p>18. Number of annexes attached</p>													
<p>FOR USE BY COMPETENT AUTHORITIES</p>													
<p>19. Acknowledgement from the relevant competent authority of countries of import - destination / transit (1) / export - dispatch (9):</p> <p>Country:</p> <p>Notification received on:</p> <p>Acknowledgement sent on:</p> <p>Name of competent authority:</p> <p>Stamp and/or signature:</p>	<p>20. Written consent (1,8) to the movement provided by the competent authority of (country):</p> <p>Consent given on:</p> <p>Consent valid from: until:</p> <p>Specific conditions: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/></p> <p>Name of competent authority:</p> <p>Stamp and/or signature:</p>												
<p>21. Specific conditions on consenting to the movement or reasons for objecting</p>													

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(1) Required by the Basel Convention
(2) In the case of an R12/R13 or D13-D15 operation, also attach corresponding information on any subsequent R12/R13 or D13-D15 facilities and on the subsequent R1-R11 or D1-D12 facilities when required
(3) To be completed for movements within the OECD area and only if B(ii) applies
(4) Attach detailed list if multiple shipments
(5) See list of abbreviations and codes on the next page
(6) Attach details if necessary
(7) Attach list if more than one
(8) If required by national legislation
(9) If applicable under the OECD Decision

Figure 4 Reverse side of the Notification Document for Transfrontier Shipments of Waste in Annex IA of WSR

