



Information Leaflet

for the transboundary shipment of waste

1. Relevant rules and regulations:

1. EU regulations

- **Regulation (EC) No 1013/2006** of the European Parliament and of the Council of 14 June 2006 on shipments of waste (**Waste Shipment Regulation - WSR**), OJ L 190 of 12 July 2006,
[consolidated version of 26 May 2014](#)
- **Regulation (EU) No 660/2014** of the European Parliament and of the Council of 15 May 2014 amending Regulation (EC) No 1013/2006 on shipments of waste, OJ L 189/135 of 27 June 2014
[Regulation \(EU\) No 660/2014](#)
- **Commission Regulation (EU) No 1234/2014** of 18 November 2014 amending Annexes IIIB, V and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, OJ L 332/15 of 19 November 2014
[Commission Regulation \(EU\) No 1234/2014](#)
- **Commission Regulation (EC) No 1418/2007** of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply, OJ L 316 of 4 December 2007,
[consolidated version of 18 July 2014](#)
- **Council Regulation (EU) No 333/2011** of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council, OJ L 94 of 8 April 2011
[Regulation \(EU\) No 333/2011](#)



- **Commission Regulation (EU) No 1179/2012** of 10 December 2012 establishing criteria determining when glass cullet ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council, OJ L 337 of 11 December 2012
[Regulation \(EU\) No 1179/2012](#)

- **Commission Regulation (EU) No 715/2013** of 25 July 2013 establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council, OJ L 201 of 26 July 2013
[Regulation \(EU\) No 715/2013](#)

- **Commission Regulation (EU) No 1357/2014** of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives, OJ L 365/89 of 19 December 2014
[Commission Regulation \(EU\) No 1357/2014](#)

➤ **Correspondents' Guidelines:**

These correspondents' guidelines are not legally binding but represent the common understanding of all Member States on how Regulation (EC) No 1013/2006 on shipments of waste should be interpreted.

Revised Correspondents' Guidelines No 1 on shipments of waste electrical and electronic equipment (WEEE) - to apply under the new Regulation No 1013/2006 from 12 July 2007
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines_en.pdf)

Correspondents' Guidelines No 2: Information on imports into the Community of waste generated by armed forces or relief organisations according to Article 1(3)(g) of Regulation (EC) No 1013/2006 on shipments of waste
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines2_en.pdf)

Correspondents' Guidelines No 3: Certificate for subsequent non-interim recovery or disposal according to Article 15(e) of Regulation (EC) No 1013/2006 on shipments of waste
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines3_en.pdf)

Correspondents' Guidelines No 4: Classification of waste electrical and electronic equipment and fly ash from coal-fired power plants according to Annex IV Part I lit. (c) of Regulation (EC) No 1013/2006 on shipments of waste
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines4_en.pdf)

Correspondents' Guidelines No 5: Classification of wood waste under entries B3050 or AC170
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines5_en.pdf)

Correspondents' Guidelines No 6: Classification of slags from processing of copper alloys under entries GB040 and B1100
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines6_en.pdf)

Correspondents' Guidelines No 7: Classification of glass waste originating from cathode ray tubes (CRT) under entries B2020 or A2010
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines7_en.pdf)



Correspondents' Guidelines No 8: Classification of waste cartridges containing toner or ink, according to Regulation (EC) No 1013/2006 on shipments of waste
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines8_en.pdf)

Correspondents' Guidelines No 9: Shipments of waste vehicles
(http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines9_en.pdf)

2. Waste Management Act 2002 (AWG 2002)

Federal Law Gazette I 2002/102 as amended by Federal Law Gazette I 2013/193,
[consolidated version of 14 July 2015](#), in particular

- Section 19 para. 1 (Transport of hazardous waste – documents which have to accompany the waste)
- Section 21 para. 6 (Duty of registration for notifiers)
- Sections 66 to 72 (Part 7 – Transboundary movement)
- Section 75a (Pilot projects)
- Section 79 para. 1 (15a), (15b), para. 2 (18) to (23), (26) para. 3 (13) to (18) (Administrative offences – amount of penalty) and
- Sections 82, 83 (Involvement of the Federal Police, tasks of the customs bodies)

3. Agreement between Germany and Austria on transboundary shipments of waste

On 1 July 2009 the agreement between the Government of the Republic of Austria and the Government of the Federal Republic of Germany on transboundary shipments of waste according to Article 30 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste of 14 June 2006, [Federal Law Gazette III 2009/72](#), entered into force.

