

I

(Information)

COUNCIL

COMMON POSITION (EC) No 48/98

adopted by the Council on 4 June 1998

with a view to adopting Council Regulation (EC) No .../98, of ... establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste

(98/C 333/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 113 and 130s(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee⁽¹⁾,

Acting in accordance with the procedure laid down in Article 189c of the Treaty⁽²⁾,

Whereas Article 1(3)(a) of 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⁽³⁾ excludes from the scope of application of that Regulation shipments of waste destined for recovery only and listed in Annex II thereto, except as provided for in, *inter alia*, Article 17(1), (2) and (3);

Whereas, in accordance with Article 17(1) of Regulation (EEC) No 259/93, the Commission has notified to every

country to which the OECD Council Decision of 30 March 1992 on the control of transfrontier movements of waste destined for recovery operation does not apply the list of waste set out in Annex II to the said Regulation and has requested confirmation that such waste is not subject to control in the country of destination, or has asked that such countries indicate whether such waste should be subject to the control procedures which apply to waste listed in Annex III or IV to the said Regulation or to the procedure laid down in Article 15 thereof;

Whereas certain countries have indicated that such waste should be subject to one or other of those control procedures and the Commission on 20 July 1994, pursuant to the provisions of Article 17(3) of the said Regulation adopted Decision 94/575/EC⁽⁴⁾ to determine the appropriate control procedures;

Whereas the second subparagraph of Article 17(1) of Regulation (EEC) No 259/93 provides that if such confirmation is not received, the Commission is to make appropriate proposals to the Council; whereas it is therefore necessary to establish, on a Community-wide basis, a system to regulate trade in such waste from the Community by establishing the appropriate common rules and procedures relating to exports thereof;

Whereas, in the case of countries which have replied that they do not wish to receive some or all types of waste

⁽¹⁾ OJ C 214, 10.7.1998, p. 74.

⁽²⁾ Opinion of the European Parliament of 17 July 1997 (OJ C 286, 22.9.1997, p. 231), Council Common Position of 4 June 1998 and European Parliament Decision of ... (not yet published in the Official Journal).

⁽³⁾ OJ L 30, 6.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 120/97 (OJ L 22, 24.1.1997, p. 14).

⁽⁴⁾ OJ L 220, 25.8.1994, p. 15.

listed in Annex II to the said Regulation, their will must be respected and therefore those types of waste cannot be exported to those countries;

Whereas, in the case of countries which have not replied, silence cannot be taken as implying consent and therefore it is appropriate to adopt a similar regulatory framework in order to enable such countries to evaluate such shipments on a case-by-case basis;

Whereas, in the case of countries which have replied that they do not wish to receive some or all types of waste listed in Annex II or have not replied, the possibility exists that they will change their position, or will reply in the future, and a mechanism must, therefore, exist within a comitology procedure, to change this Regulation;

Whereas the Commission will, as soon as possible, and at the latest before 1 July 1998, review and amend Annex II to Regulation (EEC) No 259/93 taking into full consideration those wastes featuring on the list of wastes adopted in accordance with Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste⁽¹⁾, and any list of wastes characterised as hazardous for the purposes of the Basle Convention, and will adapt Regulation (EEC) No 259/93 accordingly;

Whereas with regard to shipments to ACP countries, Article 39 of the Fourth ACP-EC Convention prohibits exports of all waste listed in Annexes I and II of the Basle Convention; whereas, furthermore, certain items of such waste can be found in Annex II to Regulation (EEC) No 259/93; whereas, in these circumstances and in order to respect the Community's international obligations shipments of such items to ACP countries have to be prohibited;

Whereas it must be made clear that such items are excluded from the scope of this Regulation;

Whereas the arrangements covered by this Regulation should be subject to periodic review by the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

The export of waste listed in Annex II to Regulation (EEC) No 259/93 and mentioned in Annex A to this Regulation to countries listed in said Annex A shall be prohibited.