List of abbreviations and codes used in the notification document

<div>DISPOSAL OPERATIONS (block 11)</div> <div><div>D1</div><div>Deposit into or onto land (e.g., landfill, etc.)</div></div> <div><div>D2</div><div>Land treatment (e.g., biodegradation of liquid or sludgy discards in soils, etc.)</div></div> <div><div>D3</div><div>Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)</div></div> <div><div>D4</div><div>Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.)</div></div> <div><div>D5</div><div>Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)</div></div> <div><div>D6</div><div>Release into a water body except seas/oceans</div></div> <div><div>D7</div><div>Release into seas/oceans including sea-bed insertion</div></div> <div><div>D8</div><div>Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list</div></div> <div><div>D9</div><div>Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g. evaporation, drying, calcination, etc.)</div></div> <div><div>D10</div><div>Incineration on land</div></div> <div><div>D11</div><div>Incineration at sea</div></div> <div><div>D12</div><div>Permanent storage (e.g. emplacement of containers in a mine, etc.)</div></div> <div><div>D13</div><div>Blending or mixing prior to submission to any of the operations in this list</div></div> <div><div>D14</div><div>Repackaging prior to submission to any of the operations in this list</div></div> <div><div>D15</div><div>Storage pending any of the operations in this list</div></div>	<div>RECOVERY OPERATIONS (block 11)</div> <div><div>R1</div><div>Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)</div></div> <div><div>R2</div><div>Solvent reclamation/regeneration</div></div> <div><div>R3</div><div>Recycling/reclamation of organic substances which are not used as solvents</div></div> <div><div>R4</div><div>Recycling/reclamation of metals and metal compounds</div></div> <div><div>R5</div><div>Recycling/reclamation of other inorganic materials</div></div> <div><div>R6</div><div>Regeneration of acids or bases</div></div> <div><div>R7</div><div>Recovery of components used for pollution abatement</div></div> <div><div>R8</div><div>Recovery of components from catalysts</div></div> <div><div>R9</div><div>Used oil re-refining or other reuses of previously used oil</div></div> <div><div>R10</div><div>Land treatment resulting in benefit to agriculture or ecological improvement</div></div> <div><div>R11</div><div>Uses of residual materials obtained from any of the operations numbered R1-R10</div></div> <div><div>R12</div><div>Exchange of wastes for submission to any of the operations numbered R1-R11</div></div> <div><div>R13</div><div>Accumulation of material intended for any operation in this list.</div></div>																																													
<div>PACKAGING TYPES (block 7)</div> <div><div>1.</div><div>Drum</div></div> <div><div>2.</div><div>Wooden barrel</div></div> <div><div>3.</div><div>Jerrican</div></div> <div><div>4.</div><div>Box</div></div> <div><div>5.</div><div>Bag</div></div> <div><div>6.</div><div>Composite packaging</div></div> <div><div>7.</div><div>Pressure receptacle</div></div> <div><div>8.</div><div>Bulk</div></div> <div><div>9.</div><div>Other (specify)</div></div>	<div>H-CODE AND UN CLASS (block 14)</div> <table><thead><tr><th>UN Class</th><th>H-code</th><th>Characteristics</th></tr></thead><tbody><tr><td>1</td><td>H1</td><td>Explosive</td></tr><tr><td>3</td><td>H3</td><td>Flammable liquids</td></tr><tr><td>4.1</td><td>H4.1</td><td>Flammable solids</td></tr><tr><td>4.2</td><td>H4.2</td><td>Substances or wastes liable to spontaneous combustion</td></tr><tr><td>4.3</td><td>H4.3</td><td>Substances or wastes which, in contact with water, emit flammable gases</td></tr><tr><td>5.1</td><td>H5.1</td><td>Oxidizing</td></tr><tr><td>5.2</td><td>H5.2</td><td>Organic peroxides</td></tr><tr><td>6.1</td><td>H6.1</td><td>Poisonous (acute)</td></tr><tr><td>6.2</td><td>H6.2</td><td>Infectious substances</td></tr><tr><td>8</td><td>H8</td><td>Corrosives</td></tr><tr><td>9</td><td>H10</td><td>Liberation of toxic gases in contact with air or water</td></tr><tr><td>9</td><td>H11</td><td>Toxic (delayed or chronic)</td></tr><tr><td>9</td><td>H12</td><td>Ecotoxic</td></tr><tr><td>9</td><td>H13</td><td>Capable, by any means, after disposal of yielding another material, e.g., leachate, which possesses any of the characteristics listed above</td></tr></tbody></table>	UN Class	H-code	Characteristics	1	H1	Explosive	3	H3	Flammable liquids	4.1	H4.1	Flammable solids	4.2	H4.2	Substances or wastes liable to spontaneous combustion	4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases	5.1	H5.1	Oxidizing	5.2	H5.2	Organic peroxides	6.1	H6.1	Poisonous (acute)	6.2	H6.2	Infectious substances	8	H8	Corrosives	9	H10	Liberation of toxic gases in contact with air or water	9	H11	Toxic (delayed or chronic)	9	H12	Ecotoxic	9	H13	Capable, by any means, after disposal of yielding another material, e.g., leachate, which possesses any of the characteristics listed above
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<div>MEANS OF TRANSPORT (block 8)</div> <div><div>R</div><div>= Road</div></div> <div><div>T</div><div>= Train/rail</div></div> <div><div>S</div><div>= Sea</div></div> <div><div>A</div><div>= Air</div></div> <div><div>W</div><div>= Inland waterways</div></div>																																														
<div>PHYSICAL CHARACTERISTICS (block 13)</div> <div><div>1.</div><div>Powdery/powder</div></div> <div><div>2.</div><div>Solid</div></div> <div><div>3.</div><div>Viscous/paste</div></div> <div><div>4.</div><div>Sludgy</div></div> <div><div>5.</div><div>Liquid</div></div> <div><div>6.</div><div>Gaseous</div></div> <div><div>7.</div><div>Other (specify)</div></div>																																														

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

The competent authority of dispatch first checks all obligatory documents and information (as listed in Parts 1 and 2 of Annex to WSR) for completeness. This obligatory documentation and information includes the completely filled-in notification document and, to the extent necessary, the movement document. It also includes proof of the existence of a disposal or recovery contract between the notifier and consignee as well as of a financial guarantee to cover the costs of a possible return of the waste. If this obligatory documentation and information is complete, the notification is considered "properly carried out" and the competent authority of dispatch has to transmit the notification including all documents to the competent authority of destination and to the competent authority(ies) of transit, even if requested documentation or information as mentioned in Part 3 of Annex II to WSR has not yet been received.

The competent authority of dispatch and also the competent authority (ies) of transit may request the submission of optional (additional) documentation and information from the notifier. If they request such documentation or information they have to inform the other authorities concerned, in particular the competent authority of destination. When the competent authority of dispatch or transit subsequently receives all optional documentation and information it has requested, it has to inform the competent authority of destination immediately.