This bilateral agreement **provides for simplification measures concerning the notification procedure** for certain **transboundary shipments of waste requiring notification** in the **border area of Austria and Germany**.

4. Federal Waste Management Plan 2011

Chapter 8 – Guidelines on shipments of waste is available at
www.bundesabfallwirtschaftsplan.at.



2. EU Waste Shipment Regulation (WSR) – important provisions:

Scope and definitions	Title I (Art. 1, 2)
Exclusions from the scope of the EU's WSR	Art. 1, para. 3
<i>Transboundary shipments of waste within the Community</i>	<i>Title II (Art. 3 to 32)</i>
Overall procedural framework: <ul style="list-style-type: none"> • Procedure of prior written notification and consent or • General information requirements (form according to Annex VII) 	Art. 3
Procedure of prior written notification and consent <ul style="list-style-type: none"> • All wastes destined for disposal? • Amber List waste destined for recovery • Non-listed waste destined for recovery 	Art. 4 to 17: <i>Art. 11 Objections to shipments of waste for disposal</i> <i>Art. 12 Objections to shipments of waste destined for recovery</i> <i>Art. 14 Pre-consented facilities</i> <i>Art. 15 Additional provisions regarding interim recovery and disposal operations</i>
Transitional arrangements for certain Member States: Procedure of <u>written notification and consent</u> also for shipments for recovery of Green List wastes to the following country: <ul style="list-style-type: none"> • Romania (until 31 December 2015) 	Art. 63
Waste to be accompanied by certain information (form according to Annex VII): <ul style="list-style-type: none"> • Green List wastes destined for recovery if the amount of waste shipped exceeds 20 kg, • All wastes destined for laboratory analysis provided that the amount of waste shipped does not exceed 25 kg 	Art. 18
Take-back obligations, costs for take-back	Art. 22 to 25
Disagreement on the classification of waste (in each case more stringent classification)	Art. 28
Shipments with transit via third countries	Art. 31, 32



<i>Exports from the Community</i>	<i>Title IV (Art. 34 to 40)</i>
Exports of waste destined for disposal – prohibited <u>except to</u> EFTA countries	Art. 34, 35
Exports of waste destined for recovery to countries to which OECD Decision C(2001) 107 Final does not apply – prohibited for hazardous waste	Art. 36
Exports of waste for disposal – procedures when exporting waste listed in Annex III or IIIA to countries to which OECD Decision C(2001) 107 Final does not apply <ul style="list-style-type: none">• Prohibited or• Written notification and consent according to Art. 35 or• Form as specified in Annex VII	Art. 37
Exports for recovery – procedures when exporting waste destined for recovery to countries to which OECD Decision C(2001) 107 Final applies	Art. 38
<i>Imports into the Community</i>	<i>Title V (Art. 41 to 46)</i>
Imports of waste for disposal – prohibited <u>except</u> , in particular, from countries which are Parties to the Basel Convention	Art. 41, 42
Imports of waste for recovery - prohibited <u>except, in particular</u> , from countries to which OECD Decision C(2001) 107 Final applies and from Parties to the Basel Convention	Art. 43 to 45
<i>Transit through the Community from and to third countries</i>	<i>Title VI (Art. 47, 48)</i>



3. Notification:

Unless already registered according to section 22 para. 1(1) of the Waste Management Act 2002, persons intending to carry out a shipment of waste requiring notification from Austria according to the EC Waste Shipment Regulation have to register via the internet page edm.gv.at.

The notifier as described in Art. 2 (15) of the WSR submits his application for consent to the transboundary shipment of waste requiring notification using the **notification document**, which has to be completed fully and signed, and the **movement document**, of which only the boxes that can already be filled in at the time of application have to be completed.

Notes:

- *If the notifier is not the producer of the waste, the notification document has to be signed by the producer / new producer or collector as well!*
- *Box 22 of the dispatch/movement document always has to be completed and signed only before reporting the transport for the current shipment of waste, in the framework of notification.*

For shipments between Member States as well as for exports from the EU the **notification document** and the **movement document** have to be issued by the **competent authority of dispatch**.