Article 2

The control procedure laid down in Article 15 of Regulation (EEC) No 259/93 shall apply to exports to the countries listed in Annex B to this Regulation with

⁽¹⁾ OJ L 377, 31.12.1991, p. 20. Directive amended by Directive 94/31/EC (OJ L 168, 2.7.1994, p. 28).

respect to those categories of waste destined for recovery only and listed in Annex II to Regulation (EEC) No 259/93.

Article 3

In accordance with Article 39 of the Fourth ACP-EC Convention shipments of waste listed in Annex C to this Regulation to ACP countries are prohibited.

Article 4

1. On request by the country of destination the control procedure applicable to that country under this Regulation shall be amended in accordance with this Article.

2. The Commission shall determine, in accordance with the procedure laid down in Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste⁽²⁾, which of the control procedures shall apply, that is to say:

- (i) the procedure applicable to wastes listed in Annex III or Annex IV to Regulation (EEC) No 259/93, or
- (ii) the procedure laid down in Article 15 of Regulation (EEC) No 259/93, or
- (iii) none of the procedures referred to in paragraphs (i) and (ii) above.

3. The Commission shall inform the Member States of the change of position of a country of destination within 21 days of receipt of the request from that country and shall submit its proposed determination to the committee established under said Article 18 of Directive 75/442/EEC as soon as possible with three months of receipt of the request.

4. Furthermore, where there is any other exceptional change of circumstances, for example war, natural disaster or a trade embargo decided by the United Nations, which would affect the control procedure applicable under this Regulation, this control procedure may be amended. The Commission may determine, after consultation with the country of destination, as appropriate, and in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, which of the procedures referred to in paragraph (2) of this Article shall apply.

5. The Commission shall, in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, regularly review Annexes A, B and C of this Regulation, in order to bring them into line with the amendments made to the Annexes to Regulation (EEC)

⁽²⁾ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

No 259/93 or, in relation to said Annex C, any changes to Annexes I and II of the Basle Convention or to the Fourth ACP-EC Convention.

Article 5

The control procedures established by this Regulation shall be subject to periodic review by the Commission and for the first time no later than 31 December 1998, taking into account the experience gained. If the results of the review lead to the conclusion that it would be appropriate, the Commission may, without prejudice to the provisions of Article 4, make new proposals to the Council.

Article 6

This Regulation shall enter into force on the 90th day following its publication in the *Official Journal of the European Communities*.

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

Done at . . .

For the Council

The President

ANNEX A

Countries and territories which have indicated to the Commission that they do not wish to receive shipments for recovery of certain types of waste listed in Annex II to Council Regulation (EEC) No 259/93⁽¹⁾

ALBANIA: All types **except:**

1. in section GA ('Metal and metal-alloy wastes in metallic, non-dispersible form'):

(a) the following ferrous waste and scrap of iron and steel:

GA 040	7204 10	waste and scrap of cast iron
GA 050	7204 21	waste and scrap of stainless steel
GA 060	7204 29	waste and scrap of other alloy steels
GA 070	7204 30	waste and scrap of tinned iron or steel
GA 080	7204 41	turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles
GA 090	7204 49	other ferrous scrap and waste
GA 100	7204 50	remelting scrap ingots
GA 110	ex 7302 10	used iron and steel rails

(b) the following waste and scrap of non-ferrous metals and their alloys:

GA 120	7404 00	copper waste and scrap
GA 150	7802 00	lead waste and scrap
GA 160	7902 00	zinc waste and scrap
GA 170	8002 00	tin waste and scrap

2. in section GB ('Metal bearing wastes arising from melting, smelting and refining of metals'):

GB 010	2620 11	hard zinc spelter
GB 020		zinc containing drosses:
GB 021		— galvanising slab zinc top dross (> 90 % Zn)
GB 022		— galvanising slab zinc bottom dross (> 92 % Zn)
GB 023		— zinc die casting dross (> 85 % Zn)
GB 024		— hot dip galvanisers slab zinc dross (batch) (> 92 % Zn)
GB 025		— zinc skimmings
GB 030		aluminium skimmings
GB 040	ex 2620 90	slag from precious metals and copper processing for further refining