After it has received the notification, the competent authority of destination checks all obligatory and optional documentation and information as listed in Parts 1, 2 and 3 of Annex II to WSR for completeness. The notification is considered “properly completed” when the competent authority of destination is satisfied that all documentation and information has been transmitted and when there is no communication from the competent authority of dispatch or a competent authority of transit that it is requesting optional documentation or information from the notifier or when such a communication from the competent authority of dispatch or a competent authority of transit has been settled in the meantime by a further communication of that authority. The competent authority of destination then sends an acknowledgment of receipt to the notifier with copies to the competent authority of dispatch and the competent authority(ies) of transit.

According to Article 10 of WSR the date of transmission of the acknowledgment of receipt marks the beginning of the 30 day time period within which the competent authority of dispatch, the competent authority of destination and the competent authority(ies) of transit have to decide on the notification in accordance with Article 9 para 1 WSR.

The WSR provides for three possible decisions by the competent authorities:

- consent without conditions,
- consent with conditions in accordance with Art. 10 WSR; or
- objections in accordance with Articles 11 and 12 WSR.

After the end of this period without written consent by a competent authority of transit, tacit consent without conditions by that competent authority of transit may be assumed.

The possible conditions that may be laid down in connection with the consent to a shipment are specified in Article 10 WSR. These are, in particular, conditions to eliminate grounds for objections as listed in Articles 11 and 12 WSR as well as conditions for assuring transport safety. Even if a German authority gives its consent without conditions to a waste shipment, the German regulations concerning transport and waste disposal are directly applicable to the persons concerned, to whom these regulations are addressed.

2.4.3.3 Movement Document Procedure

The waste must be tracked with the movement document. When all necessary consents have been granted by the competent authorities, the movement document with the data given when the application was filed - in boxes 1, 3, 4, 7, 8 (as far as possible) and 9 to 14 - is to be supplemented by the notifier with the data which are still missing, with the exception of that in boxes 5, 6 and 15 ff.

Then copies of the movement document (see Figure 5) have to be made corresponding in number to the number of the intended shipments (N). These copies of the movement document have to be numbered consecutively from 1/N to N/N. Three days before each intended shipment the relevant copy has to be supplemented with the data still missing, signed in box 15 and a copy of this "original movement document" transmitted to all competent authorities concerned, in order to announce the transport.

The companies involved in the shipment will confirm the custody transfer, receipt and recovery or disposal of the waste on this document, which must accompany each waste shipment. For each individual waste transport, therefore, copies of the movement documents have to be transmitted to all competent authorities three times, i.e.

- as announcement of the shipment by the notifier before the shipment,
- as an acknowledgment of receipt by the operator of the waste disposal / recovery facility after receipt of the waste, and
- as confirmation of disposal or recovery by the operator of the waste disposal / recovery facility after completion of the disposal / recovery operation at that plant.

Figure 5: Front page of the movement document for transfrontier shipment of waste as contained in Annex IB of WSR

Movement document for transboundary movements/shipments of waste		EU
1. Corresponding to notification No: DE 0000 / 000000		2. Serial/total number of shipments: /
3. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:		4. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:
5. Actual quantity: Tonnes (Mg): m³:		6. Actual date of shipment:
7. Packaging Type(s) (1): Number of packages: Special handling requirements: (2) Yes: <input type="checkbox"/> No: <input type="checkbox"/>		
8.(a) 1st Carrier (3): Registration No: Name: Address: Tel: Fax: E-mail:		8.(b) 2nd Carrier: Registration No: Name: Address: Tel: Fax: E-mail:
8.(c) Last Carrier: Registration No: Name: Address: Tel: Fax: E-mail:		
----- <i>To be completed by carrier's representative</i> ----- <i>More than three carriers (2)</i> <input type="checkbox"/>		
Means of transport (1): Date of transfer: Signature:		Means of transport (1): Date of transfer: Signature:
9. Waste generator(s) - producer(s) (4,5,6): Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site of generation (2):		12. Designation and composition of the waste (2):
10. Disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery (2):		13. Physical characteristics (1): 14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN Class (1): (x) UN number: (xi) UN shipping name: (xii) Customs code(s) (HS):
11. Disposal/recovery operation(s) D-code / R-code (1):		
15. Exporter's - notifier's / generator's - producer's (4) declaration: I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned. Name: Date: Signature:		
16. For use by any person involved in the transboundary movement in case additional information is required		
17. Shipment received by importer - consignee (if not facility): Date: Name: Signature:		
TO BE COMPLETED BY DISPOSAL/RECOVERY FACILITY		
18. Shipment received at disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/> Date of reception: Accepted: <input type="checkbox"/> Rejected: <input type="checkbox"/> Quantity received: Tonnes (Mg): m³: * immediately contact competent authorities Approximate date of disposal/recovery: Disposal/recovery operation (1): Name: Date: Signature:		19. I certify that the disposal/recovery of the waste described above has been completed Name: Date: Signature and stamp:



