

Commission Regulation (EC) No 740/2008 of 29 July 2008 amending Regulation (EC) No 1418/2007 as regards the procedures to be followed for export of waste to certain countries (Text with EEA relevance)

COMMISSION REGULATION (EC) No 740/2008
of 29 July 2008

amending Regulation (EC) No 1418/2007 as regards the procedures to be followed for export of waste to certain countries

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste⁽¹⁾, and in particular the third subparagraph of Article 37(2) thereof,

After consultation of the countries concerned,

Whereas:

- (1) Any ambiguity should be removed with regard to the applicability of Article 18 of Regulation (EC) No 1013/2006 to shipments of waste where a country in its reply to the Commission's request in accordance with the first subparagraph of Article 37(1) of Regulation (EC) No 1013/2006 has indicated it will not prohibit those shipments nor apply the procedure of prior written notification and consent to them as described in Article 35 of that Regulation.
- (2) The Commission has received replies from Bosnia and Herzegovina, Iran and Togo to its written requests seeking confirmation in writing that waste which is listed in Annex III or IIIA to Regulation (EC) No 1013/2006 and the export of which is not prohibited under its Article 36 may be exported from the Community for recovery in those countries and requesting an indication from them as to which control procedure, if any, would be followed there. The Commission has also received further information relating to Côte d'Ivoire, Malaysia, Moldova⁽²⁾, Russia and Ukraine. The Annex to Commission Regulation (EC) No 1418/2007⁽³⁾ should therefore be amended to take this into account.
- (3) It has been pointed out by the government of Liechtenstein that Liechtenstein is to be regarded as a country to which the OECD Decision applies. Article 37(2) of Regulation (EC) No 1013/2006 therefore does not apply to that country, and Liechtenstein should be deleted from the Annex to Regulation (EC) No 1418/2007.
- (4) Regulation (EC) No 1418/2007 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 740/2008. (See end of Document for details)

Article 1

Regulation (EC) No 1418/2007 is amended as follows:

1. The following Article 1a is inserted:

Article 1a

Where a country in its reply to a written request sent by the Commission in accordance with the first subparagraph of Article 37(1) of Regulation (EC) No 1013/2006 indicates that, with regard to certain shipments of waste, it will not prohibit them nor apply the procedure of prior written notification and consent as described in Article 35 of that Regulation, Article 18 of that Regulation shall apply *mutatis mutandis* to such shipments.

2. The Annex to Regulation (EC) No 1418/2007 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 14th day following its publication in the *Official Journal of the European Union*.

It shall apply from the date of entry into force.

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

Done at Brussels, 29 July 2008.

For the Commission

Peter MANDELSON

Member of the Commission

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

ANNEX

Note: Article 18 of Regulation (EC) No 1013/2006 applies to columns (c) and (d) in the Annex of Regulation (EC) No 1418/2007 by virtue of Article 1 of this Regulation.

1. In the text preceding the country information, point (d) is replaced by the following:
 - (d) other control procedures will be followed in the country of destination under applicable national law.
2. After the entry for Benin, the following entry is inserted:

BOSNIA AND HERZEGOVINA

(a)	(b)	(c)	(d)
		B3020	
	all other waste listed in Annex III of Regulation (EC) No 1013/2006		

3. After the entry for Costa Rica, the following entry is inserted:

CÔTE D'IVOIRE (REPUBLIC OF CÔTE D'IVOIRE)

(a)	(b)	(c)	(d)
	from B1010: all other waste		from B1010 — precious metals (gold, silver, the platinum group, but not mercury)
B1020 – B2120			
	B2130		
			B3010 – B3020
	from B3030 all other waste		from B3030 — waste (including noils, yarn waste and garnetted stock) of man-made fibres — worn clothing and other

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

			worn textile articles used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile
	B3035 – B3130		
			B3140
	B4010 – B4030		
GB040112 2620 30 2620 90			
	GC010		
	GC020		
GC030x 8908 00			
GC050			
	GE020x 7001 ex 7019 39		
	GF010		
	GG030x 2621		
	GG040x 2621		
	GH010x 15 30 ex 3904 10-40		
	GN010x 0502 00		
	GN020x 0503 00		
	GN030x 0505 90		

4. The entry for Liechtenstein is deleted.
5. After the entry for Indonesia, the following entry is inserted:

IRAN (ISLAMIC REPUBLIC OF IRAN)

(a)	(b)	(c)	(d)
	B1010 – B1090		

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

from B1100: — the following zinc-containing drosses: — hot-dip galvanisers slab zinc dross (batch) (> 92 % Zn) — zinc skimmings — aluminium skimmings (or skims) excluding salt slag wastes of refractory linings, including crucibles, originating from copper smelting — slags from precious metals processing for further refining — tantalum bearing tin slags with less than 0,5	from B1100: — hard zinc spelter — the following zinc-containing drosses: — galvanising slab zinc top dross (> 90 % Zn) — galvanising slab zinc bottom dross (> 92 % Zn) — zinc die-casting dross (> 85 % Zn)		
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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