3. in section GC ('Other wastes containing metals'):

GC 060	2618 00	granulated slag arising from the manufacture of iron and steel
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4. all types in section GE ('Glass waste in non-dispersible form')

5. in section GG ('Other wastes containing principally inorganic constituents, which may contain metals and organic materials'):

GG 070	3103 20	basic slag arising from the manufacture of iron or steel suitable for phosphate fertiliser and other use
GG 080	ex 2621 00	slag from copper production, chemically stabilised, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications

⁽¹⁾ Further updating of Annexes A and B could be necessary in view of future changes in the position of countries of destination. These changes will be reflected in the final text of the Regulation.

6. all types in section GI ('Paper, paperboard and paper product waste')

7. in section GJ ('Textile waste'):

GJ 020	5103	waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock:
GJ 021	5103 10	— noils of wool or of fine animal hair
GJ 022	5103 20	— other waste of wool or of fine animal hair
GJ 023	5103 30	— waste of coarse animal hair
GJ 030	5202	cotton waste (including yarn waste and garnetted stock):
GJ 031	5202 10	— yarn waste (including thread waste)
GJ 032	5202 91	— garnetted stock
GJ 033	5202 99	— other

ANDORRA: All types

BAHAMAS: All types

BARBADOS: All types

BELIZE: All types

BENIN: All types

BHUTAN: All types

BOLIVIA: All types

BOTSWANA: All types

BRAZIL: All types **except:**

1. in section GA ('Metal and metal-alloy wastes in metallic, non dispersible form'):

(a) the following ferrous waste and scrap of iron and steel:

GA 040	7204 10	waste and scrap of cast iron
GA 050	7204 21	waste and scrap of stainless steel
GA 060	7204 29	waste and scrap of other alloy steels
GA 070	7204 30	waste and scrap of tinned iron or steel
GA 080	7204 41	turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles
GA 090	7204 49	other ferrous scrap and waste
GA 100	7204 50	remelting scrap ingots

(b) the following waste and scrap of non-ferrous metals and their alloys:

GA 120	7404 00	copper waste and scrap
GA 130	7503 00	nickel waste and scrap
GA 140	7602 00	aluminium waste and scrap
GA 150	7802 00	lead waste and scrap
GA 160	7902 00	zinc waste and scrap
GA 190	ex 8102 91	molybdenum waste and scrap
GA 200	ex 8103 10	tantalum waste and scrap
GA 210	8104 20	magnesium waste and scrap
GA 250	ex 8108 10	titanium waste and scrap
GA 280	ex 8111 00	manganese waste and scrap
GA 300	ex 8112 20	chromium waste and scrap
GA 320	ex 8112 40	vanadium waste and scrap

2. in section GC ('Other wastes containing metals'):

GC 060	2618 00	granulated slag arising from the manufacture of iron and steel
GC 070	ex 2619 00	slag arising from the manufacture of iron and steel ⁽¹⁾

⁽¹⁾ This entry covers the use of such slag as a source of titanium dioxide and vanadium.

BURKINA FASO:	All types
CAPE VERDE:	All types
CHAD:	All types
CHILE:	All types

CHINA:

1. in section GA ('Metal and metal-alloy wastes in metallic, non-dispersible form'):
 - (a) the following waste and scrap of non-ferrous metals and their alloys:

GA 390	ex 2844 30	thorium waste and scrap
GA 420	ex 2805 30	rare earths waste and scrap
2. In section GC ('Other wastes containing metals'):