32372 Müden, Postfach 1261, Telefon 0571/82823, 0, Telefax 0571/8282323
 60325 Frankfurt/M., Telefon 069/5720255-97, Telefax 069/727206
 53114 Bonn, Kassenstr. 15, Telefon 0228/224030, Telefax 0228/261840
 04317 Leipzig, Kippenbergstr. 12, Telefon 0341/26145-10+11, Telefax 0341/2618407

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(1) See list of abbreviations and codes on the next page

(2) Attach details if necessary

(3) If more than three carriers, attach information as required in blocks 8 (a, b, c).

(4) Required by the Basel Convention

(5) Attach list if more than one

(6) If required by national legislation

Figure 6: Reverse side of the movement document for transfrontier shipment of waste as contained in Annex IB of WSR

FOR USE BY CUSTOMS OFFICES (if required by national legislation)			
20. Country of export - dispatch or customs office of exit The waste described in this movement document left the country on: Signature: Stamp:		21. Country of import - destination or customs office of entry The waste described in this movement document entered the country on: Signature: Stamp:	
22. Stamps of customs offices of transit countries			
Name of country:		Name of country:	
Entry:	Exit:	Entry:	Exit:
Name of country:		Name of country:	
Entry:	Exit:	Entry:	Exit:

List of Abbreviations and Codes Used in the Movement Document

DISPOSAL OPERATIONS (block 11) D1 Deposit into or onto land (e.g., landfill, etc.) D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.) D3 Deep injection (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.) D4 Surface impoundment (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.) D5 Specially engineered landfill (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.) D6 Release into a water body except seas/oceans D7 Release into seas/oceans including sea-bed insertion D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, etc.) D10 Incineration on land D11 Incineration at sea D12 Permanent storage (e.g., emplacement of containers in a mine, etc.) D13 Blending or mixing prior to submission to any of the operations in this list D14 Repackaging prior to submission to any of the operations in this list D15 Storage pending any of the operations in this list		RECOVERY OPERATIONS (block 11) R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU) R2 Solvent reclamation/regeneration R3 Recycling/reclamation of organic substances which are not used as solvents R4 Recycling/reclamation of metals and metal compounds R5 Recycling/reclamation of other inorganic materials R6 Regeneration of acids or bases R7 Recovery of components used for pollution abatement R8 Recovery of components from catalysts R9 Used oil re-refining or other reuses of previously used oil R10 Land treatment resulting in benefit to agriculture or ecological improvement R11 Uses of residual materials obtained from any of the operations numbered R1 to R10 R12 Exchange of wastes for submission to any of the operations numbered R1 to R11 R13 Accumulation of material intended for any operation in this list																																														
PACKAGING TYPES (block 7) 1. Drum 2. Wooden barrel 3. Jerrican 4. Box 5. Bag 6. Composite packaging 7. Pressure receptacle 8. Bulk 9. Other (specify)		H-CODE AND UN CLASS (block 14) <table><thead><tr><th>UN Class</th><th>H-code</th><th>Characteristics</th></tr></thead><tbody><tr><td>1</td><td>H1</td><td>Explosive</td></tr><tr><td>3</td><td>H3</td><td>Flammable liquids</td></tr><tr><td>4.1</td><td>H4.1</td><td>Flammable solids</td></tr><tr><td>4.2</td><td>H4.2</td><td>Substances or wastes liable to spontaneous combustion</td></tr><tr><td>4.3</td><td>H4.3</td><td>Substances or wastes which, in contact with water, emit flammable gases</td></tr><tr><td>5.1</td><td>H5.1</td><td>Oxidising</td></tr><tr><td>5.2</td><td>H5.2</td><td>Organic