

# COMMISSION

## COMMISSION DECISION

of 3 June 1999

concerning a questionnaire for the reporting obligation of Member States pursuant to Article 41(2) of Council Regulation (EEC) No 259/93

(notified under document number C(1999) 1456)

(1999/412/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community<sup>(1)</sup> and in particular Article 41(2) thereof,

Having regard to Council Directive 91/692/EEC of 23 December 1991 on the standardisation and rationalisation of reports on the implementation of certain Directives<sup>(2)</sup> relating to the environment, and in particular Article 6 thereof,

- (1) Whereas Article 41(1) of Regulation (EEC) No 259/93 requires Member States, before the end of each calendar year, to draw up a report in accordance with Article 13(3) of the Basel Convention and to send it to the Secretariat of the Basel Convention and a copy thereof to the Commission;
- (2) Whereas Article 41(2) of Regulation (EEC) No 259/93 establishes that the Commission shall, based on these reports, establish every three years a report on the implementation of the said Regulation by the Community and its Member States;
- (3) Whereas Article 41(2) of Regulation (EEC) No 259/93 establishes that the Commission may request, to the end of elaborating its report, additional information in accordance with Article 6 of Directive 91/692/EEC;
- (4) Whereas the next three year report will cover the period 2000 to 2002 inclusive;

- (5) Whereas the measures provided for in this Decision are in accordance with the opinion of the committee established in accordance with Article 6 of Directive 91/692/EEC,

HAS ADOPTED THIS DECISION:

### *Article 1*

The questionnaire attached to this Decision, relating to Regulation (EEC) No 259/93 is hereby adopted.

### *Article 2*

1. Member States shall use the attached questionnaire in order to supply information to the Commission, on a yearly basis, in addition to the existing obligation pursuant to Article 41(1) of Regulation (EEC) No 259/93, to send a copy of the yearly report pursuant to Article 13(3) of the Basel Convention to the Commission.
2. The yearly information supplied on the basis of this questionnaire shall be transmitted before the end of each calendar year for the previous calendar year. The first report on the basis of this questionnaire shall cover data for the year 2000 and shall be submitted before the end of the year 2001.

### *Article 3*

This Decision shall be reviewed in the year 2004 in the light of the experience of the implementation of Regulation (EEC) No 259/93 shown by the reports collected by virtue of this Decision.

<sup>(1)</sup> OJ L 30, 6.2.1993, p. 1.

<sup>(2)</sup> OJ L 377, 31.12.1991, p. 48.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 3 June 1999.

*For the Commission*  
Ritt BJERREGAARD  
*Member of the Commission*

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ANNEX

QUESTIONNAIRE FOR MEMBER STATES' REPORTING OBLIGATION PURSUANT TO  
COUNCIL REGULATION (EEC) No 259/93

Article 1(3)(d)	<p><b>Information on the control and shipment of wastes listed in Annex II to the Regulation</b></p> <p><b>In exceptional cases, shipments of wastes listed in Annex II may, for environmental or public health reasons, be controlled by Member States as if they had been listed in Annex III or IV.</b></p> <p>Has there been any export case? <span style="float: right;">Yes      No</span></p> <p style="margin-left: 20px;"><i>(please tick ✓ as appropriate)</i> <span style="float: right;"><input type="checkbox"/>      <input type="checkbox"/></span></p> <p>If yes, please complete Table 1.</p> <p>Has there been any import case? <span style="float: right;">Yes      Non</span></p> <p style="margin-left: 20px;"><i>(please tick ✓ as appropriate)</i> <span style="float: right;"><input type="checkbox"/>      <input type="checkbox"/></span></p> <p>If yes, please complete Table 2.</p>
Article 4(3)(a)(i)	<p><b>Information on the measures taken to prohibit generally or partially shipments of waste between Member States</b></p> <p><b>In order to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 75/442/EEC</b></p> <p>Has this provision been applied? <span style="float: right;">Yes      No</span></p> <p style="margin-left: 20px;"><i>(please tick ✓ as appropriate)</i> <span style="float: right;"><input type="checkbox"/>      <input type="checkbox"/></span></p> <p>If yes, please provide details on the measures taken:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Additional remarks:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