GC 050		spent catalysts:
GC 051		— fluid catalytic cracking (FCC) catalysts
GC 052		— precious metal bearing catalysts
GC 053		— transition metal catalysts (e.g. chromium, cobalt, copper, iron, nickel, manganese, molybdenum, tungsten, vanadium, zinc)
GC 060	2618 00	granulated slag arising from the manufacture of iron and steel
GC 070	ex 2619 00	slag arising from the manufacture of iron and steel ⁽¹⁾
3. ALL types of waste in section GD ('Wastes from mining operations: these wastes to be in non-dispersable form')
4. ALL types of waste in section GG ('Other wastes containing principally inorganic constituents, which may contain metals and organic materials')
5. in section GJ ('Textile wastes'):

GJ 120	6309 00	worn clothing and other worn textile articles
GJ 130	ex 6310	used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials:
GJ 131	ex 6310 10	— sorted
GJ 132	ex 6310 90	— other
6. in section GM ('Wastes arising from the agro-food industries'):

GM 110	ex 0511 91	Fish waste
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7. ALL types in section GO ('Other wastes containing principally organic constituents, which may contain metals and inorganic materials')

COLOMBIA:

1. in section GA ('Metal and metal-alloy wastes in metallic, non-dispersible form'):
 - (a) the following waste and scrap of non-ferrous metals and their alloys:

GA 120	7404 00	copper waste and scrap
GA 130	7503 00	nickel waste and scrap
GA 140	7602 00	aluminium waste and scrap
GA 150	7802 00	lead waste and scrap
GA 160	7902 00	zinc waste and scrap
GA 170	8002 00	tin waste and scrap
GA 180	ex 8101 91	tungsten waste and scrap
GA 190	ex 8102 91	molybdenum waste and scrap
GA 200	ex 8103 10	tantalum waste and scrap

⁽¹⁾ This entry covers the use of such slag as a source of titanium dioxide and vanadium.

GA 210	8104 20	magnesium waste and scrap
GA 220	ex 8105 10	cobalt waste and scrap
GA 230	ex 8106 00	bismuth waste and scrap
GA 240	ex 8107 10	cadmium waste and scrap
GA 250	ex 8108 10	titanium waste and scrap
GA 260	ex 8109 10	zirconium waste and scrap
GA 270	ex 8110 00	antimony waste and scrap
GA 280	ex 8111 00	manganese waste and scrap
GA 290	ex 8112 11	beryllium waste and scrap
GA 300	ex 8112 20	chromium waste and scrap
GA 310	ex 8112 30	germanium waste and scrap
GA 320	ex 8112 40	vanadium waste and scrap
	ex 8112 91	wastes and scrap of:
GA 330		— hafnium
GA 340		— indium
GA 350		— niobium
GA 360		— rhenium
GA 370		— gallium
GA 380		— thallium
GA 390	ex 2844 30	thorium waste and scrap
GA 400	ex 2804 90	selenium waste and scrap
GA 410	ex 2804 50	tellurium waste and scrap
GA 420	ex 2805 30	rare earths waste and scrap

2. in section GB ('Metal bearing wastes arising from melting, smelting and refining of metals');

GB 040 ex 2620 90 Slag from precious metals and copper processing for further refining

3. in section GC ('Other wastes containing metals');

GC 070 ex 2619 00 Slag arising from the manufacture of iron and steel⁽¹⁾

4. in section GD ('Waste from mining operations: these wastes to be in non-dispersible form');

GD 040 ex 2529 30 leucite, nepheline and nepheline syenite waste

GD 050 ex 2529 10 feldspar waste

GD 060 ex 2529 21 fluospar waste
ex 2529 22

5. in section GG ('Other wastes containing principally inorganic constituents, which may contain metals and organic materials');

GG 030 ex 2621 bottom ash and scag tap from coal fired power plants

GG 040 ex 2621 coal fired power plants fly ash

GG 060 ex 2803 spent activated carbon

GG 070 3103 20 basic slag arising from the manufacture of iron or steel suitable for phosphate fertiliser and other use

GG 080 ex 2621 00 slag from copper production, chemically stabilised, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications

GG 100 limestone from the production of calcium cyanamide (having a pH less than 9)

⁽¹⁾ This entry covers the use of such slag as a source of titanium dioxide and vanadium.