peroxides</td></tr><tr><td>6.1</td><td>H6.1</td><td>Poisonous (acute)</td></tr><tr><td>6.2</td><td>H6.2</td><td>Infectious substances</td></tr><tr><td>8</td><td>H8</td><td>Corrosives</td></tr><tr><td>9</td><td>H10</td><td>Liberation of toxic gases in contact with air or water</td></tr><tr><td>9</td><td>H11</td><td>Toxic (delayed or chronic)</td></tr><tr><td>9</td><td>H12</td><td>Ecotoxic</td></tr><tr><td>9</td><td>H13</td><td>Capable, by any means, after disposal of yielding another material, e.g., leachate, which possesses any of the characteristics listed above</td></tr></tbody></table>		UN Class	H-code	Characteristics	1	H1	Explosive	3	H3	Flammable liquids	4.1	H4.1	Flammable solids	4.2	H4.2	Substances or wastes liable to spontaneous combustion	4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases	5.1	H5.1	Oxidising	5.2	H5.2	Organic peroxides	6.1	H6.1	Poisonous (acute)	6.2	H6.2	Infectious substances	8	H8	Corrosives	9	H10	Liberation of toxic gases in contact with air or water	9	H11	Toxic (delayed or chronic)	9	H12	Ecotoxic	9	H13	Capable, by any means, after disposal of yielding another material, e.g., leachate, which possesses any of the characteristics listed above
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MEANS OF TRANSPORT (block 8) R = Road T = Train/rail S = Sea A = Air W = Inland waterways																																																
PHYSICAL CHARACTERISTICS (block 13) 1. Powdery/powder 2. Solid 3. Viscous/paste 4. Sludgy 5. Liquid 6. Gaseous 7. Other (specify)																																																

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

2.4.4 Special Provisions for the Shipment of Green Listed Wastes for Recovery to Third Countries

Shipments of "green waste" for recovery from the EU into a country to which the OECD Decision applies or into or through the EU have to be accompanied by the consignment information described in Section 2.4.2. A notification procedure is not necessary. This also holds when the shipment transits a country to which the OECD Decision does not apply. It should be noted, however, that authorisations (e.g. for transit) may have to be obtained in those countries.

Special arrangements apply to shipments of "green waste" for recovery to countries to which the OECD Decision does not apply. Furthermore transitional arrangements for certain new EU Member States, as laid down in Article 63 WSR, have to be considered (see in particular Section 2.4.2).

2.4.5 Take Back Obligations

Take back obligations pursuant to Articles 22 to 25 WSR are possible

- in the case of transfrontier waste shipments carried out legally on the basis of consent obtained from the authorities, if the shipment including the intended disposal or recovery operation in the country of destination cannot be completed or
- in the case of illegal waste shipments as defined in Art. 2 No 35 of the WSR.

Where such take back obligations exist, it is in principle the notifier – subject to certain exceptions – or instead the competent authority of dispatch, if necessary, who is responsible for the return and disposal or recovery of the waste shipped.

2.4.6 Controls

Article 50 of the WSR requires the competent authorities to provide for spot checks on transfrontier shipments of waste regarding compliance with the requirements of the WSR.

3 Duty to Register for Collectors, Carriers, Dealers or Brokers of non-hazardous wastes

Collectors, Carriers, Dealers or Brokers of non-hazardous wastes have to register their business, to the competent authority according to Article 53 para 1 Circular Economy Act (KrWG)²² before taking up their business. This duty exist for domestic and foreign enterprises which want to take up corresponding activities. The form "duty to give notice for collector, carrier, dealer or broker" can be downloaded at the central coordination body of the Federal States (ZKS Abfall)^{*)}.