The **application for notification** has to be submitted (in the case of shipments between EU Member States exclusively) to the **competent authority of dispatch**, which will subsequently pass the complete notification on to the other competent authorities concerned.

New **applications for notification** for shipments from Austria (**exports, Deutsches Eck**) can be **completed online** and sent to the BMLFUW via the **EDM application eVerbringung**.

Notifications for the purposes of Article 15 or 16 of the WSR can also be sent to the BMLFUW **electronically** via the application eVerbringung.

For more information, please see: www.edm.gv.at (at: *Informationen > Applications / Themen > Verbringung*).



4. Additional documents to be attached to the application:

- Technical description of the **facility** and the **treatment of residual waste**;
- Copy of the **contract** on the environmentally sound management of the waste concluded between the notifier and the consignee;
- Analysis / description of the physical and chemical **characteristics of the waste**;
- **Financial guarantee** (in particular facility letter or bank guarantee) or insurance as provided for in Art. 6 of the WSR: for shipments / exports from Austria in original, otherwise original or copy;
- Evidence of sufficient **third-party insurance for the means of transport used in case of shipments of hazardous goods**;
- Planned **transport route incl. border checkpoints / customs offices** (including possible alternatives);
- **Maximum duration of transport and transport distance**;
- **For dealers or brokers acting as notifiers**: Copy of the **contract** or evidence of that contract (or declaration certifying its existence) **between the producer, new producer or collector and the broker or dealer**;
- **For exports to a third country**: copy of the operating license for the recovery or disposal facility;
- **In the case of recovery**:
 - (1) information about the amount of recovered material in relation to residual waste;
 - (2) estimated value of the material recovered;
 - (3) costs of the recovery and of the disposal of the amount of non-recoverable waste.
- **It is useful to attach the following additional documents**:
 - (.) copy of the operating permit(s),
 - (.) trade license,
 - (.) permit for the collection/treatment of waste according to section 24a Waste Management Act 2002

The completed and signed (official company stamp and signature) **notification document** has to be sent to the **BMLFUW, Div. V/1, Stubenbastei 5, 1010 Vienna**, together with the **movement document** and the other documents required (as well as the necessary copies for the other competent authorities).



5. Financial guarantee:

For each shipment for which notification is required for the purposes of the EU Waste Shipment Regulation a **financial guarantee** or evidence of an equivalent **insurance** has to be provided.

This financial guarantee must cover:

- the **costs of transport**;
- the **costs of recovery or disposal**, including any necessary interim operation; and
- the **costs of storage** for 90 days for the waste concerned.

The competent body for the specification and the release of the financial guarantee is the competent authority of **dispatch**.

The financial guarantee / insurance must be effective until evidence has been provided that the disposal / recovery of the waste shipped across the border has been completed, which means until **all certificates from the facility referred to in Art. 16 (e) of the WSR confirming that the disposal / recovery** of the waste under its responsibility have been completed, have been **received**.

In the case of shipments of waste destined for interim recovery or disposal operations the financial guarantee / insurance must be effective until **all certificates from the facility referred to in Art. 15 (d) of the WSR** on the completion of the interim recovery or disposal have been **received**.

In the case of shipments of waste to Austria for interim recovery or disposal operations also each subsequent shipment to a treatment facility in Austria **must be covered** by a suitable financial guarantee or insurance.

Imports of waste: If no (sufficient) financial guarantee/insurance has been supplied to the competent authority of dispatch, the **Federal Minister of Agriculture, Forestry, Environment and Water Management specifies an additional financial guarantee or insurance**.

Examples for financial guarantees are available at:

<http://www.bmlfuw.gv.at/en/fields/greentec/Wastemanagement/Wasteshipment.html>.



6. Contract:

The contract has to include the minimum content specified in the relevant provisions of the EU's Waste Shipment Regulation:

Art. 5 (General provisions of the contract) in the case of shipments inside the EU,

Art. 35 para. 3 (f) (Additional provisions in the contract in the case of exports from the EU of waste destined for disposal,

Art. 38 para. 3 (e) (Additional provisions in the contract in the case of exports from the EU of waste destined for recovery to countries to which the OECD Decision applies)

Template for contracts are available at

<http://www.bmlfuw.gv.at/en/fields/greentec/Wastemanagement/Wasteshipment.html>.