6. in section GH ('Solid plastic waste'):

- GH 013 ex 3915 30 waste, parings and scrap of plastics of polymers vinyl chloride
- GH 015 ex 3915 90 waste, parings and scrap of plastics of resins or condensation products e. g.:
- urea formaldehyde resins
 - phenol formaldehyde resins
 - melamine formaldehyde resins
 - epoxy resins
 - alkyd resins
 - polyamides

7. in section GJ ('Textile wastes'):

- GJ 050 ex 5302 90 tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa L.*)

8. in section GK ('Rubber wastes'):

- GK 020 4012 20 used pneumatic tyres
- GK 030 ex 4017 00 waste and scrap of hard rubber (e. g. ebonite)

9. in section GO ('Other wastes containing principally organic constituents, which may contain metals and inorganic materials'):

- GO 040 waste photographic film base and waste photographic film not containing silver
- GO 050 single use cameras without batteries

COMOROS:	All types
COSTA RICA:	All types
DOMINICA:	All types
DJIBOUTI:	All types
EGYPT:	All types
FIJI:	All types
GAMBIA:	All types
GHANA:	All types
GUYANA:	All types
KIRIBATI:	All types
KUWAIT:	All types
LEBANON:	All types
MALAWI:	All types
MALDIVES:	All types
MOLDOVA:	All types
MONGOLIA:	All types
MOZAMBIQUE:	All types
MYANMAR:	All types
NIGERIA:	All types
NICARAGUA:	All types
NIGER:	All types

PAKISTAN:

1. in section GK ('Rubber wastes'):

- GK 020 4012 20 used pneumatic tyres

2. in section GM ('Waste arising from agro-food industries');

GM 070 ex 2307 wine lees

3. in section GN ('Waste arising from tanning and fellmongery operations and leather use');

GN 010 ex 0502 00 'waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush-making hair'

PAPUA NEW GUINEA: All types

PARAGUAY: All types **except:**

1. all types in section GI ('Paper, paperboard and paper product wastes')

2. in section GJ ('Textile wastes');

GJ 012 5003 90 other silk waste

GJ 031 5202 10 yarn waste (including thread waste) of cotton waste

GJ 032 5202 91 garnetted stock of cotton waste

3. in section GL ('Untreated cork and wood wastes');

GL 020 4501 90 cork waste; crushed, granulated or ground cork

PERU: All types

REPUBLIC OF KOREA: All types **except:**

1. in section GA ('Metal and metal-alloy waste in metallic non-dispersible form');

GA 120 7404 00 copper waste and scrap

GA 130 7503 00 nickel waste and scrap

GA 140 7602 00 aluminium waste and scrap

GA 160 7902 00 zinc waste and scrap

GA 170 8002 00 tin waste and scrap

GA 240 ex 8107 10 cadmium waste and scrap

2. Section GH ('Solid plastic wastes')

3. in section GK ('Rubber wastes');

GK 010 4004 00 waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom

GK 030 ex 4017 00 waste and scrap of hard rubber (for example, ebonite)

SÃO TOME-AND-PRINCIPE: All types **except:**

in section GJ ('Textile wastes');

GJ 111 5505 10 waste (including noils, yarn waste and waste and garnetted stock) of synthetic fibres

GJ 120 6309 00 worn clothing and other worn textile articles

GJ 130 ex 6310 used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials:

GJ 131 ex 6310 10 — sorted

GJ 132 ex 6310 90 — other

SAUDI ARABIA: All types

SENEGAL: All types

SEYCHELLES: All types

SINGAPORE: All types **except**:

1. in section GA ('Metal and metal-alloy wastes in metallic, non-dispersible form'):

(a) the following waste and scrap of precious metals and their alloys:

GA 010 ex 7112 10 — of gold

GA 020 ex 7112 20 — of platinum (the expression 'platinum' includes platinum, iridium, osmium, palladium, rhodium and ruthenium)

GA 030 ex 7112 90 — of other precious metals, e. g.; silver

NB: Mercury is specifically excluded as a contaminant of these metals or their alloys or amalgams.