The owner of the business as well as the responsible person for management and supervision of the business have to be reliable. Furthermore the owner, if responsible for the management and supervision of the business, the responsible person for management and supervision of the business and other personnel have to have the necessary technical competence and skills for running the business.

The responsible competent authority can make the registered activity dependent on conditions, limit the registration time or provide additional provisions. The competent authority can ask for documents showing the proof of reliability and technical competence and skills. She has to bar the registered activities if facts emerge from which doubts arise against the reliability of the owner or the persons

^{*)} http://www.zks-abfall.de/DE/Home/homepage__node.html?__nnn=true

responsible for the management and supervision of the business or if the required technical competence and skills wasn't proved.

4 Licence for Collectors, Carriers, Dealers or Brokers of hazardous wastes

In principle, hazardous waste may be collected, traded and transported in accordance with Article 54 para 1 KrWG, only with permission of the responsible authority. The permission applied for must be issued if no facts are known which would justify assuming the unreliability of the applicant or a person charged with managing or supervising the relevant operations. These facts include in particular relevant violations of waste legislation (administrative fees or criminal offenses) and other aspects of criminal law (e.g. fraud) or commercial law. In case of suspected unreliability the applicant has the possibility to refute these. If such facts emerge the competent authority after granting of the permission, the permission has to be revoked. Furthermore the applicant has to have the necessary technical competence and skills according to Art. 54 para 1 KrWG.

The permission is granted in writing by using a form and is valid throughout Germany. The permission may be restricted in content (limitation to certain waste streams or with regard to the region), be subject to conditions and additional requirements (revocation reservation) and is not transferable. In the event of a change in the holder of the permit (e.g. change in the legal status of the company) the competent authority has to be informed thereof. The authority must be informed of any change in responsible persons.

Transport and broker licenses awarded for an indefinite period according to former legislation are regarded as a permit according to Art. 54 KrWG; licenses awarded for a limited period are valid until end of the limitation, after that a permission becomes necessary according to Art. 54 KrWG.

The revised duty to register or permission exists since 1st of June 2012. Collection and transport of waste conducted within the framework of a commercial business may be operated without registration or permit until 1st of June 2104.

4.1 Transport Allowance

Details concerning the required technical competence and skills, the application documents, the contents of the transport allowance and the charges are regulated in the Ordinance on Transport Allowance (Beförderungserlaubnisverordnung - BefErlV²³). In principle the transport allowance applies to the complete federal territory for an indefinite period. Concerning transfrontier shipments of waste the permit can be limited as regards content or validation period if applied for; in these cases, as a rule, the charges are reduced.

4.1.1 Competent Authority

The competent authority of the Federal State in which the carrier or collector has its headquarter is responsible for issuing the transport allowance or the duty to register (Art. 53 para 1 and Art. 54 para 1 KrWG). In the case of foreign carriers that have a branch in the Federal Republic of Germany, the competent authority of the Federal State in which the branch has its head office is responsible for issuing the transport allowance. A compilation of the responsible competent authorities can be downloaded at the central coordination body of the Federal States (ZKS Abfall)^{*)}. In the case of foreign carriers that don't have a branch in the Federal Republic of Germany, competence in the Federal States differs according to whether transit, import or export is involved. For example in the case of transit

^{*)} http://www.zks-abfall.de/DE/Home/homepage__node.html?__nnn=true

through the Federal Republic of Germany, the competent authority is the authority whose area of competence is first affected by the transport operation.

4.1.2 Application documents

Each applicant has to submit a completely filled-in application for issue of a transport licence. The application form can be downloaded from the website of most regional competent authorities. The application can be done by electronic means.

The following documents have to be added to the application form:

- the trade or business registration,
- a relevant excerpt from the commercial register,
- a company related information from the central commercial register (*Gewerbezentralregister*), in the case of legal persons or unincorporated associations,
- a personell information from the central commercial register (*Gewerbezentralregister*), concerning the owner of the company or the persons manage the company,
- a police certificate of good conduct of the owner of the company or the persons empowered by law, statutes or partnership agreement to represent or manage the company,
- proof of relevant technical competence and the relevant skills of the owner or responsible person managing the company,
- proof of the conclusion of the necessary third party liability and environmental liability,
- proof of the conclusion of the necessary car liability insurance.