	% tin		
B1115			
		B1120 – B1150	
B1160 – B1210			
		B1220 – B2010	
B2020 – B2130			
		B3010 – B3020	
B3030 – B3040			
from B3050: — cork waste: crushed, granulated or ground cork		from B3050: — wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms	
B3060 – B3070			
		B3080	
B3090 – B3130			
		B3140	
B4010 – B4030			
		GB040112 2620 30 2620 90	
GC010			
GC020			
GC030x 8908 00			
GC050			
GE020x 7001 ex 7019 39			
GF010			
GG030x 2621			
GG040x 2621			
GH010x 3915 30 ex 3904 10-40			
GN010x 0502 00			

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

GN02 0 0503 00			
GN03 0 0505 90			

6. After the entry for Thailand, the following entry is inserted:

TOGO (TOGOLESE REPUBLIC)

(a)	(b)	(c)	(d)
			from B3010: — scrap plastic of the following non-halogenated polymers and copolymers: — polypropylene — polyethylene terephthalate
	all other waste listed in Annex III of Regulation (EC) No 1013/2006		

7. After the entry for Tunisia, the following entry is inserted:

UKRAINE

(a)	(b)	(c)	(d)
		B2020	
		B3010; B3020	
	all other waste listed in Annex III of Regulation (EC) No 1013/2006		

8. The entry for Ivory Coast is deleted.

9. The entry for Malaysia is replaced by the following:

MALAYSIA

(a)	(b)	(c)	(d)
from B1010: — nickel scrap — zinc scrap	from B1010: — molybdenum scrap	from B1010 — precious metals	

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

— tungsten scrap	— cobalt scrap	(gold,	
— tantalum scrap	— bismuth scrap	silver, the	
— magnesium scrap	— zirconium scrap	platinum	
— titanium scrap	— thorium scrap	group,	
— manganese scrap		but not	
— germanium scrap		mercury)	
— vanadium scrap		— iron and	
— scrap of hafnium, indium, niobium, rhenium and gallium		steel scrap	
— rare earths scrap		— copper	
— chromium scrap		scrap	
		— aluminium	
		scrap	
		— tin scrap	
B1020 – B1090			
from B1100: all other waste		from B1100: — hard zinc spelter — zinc skimmings	
		B1115	
B1120 – B1140			
		B1150	
B1160 – B1190			
		B1200; B1210	
B1220 – B1240			
		B1250 – B2030	
from B2040: — partially refined calcium sulphate produced from flue-gas desulphurisation (FGD)		from B2040: all other wastes	

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

—	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		
		B2060	
B2070; B2080			
		B2090	
B2100			
		B2110 – B2130	
			B3010
		B3020 – B3035	
B3040			
	from B3050: — wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms	from B3050: — cork waste: crushed, granulated or ground cork	
	from B3060: — dried and sterilised vegetable waste, residues and by-products,		from B3060: — dried and sterilised vegetable waste, residues and by-products,

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	<p>whether or not in the form of pellets, or a kind used in animal feeding, not elsewhere specified or included (only rice bran and other by-products under 2302 20 100/900)</p> <p>— waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised</p> <p>— cocoa shells, husks, skins and other cocoa waste</p> <p>— other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption.</p>		<p>whether or not in the form of pellets, or a kind used in animal feeding, not elsewhere specified or included (only rice bran and other by-products under 2302 20 100/900)</p> <p>— other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption:</p>
		B3065 – B3140	
B4010			
		B4020	

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

B4030			
GB040112 2620 30 2620 90:			
GC010			
GC020			
GC030x 8908 00			
GC050			
		GE020x 7001 ex 7019 39	
		GF010	
GG030x 2621			
GG040x 2621			
GH01015 30 ex 3904 10-40			
	GN010x 0502 00		GN010x 0502 00
	GN020x 0503 00		GN020x 0503 00
	GN030x 0505 90		GN030x 0505 90

10. The entry for Moldova is replaced by the following:

MOLDOVA (REPUBLIC OF MOLDOVA)

(a)	(b)	(c)	(d)
			B1010
			B2020
from B3020: all other waste			from B3020: — unbleached paper or paperboard or of corrugated paper or paperboard — other paper or paperboard, made mainly of bleached chemical pulp, not

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 740/2008. (See end of Document for details)

			coloured in the mass paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
All other waste listed in Annex III of Regulation (EC) No 1013/2006			

11. The entry for the Russian Federation is replaced by the following:

RUSSIA (RUSSIAN FEDERATION)

(a)	(b)	(c)	(d)
			B1010 – B2120
B2130			
			B3010 – B3030
B3035; B3040			
			B3050 – B3070
B3080			
			B3090
B3100			
			B3110 – B3130
B3140			
			B4010 – B4030
			GB040112 2620 30 2620 90
			GC010
			GC020
			GC030x 8908 00
			GC050

ANNEX

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Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 740/2008. (See end of Document for details)

GE02 0 7001			GE02 0 7019 39
			GF010
			GG03 0 2621
			GG04 0 2621
			GH01 0 15 30 ex 3904 10-40
			GN01 0 0502 00
			GN02 0 0503 00
			GN03 0 0505 90

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- (1) [OJ L 190, 12.7.2006, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 669/2008 ([OJ L 188, 16.7.2008, p. 7](#)).
- (2) The short form 'Moldova' is used to denote the Republic of Moldova.
- (3) [OJ L 316, 4.12.2007, p. 6](#).

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