(b) the following ferrous waste and scrap of iron or steel:

GA 040 7204 10 — waste and scrap of cast iron

GA 050 7204 21 — waste and scrap of stainless steel

GA 060 7204 29 — waste and scrap of other alloy steels

(c) the following waste and scrap of non-ferrous metals and their alloys:

GA 120 7404 00 copper waste and scrap

GA 130 7503 00 nickel waste and scrap

GA 140 7602 00 aluminium waste and scrap

GA 150 ex 7802 00 lead waste and scrap

GA 170 8002 00 tin waste and scrap

GA 190 ex 8102 91 molybdenum waste and scrap

GA 250 ex 8108 10 titanium waste and scrap

GA 260 ex 8109 10 zirconium waste and scrap

GA 280 ex 8111 00 manganese waste and scrap

GA 300 ex 8112 20 chromium waste and scrap

GA 320 ex 8112 40 vanadium waste and scrap

GA 350 ex 8112 91 waste and scrap of niobium

2. in section GC ('Other wastes containing metals'):

GC 060 2618 00 granulated slag arising from the manufacture of iron and steel

GC 070 ex 2619 00 slag arising from the manufacture of iron and steel⁽¹⁾

3. in section GD ('Waste from mining operations: these wastes to be in non-dispersible form'):

GD 020 ex 2514 00 slate waste, whether or not roughly trimmed or merely cut by sawing or otherwise

ST LUCIA: All types

ST VINCENT AND THE GRENADINES: All types

VANUATU: All types

WESTERN SAMOA: All types

TAIWAN:

in section GA ('Metal and metal-alloy wastes in metallic, non-dispersible form'):

GA 090 7204 49 Other ferrous scrap and waste

TANZANIA: All types

TUVALU: All types

UGANDA: All types

⁽¹⁾ This entry covers the use of such slag as a source of titanium dioxide and vanadium.

ANNEX B

Countries and territories which have not responded to the Commission's communication on shipments for recovery of certain types of waste listed in Annex II to Council Regulation (EEC) No 259/93⁽¹⁾

AFGHANISTAN:	All types	KENYA:	All types
ALGERIA:	All types	KYRGYSTAN:	All types
ANGOLA:	All types	LAOS:	All types
ANTIGUA AND BARBUDA:	All types	LESOTHO:	All types
ARMENIA:	All types	MALI:	All types
AZERBAIJAN:	All types	MAURITANIA:	All types
BAHRAIN:	All types	MOROCCO:	All types
BANGLADESH:	All types	NAMIBIA:	All types
BRUNEI:	All types	NEPAL:	All types
BURUNDI:	All types	OMAN:	All types
CAMBODIA:	All types	PANAMA:	All types
CAMEROON:	All types	QATAR:	All types
CENTRAL AFRICAN REPUBLIC:	All types	RUSSIAN FEDERATION:	All types
CONGO:	All types	RWANDA:	All types
DEMOCRATIC REPUBLIC OF THE CONGO:	All types	ST. KITTS AND NEVIS:	All types
COTE D'IVOIRE:	All types	SOLOMON ISLANDS:	All types
DOMINICAN REPUBLIC:	All types	SUDAN:	All types
ECUADOR:	All types	SWAZILAND:	All types
EL SALVADOR:	All types	SYRIA:	All types
EQUATORIAL GUINEA:	All types	TAJIKISTAN:	All types
ERITREA:	All types	TONGA:	All types
ETHIOPIA:	All types	TURKMENISTAN:	All types
GABON:	All types	UKRAINE:	All types
GUATEMALA:	All types	UZBEKISTAN:	All types
GUINEA:	All types	VATIKAN CITY:	All types
GUINEA-BISSAU:	All types	VENEZUELA:	All types
HAITI:	All types	VIETNAM:	All types
HONDURAS:	All types	YEMEN:	All types
KAZAKHSTAN:	All types	ZIMBABWE:	All types

⁽¹⁾ Further updating of Annexes A and B could be necessary in view of future changes in the position of countries of destination. These changes will be reflected in the final text of the Regulation.