In the case of foreign carriers the competent authority may allow exceptions from individual requirements and proofs if the necessary technical competence and relevant skills as well as reliability are proved in a different way. For example, in verifying the required technical competence and relevant skills, the competent authority has to take into account equivalent diplomas, certificates and other evidence of relevant qualifications as well as equivalent licences and certificates of other Member States of the European Communities or another Contracting Party to the Agreement on the European Economic Area. Foreign carriers should attach admission-to-occupation proof from their country (the EU/EEC) or the authorisation under their country's road haulage legislation and/or the single journey licence to their requests for issue of a transport licence. Further details are to be inquired at the responsible Federal State authority.

4.1.3 Commissioning of Subcontractors

A transport allowance authorises only one individual and is not transferable. Therefore commissioned subcontractors require their own transport allowance.

4.2 Identification of Transport Vehicles

Article 55 KrWG in connection with Article 10 of the Waste Shipment Act (Ger.) provides that the transport vehicles must be fitted with two rectangular, reflective, white warning panels 40 cm wide and at least 30 cm high; the warning panels must carry the inscription "A"^{*)}, written in black (letter height: 20cm; letter-stroke width 2 cm). During transport, the vehicle must carry these warning panels both in front and in back in a clearly visible position. Tractor-trailers must carry the second warning panel at the rear of the trailer.

^{*)} "A" meaning "Abfall" (Waste)

This identification requirement applies to all vehicles with which waste is transported on public roads. Waste in this context also refers to wastes listed in Annexes III, IIIA or IIIB of the EC Waste Shipment Regulation (green-listed wastes).

The driver of the vehicle is responsible for attaching the warning panels.

5 Focal Point to the Basel Convention at the Federal Environment Agency

The Act Implementing the Basel Convention, which became effective on 14 October 1994, contains the statutory provisions required to implement the Basel Convention in Germany.

The Act contains provisions supplementing those of the WSR. These provisions relate to areas coming under the responsibility of the member states such as, in particular, the obligation to re-import, the provision of financial guarantees, the designation of a focal point, as well as provisions regarding offences punishable with imprisonment or fines.

The Act provides that the Federal Environment Agency is the focal point as referred to in Article 5 of the Basel Convention as well as the competent authority of transit and the correspondent as referred to in Article 53, second sentence and Article 54, respectively, of the WSR. The term "focal point" is used in the following for all three of these functions that have been assigned to the Federal Environment Agency.

The focal point is the authority responsible for decision-making on shipments of waste subject to notification through Germany. It is also responsible for transmitting information to the Secretariat of the Basel Convention as specified in Article 13 of the Basel Convention. The tasks that the Federal Environment Agency has to fulfil in its function as focal point comprise in particular:

- consent to shipments of waste through Germany;
- answer requests for information;
- advise authorities and industry;
- serve as contact point for other focal points as well as for the Secretariat of the Basel Convention and the European Commission;
- carry out co-ordination activities in agreement with the German Federal States, the Secretariat of the Basel Convention and the European Commission;
- prepare comments and reports, notably, the annual report to the Secretariat of the Basel Convention with copy to the European Commission;
- establish and maintain contact with the competent authorities of the German Federal States.

