

## **NOTICE about Regulation (EC) No 801/2007**

This Notice gives information about Commission Regulation (EC) No 801/2007 of 6 July 2007 and explains why it will shortly be replaced by an amended regulation.

The new EU waste shipment regulation was adopted last year and applies as from 12 July 2007<sup>1</sup>. This regulation required the Commission to adopt before 12 July 2007 an implementing regulation covering the export of non-hazardous (“green-listed”) waste to non-OECD countries for processing there (“for recovery”). This implementing regulation is Commission Regulation (EC) No 801/2007 of 6 July 2007.

According to the basic provisions of the EU waste shipment regulation exports of "green-listed" waste to non-OECD countries for recovery have to be controlled according to choices made by the importing countries themselves. A number of options are laid down in the regulation and communicated to the non-OECD countries by the Commission.<sup>2</sup> Countries were asked whether they agreed to accept “green-listed” waste and, if so, whether the notification and consent procedure set out in the EU waste shipment regulation should apply or not. Regulation 801/2007 takes into account all the replies received. If countries do not reply the default position is for prior written notification and consent procedures to apply<sup>3</sup>.

The Commission has, however, received only a small number of replies, and in a number of cases these have required some further clarification. The regulation had to be adopted before the date of application of the main shipment of waste regulation, even though the process of obtaining this clarification was not complete, and even though more replies were becoming available. As a result Regulation 801/2007 will be updated in order to include more countries, and to revise entries for some countries already included. This amending regulation will be introduced shortly. The main regulation provides for such periodical updatings.

When an importing country provides updated information about its wishes this information will be made available via the DG Trade web-page<sup>4</sup> as soon as possible. This information does not alter the rules laid down in the current regulation, but is intended to signal coming changes to the regulation, so that competent authorities and traders can plan accordingly. If information from an importing country were to suggest that regulation 801/2007 allowed the free export of a green listed waste that the country did *not* in fact wish to receive, competent authorities would be asked immediately to prohibit such exports. Article 36 of the shipment of waste regulation prohibits any export of green-listed wastes that an importing country has prohibited. It also prohibits the export of any green-listed wastes which the competent authority of dispatch has reason to believe will not be managed in an environmentally sound manner in the country of destination.

The web-site, which has no legal value, contains indications from the importing countries that often go beyond the provisions of the shipment of waste regulation. They are made available in the hope that this will assist competent authorities and traders in ensuring not only that trade is conducted in line with our own regulatory requirements but that it does not take place against the wishes of the importing country. .

---

<sup>1</sup> Council and Parliament Regulation (EC) No 1013/2006 of 14 June 2006, OJ L190 12 July 2006

<sup>2</sup> Article 37 of Regulation (EC) No 1013/2006.

<sup>3</sup> Article 37(2), second indent of Regulation (EC) No 1013/2006.

<sup>4</sup> [http://ec.europa.eu/trade/issues/global/environment/waste\\_nr.htm](http://ec.europa.eu/trade/issues/global/environment/waste_nr.htm)