7. Deadlines:

In principle, the Federal Minister of Agriculture, Forestry, Environment and Water Management must issue **official decisions of approval** within a period of **30 days following dispatch of the acknowledgement of receipt by the competent authority of destination**. The same deadline applies also to the raising of **objections**.

Exceptions:

1. **No official decision** has to be issued for shipments within the Community with transit through Austria, except if objections based on Art. 11 or 12 of the WSR have to be raised or conditions have to be imposed, or a decision by the authority to safeguard the public interest according to section 1 para. 3 of the Waste Management Act 2002 needs to be taken, or the shipment concerned is a shipment to a pre-consented recovery facility as specified in Art. 14 of the WSR (**tacit consent** in the case of **transit through Austria for shipments within the EU**).
2. Official decisions for exports of waste destined for disposal to third countries from Austria must, in the case of transit through a third country, be adopted not earlier than **61 days** following transmission of the acknowledgement of receipt of the competent authority of transit of this third country.
3. Official decisions for exports of waste destined for recovery to third countries to which the OECD Decision applies, with transit through a country to which the OECD Decision does not apply, from Austria must be adopted **61 days** following dispatch of the acknowledgement of receipt of the competent authority of transit of this third country, at the earliest.

The official decision may also be adopted earlier if the written consent from the other competent authorities involved has been received.



8. Period of validity of the permits:

Permits for the transboundary shipment of waste shall be issued for a **maximum period of one year** (Art. 9 para. 4 WSR).

In the case of shipments to **pre-consented recovery facilities** the consent may be issued for a period of up to three years (Art. 14 para. 2 WSR).

9. Information on the completing of the notification document and the movement document:

1. Instructions on the completing of these forms are provided in Annex IC to the WSR.

Note:

*The following boxes of the movement document should be filled in **just BEFORE** the relevant shipment starts as far as this is possible: 2, 5, 6, (7 – in case of several types of packaging), 8, 15.*

2. Re. box 14 of the forms:

Under point 14. i) the **Basel Code** according to Annex VIII or IX of the Basel Convention has to be indicated. (These lists are printed in Annex V to the WSR.)

Under point 14. ii) the **OECD Code** according to Annexes III, IIIA, IIIB, IV or IVA of the WSR has to be indicated.

3. Re. boxes 2 and 10 of the notification document (boxes 4 and 10 of the movement document):

In the case of shipments of waste destined for interim recovery (R12, R13) or disposal operations (D13 – D15) always **the (first) interim** recovery or disposal facility has to be indicated in these boxes.

The corresponding information on the **subsequent** recovery or disposal facilities has to be **annexed** separately to the notification document, respectively the movement document.

The same procedures have to be applied when **providing the notification according to Art. 15 (c), (d) and Art. 16 (b), (d), (e)**:

- the (first) interim facility confirms the arrival and processing in boxes 18. and 19. of the movement document;
- the corresponding notifications from the non-interim facility have to be sent to the Federal Ministry of Agriculture, Forestry, Environment and Water Management (see form “Certificate” referred to in Article 15 (e) of the WSR) (via the (first) interim facility) in a separate annex to the movement document.



10. Shipments of Green List waste without notification (Art. 18):

A **contract** as specified in Art. 18 para. 2 on the recovery of the waste has to be concluded before the shipment starts (template at:

<http://www.bmlfuw.gv.at/en/fields/greentec/Wastemanagement/Wasteshipment.html>)

In any case this contract has to ensure that any take-back of waste not fulfilling the consignee's conditions for acceptance takes place in the country of dispatch.

The transport has to be accompanied by the completed **form specified in Annex VII** to the WSR (download at:

<http://www.bmlfuw.gv.at/en/fields/greentec/Wastemanagement/Wasteshipment.html>).

Where the Green List waste constitutes **hazardous** waste, the form according to Annex VII to the WSR is, according to section 19 para. 1 (2a) of the Waste Management Act 2002, also constitutes the national dispatch note as specified in the "Abfallnachweisverordnung" (Waste Documentation Ordinance), Federal Law Gazette II 2003/618 as applicable.

According to section 18 para. 3 of the Waste Management Act 2002 **Austrian consignees** additionally have to report the take-over to the Landeshauptmann (Provincial Governor).