Dessau, April of 2015

6 References

- BGBI. = Federal Law Gazette of Germany; OJ = Official Journal of the European Communities
- ¹ Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the European Community of the transfrontier shipment of hazardous waste, OJ L 326, p. 31
 - ² Wuttke, J. T. Baehr: "Praxishandbuch zur grenzüberschreitenden Abfallverbringung, 2. völlig neu bearbeitete und wesentlich erweiterte Auflage, Umweltbundesamt, Erich Schmidt Verlag, Berlin 2008
 - ³ Basel Convention on the Control of Transboundary Shipments of Hazardous Wastes and their Disposal of 22 March 1989, published in the Implementation Act to the Basel Convention, BGBI. II, p 2703
 - ⁴ OECD Decision of the Council concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations (C(2001)107/Final) as amended
 - ⁵ Regulation (EC) No 1013/2006 of the European Parliament and the Council of 14 June 2006 on shipments of waste, OJ No. L 190, p. 1
 - ⁶ Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain wastes listed in Annex III or IIIA to Regulation (EC) No 1013/2007 to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply, OJ L316, p 6, as amended
 - ⁷ Implementing Act of the Basel Convention dated 22nd March 1989 on the control of the transboundary shipments of hazardous waste and their disposal (Implementing legislation of the Basel Convention) dated 30th September 1994 BGBI. II, p 2271
 - ⁸ Act of Amendments to the Basel Convention of 17 January 2002, BGBI II, p 89
 - ⁹ Ordinance amending Annexes to the Basel Convention of 14 November 2003, BGBI II, p. 1626
 - ¹⁰ Gesetz zur Ausführung der Verordnung (EG) Nr. 1013/2006 des Europäischen Parlaments und des Rates vom 14. Juni 2006 über die Verbringung von Abfällen und des Basler Übereinkommens vom 22. März 1989 über die Kontrolle der grenzüberschreitenden Verbringung gefährlicher Abfälle und ihrer Entsorgung (Abfallverbringungsgesetz – AbfVerbrG) vom 19.07.2007, BGBI. I S. 1462.
 - ¹¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Waste Framework Directive), OJ No. L 312, 22.11.2008, p. 3–30, as amended
 - ¹² Commission Decision 2014/955/EU of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council, OJ L 370 of 30.12.2014, p. 44
 - ¹³ Wuttke, J.: "Grenzüberschreitende Abfallverbringungen von Beseitigungs- und Verwertungsabfällen – Was ändert sich nach der novellierten Abfallverbringungsverordnung", in K. Wiemer, M. Kern (Hrsg.): Bio- und Sekundärstoffverwertung, stofflich – energetisch, Witzenhausen-Institut für Abfall, Umwelt und Energie GmbH, Witzenhausen (2006) S. 279/293
 - ¹⁴ Cairo Guidelines and Principles for the Environmental Sound Management of Hazardous Waste, UNEP WG 122/3, UNEP GC 14/17 Annex II
 - ¹⁵ Vollzugshilfe zur Verordnung (EG) Nr. 1013/2006 des Europäischen Parlaments und des Rates vom 14. Juni 2006 über die Verbringung von Abfällen (VVA) und zum Abfallverbringungsgesetz vom 19. Juli 2007 (AbfVerbrG), Juli 2012, siehe unter: <http://www.laga-online.de/servlet/is/23874/>
 - ¹⁶ OECD: "Final Guidance Document for Distinguishing Waste from Non-Waste" (ENV/EPOC/WMP(98)1/REV1) of July 1998
 - ¹⁷ Communication from the Commission to the Council and the European Parliament on the Interpretative Communication on waste and byproducts, COM(2007) 59 final of 21.2.2007
 - ¹⁸ "Abfallbegriff, Abfallverwertung und Abfallbeseitigung nach dem Kreislaufwirtschafts- und Abfallgesetz", beschlossen von der 49. Umweltministerkonferenz (UMK) am 6. November 1997
 - ¹⁹ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE), OJ L197 of 24.7.2012, p. 37
 - ²⁰ Wuttke, J.: "Einstufung von Abfällen", in Kurth/Oexle (Hrsg.): Handbuch der Kreislauf- und rohstoffwirtschaft, Carl Heymanns Verlag, Köln 2013, S. 19/37
 - ²¹ Export of Green Wastes to countries to which the OECD Decision does not apply - (country list)"; see: <http://www.umweltbundesamt.de>
 - ²² Gesetz zur Förderung der Kreislaufwirtschaft und Sicherung der umweltverträglichen Bewirtschaftung von Abfällen (Kreislaufwirtschaftsgesetz – KrWG) vom 24. Februar 2012, BGBI. I, S. 212
 - ²³ Verordnung über das Anzeige- und Erlaubnisverfahren für Sammler, Beförderer, Händler und Makler von Abfällen (Anzeige- und Erlaubnisverordnung – AbfAEV) vom 5. Dezember 2013, BGBI. I, S. 4043