ANNEX C⁽¹⁾

Green list		Basle Convention
GA 150	waste and scrap of lead	Y 31
GA 240	waste and scrap of cadmium	Y 26
GA 270	waste and scrap of antimony	Y 27
GA 290	waste and scrap of beryllium	Y 20
GA 380	waste and scrap of thallium	Y 30
GA 400	waste and scrap of selenium	Y 25
GA 410	waste and scrap of tellurium	Y 28

⁽¹⁾ Drawn up on ... (date of adoption of the Regulation).

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. On 13 June 1995 the Commission forwarded to the Council its initial proposal for a Council Regulation establishing common rules and procedures to apply to the shipments to certain non-OECD countries of certain types of waste, based on Article 113 of the EC Treaty⁽¹⁾.

2. On 20 January 1997 the Council concluded that Article 130s(1) jointly with Article 113 was the appropriate legal basis for the present Regulation. Following this change of legal basis the European Parliament was consulted and delivered its opinion on 17 July 1997⁽²⁾, proposing 10 amendments.

The Economic and Social Committee delivered its opinion on 29 April 1998⁽³⁾.

3. The Commission, further to the European Parliament's opinion, submitted its amendment proposal to the Council on 28 January 1998⁽⁴⁾.

4. On 4 June 1998 the Council adopted a Common Position in accordance with Article 189c of the Treaty.

II. OBJECTIVE

5. The proposal, drawn up in accordance with Article 17(1) of Council Regulation (EEC) No 259/93, aims at defining the procedures to be followed with non-OECD countries which have either indicated that they do not wish to receive shipments for recovery of certain types of waste appearing on the 'Green list' of Regulation (EEC) No 259/93 or have not responded to the Commission's communication on shipments for recovery of certain types of waste appearing on the Green list of Regulation (EEC) No 259/93.

III. ANALYSIS OF THE COMMON POSITION

6. Although the Common Position is largely based on the Commission's amended proposal, in examining this proposal and reaching its common position the Council has tried to retain procedures that are better suited to the needs and circumstances of non-OECD countries.

The main changes to the text of the proposal are the following:

Article 2

The so-called 'Red list' (Annex IV to Regulation (EEC) No 259/93) procedure proposed by the Commission appears to be needlessly cumbersome and the Council prefers to retain the more flexible procedure laid down in Article 15 of Regulation (EEC) No 259/93.

Article 3

In order to make this Regulation as self-contained as possible it was deemed useful to list (in a new Annex C) the wastes which may not be exported to ACP countries under Article 39 of the ACP-EC (Lomé) Convention.

⁽¹⁾ Doc. COM(94) 678 final.

⁽²⁾ OJ C 286, 22.9.1997, p. 231.

⁽³⁾ OJ C 214, 10.7.1998, p. 74.

⁽⁴⁾ Doc. COM(97) 685 final.

Articles 4 and 5

These two Articles have been re-arranged in order to make a clear distinction between:

- amendments of control procedures resulting from a change of position of a country of destination (Article 4(1), (2) and (3) or from a change of circumstances affecting this country (Article 4(4), and review (Article 4(5)) of Annexes A, B and C, in accordance with the (comitology) procedure laid down in Article 18 of Directive 75/442/EEC,
- and periodic review of the control procedure established by this Regulation, which may lead to new proposals to the Council (Article 5).

Article 6

The date of entry into force of this Regulation has been slightly postponed (from 20 to 90 days following its publication in the *Official Journal of the Communities*) to take into account the time necessary for its implementation.

Annexes

Annexes A and B may need to be further updated in view of future changes in the positions of countries of destination.
