

Council Regulation (EC) No 1420/1999 of 29 April 1999
establishing common rules and procedures to apply to shipments
to certain non-OECD countries of certain types of waste

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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⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article 189c of the Treaty⁽³⁾,

- (1) 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⁽⁴⁾ 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);
- (2) 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;
- (3) 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⁽⁵⁾ to determine the appropriate control procedures;
- (4) 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;

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1420/1999, Introductory Text. (See end of Document for details)

- (5) 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 to the said Regulation, their will must be respected and therefore those types of waste cannot be exported to those countries;
- (6) 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;
- (7) 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;
- (8) Whereas the Commission will, as soon as possible and at the latest before 1 July 1998, review and amend Annex V 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⁽⁶⁾, and any list of wastes characterised as hazardous for the purposes of the Basel Convention, and will adapt Regulation (EEC) No 259/93 accordingly;
- (9) Whereas the Commission should provide information to countries covered by this Regulation on changes to Annexes A and B on a regular basis;
- (10) 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 Basel 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;
- (11) Whereas it must be made clear that such items are excluded from the scope of this Regulation;
- (12) Whereas the arrangements covered by this Regulation should be subject to periodic review by the Commission,

HAS ADOPTED THIS REGULATION:

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1420/1999, Introductory Text. (See end of Document for details)

- (1) [OJ C 214, 10.7.1998, p. 74.](#)
- (2) Opinion delivered on 29 April 1998([OJ C 169, 16.6.1999](#)).
- (3) Opinion of the European Parliament of 17 July 1997 ([OJ C 286, 22.9.1997, p. 23](#)), Council common position of 4 June 1998 ([OJ C 333, 30.10.1998, p. 1](#)) and Decision of the European Parliament of 9 February 1999([OJ C 250, 28.5.1999](#)).
- (4) [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](#)).
- (5) [OJ L 220, 25.8.1994, p. 15.](#)
- (6) [OJ L 377, 31.12.11, p. 20.](#) Directive amended by Directive 94/31 /EC ([OJ L 168, 2.7.1994, p. 28](#)).

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