**Information on the measures taken to object systematically to shipments of waste between Member States**

**In order to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 75/442/EEC**

Has this provision been applied? Yes No  
*(please tick ✓ as appropriate)*

If yes, please provide details on the measures taken:  
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Additional remarks:  
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Article 4(3)(a)(ii) and 4(3)(a)(iii)

**Information on exceptions to the implementation of the principle of proximity, priority for recovery and self-sufficiency**

**In the case of hazardous waste produced in a Member State of dispatch in such a small quantity overall per year that the provision of new specialised disposal installations within that State would be uneconomic**

Have you asked any Member State to apply this exception? Yes No  
*(please tick ✓ as appropriate)*

If yes, please complete Table 3 and give details below on any bilateral solution found pursuant to article 4(3)(a)(iii).  
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Have you received any request from Member States to apply this exception? Yes No  
*(please tick ✓ as appropriate)*

If yes, please complete Table 3 and give details below on any bilateral solution found pursuant to Article 4(3)(a)(iii).  
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<p>Article 4(3)(b)</p>	<p><b>Information on objections to planned shipments</b>  <b>On the basis of them not being in accordance with Directive 75/442/EEC</b></p> <p>Has this provision been applied? <span style="float: right;">Yes      No</span>  <i>(please tick ✓ as appropriate)</i> <span style="float: right;"><input type="checkbox"/>      <input type="checkbox"/></span></p> <p>If yes, please complete Table 4.</p>
<p>Article 9(1) and (2)</p>	<p><b>Information on Decisions by competent authorities having jurisdiction over specific recovery facilities not to raise objections concerning shipments of certain types of waste to a specific recovery facility</b></p> <p>Has there been any case? <span style="float: right;">Yes      No</span>  <i>(please tick ✓ as appropriate)</i> <span style="float: right;"><input type="checkbox"/>      <input type="checkbox"/></span></p> <p>If yes, please complete Table 5.</p>
<p>Article 13</p>	<p><b>Information on the Member States' system for the supervision and control of shipments of waste within their territory</b></p> <p>Is there a system for the supervision and control of shipments of waste within the national territory? <span style="float: right;">Yes      No</span>  <i>(please tick ✓ as appropriate)</i> <span style="float: right;"><input type="checkbox"/>      <input type="checkbox"/></span></p> <p>If there is such a system, do you apply the system provided for in Titles II, VII and VIII of the Regulation? <span style="float: right;">Yes      No</span>  <i>(please tick ✓ as appropriate)</i> <span style="float: right;"><input type="checkbox"/>      <input type="checkbox"/></span></p> <p>If you apply a different system from that provided for in Titles II, VII and VIII of the Regulation, please give details of the system applied:</p> <p>.....                  .....                  .....                  .....</p>
<p>Article 26</p>	<p><b>Information on illegal traffic of waste</b></p> <p>Has there been any case? <span style="float: right;">Yes      No</span>  <i>(please tick ✓ as appropriate)</i> <span style="float: right;"><input type="checkbox"/>      <input type="checkbox"/></span></p> <p>If yes, please complete Table 6.</p> <p>Please, provide information on how illegal traffic of waste is prohibited and punished under national legislation pursuant to this Article.</p> <p>.....                  .....                  .....                  .....</p>

Article 27	<p><b>Information on financial guarantees or equivalent insurance covering costs for shipment of waste covered by this Regulation, including cases referred to in Articles 25 and 26, and for disposal or recovery</b></p> <p>Please, provide details on the national system established pursuant to this Article.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
Article 39(1)	<p><b>Information on the customs posts designated by Member States for shipments of waste in and out of the Community</b></p>	Please complete Table 7

*Note for completion of the tables:*

*D and R codes are those referred to in Annexes IIA and IIB to Directive 75/442/EEC, as amended.*

*Waste codes are those referred to in Annexes II to IV to Council Regulation (EEC) No 259/93, as amended.*









