

### **CORRESPONDENTS' GUIDELINES No 3**

**Subject: Certificate for subsequent non-interim recovery or disposal according to Article 15(e) of Regulation (EC) No 1013/2006 on shipments of waste**

1. These correspondents' guidelines represent the common understanding of all Member States on how Regulation (EC) No 1013/2006 on shipments of waste should be interpreted. The guidelines were provisionally agreed by the correspondents at a meeting on 14/15 June 2007 organised pursuant to Article 57 of Regulation (EC) No 1013/2006. They are not legally binding. The binding interpretation of Community law is the exclusive competence of the European Court of Justice. The guidelines apply from 12 July 2007 and should be reviewed at the latest one year from the above date and, if necessary, revised.

2. According to Article 15(e) of Regulation (EC) No 1013/2006, when a recovery or disposal facility which carries out an interim recovery or disposal operation delivers waste for any subsequent interim or non-interim recovery or disposal operation to a facility located in the country of destination, it shall obtain a certificate from that facility that the subsequent non-interim recovery or disposal operation has been completed. In addition, it shall promptly transmit the certificate(s), identifying the shipment(s) to which the certificate(s) pertain.

A movement document cannot be used for this certificate because no movement document is to accompany the transport from the recovery or disposal facility which carries out an interim recovery or disposal operation to the facilities which carry out any subsequent interim or non-interim recovery or disposal operations.

3. *It is unclear which information is to be provided in a certificate according to Article 15(e) of Regulation (EC) No 1013/2006.* There is a need to achieve a Community-wide approach in order to ensure that all competent authorities in Member States receive the same information.

4. *As a common understanding of the correspondents* it was agreed that either of the following three options may be applied for providing a certificate according to Article 15(e):

Option 1

a) providing the minimum information set out in the document in Annex 1,

or

Option 2

b) providing the extended information set out in the document in Annex 3, which facilitates tracking of the information set out in the document in Annex 1,

or

Option 3

c) providing information in a manner other than mentioned in options 1 and 2, provided the information is consistent with Article 15(e).

5. The specific instructions for completing the documents in Annex 1 and Annex 3, as contained in Annex 2 and Annex 4, respectively, were also agreed.

6. In addition, it was agreed in relation to shipments within the Community that it would be desirable for both the competent authority of dispatch and the competent authority of destination to agree on which of the options referred in paragraph 4 above should apply. In case these

authorities cannot agree, as a guiding principle, the wishes of the competent authority of destination should carry more weight.

7. With respect to Annex 1, it is noted that in case the interim disposal or recovery facility referred to in block 3 accumulates waste shipped under the notification referred to in block 1 and shipment(s) referred to in block 2, the waste referred to in blocks 5-7 may cover waste from different notifications, different shipments under a general notification and waste generated in the country of destination. This also applies to Annex 3 *mutatis mutandis*.

8. In addition, it was noted that competent authorities may require that it is to be included in the contract that the obligation on the facility of destination, according to Article 5(4)(a) of Regulation (EC) No 1013/2006, to provide the certificates according to Article 15(e) is to be fulfilled by applying either of the options referred in paragraph 4 above.

9. It was also agreed that in case Article 15(e) applies, Article 16(e) does not apply.

**Minimum information to be provided in a certificate according to Article 15(e) of Regulation (EC) No 1013/2006 on shipments of waste<sup>(1)</sup>**

<b>1. Corresponding to notification No:</b>	<b>2. Corresponding to serial number(s):</b>
<b>3. Interim disposal</b> <input type="checkbox"/> <b>or recovery facility</b> <input type="checkbox"/> Registration No: Name:  Address:  Contact person: Tel: Fax: E-mail:	<b>4. Declaration by the interim disposal or recovery facility:</b> I certify that the information in blocks 1-3 and 6-9 and, in case no subsequent interim disposal or recovery takes place, block 5 is complete and correct to my best knowledge. Name:  Date:  Signature and stamp:
<b>5. Quantity:</b> Tonnes (Mg): m <sup>3</sup> :	<b>7. Waste identification</b> ( <i>fill in relevant codes</i> ) (3) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes (4): (iv) National code in country of import (5):
<b>6. Designation and composition of the waste</b> (2):	<b>9. Subsequent non-interim disposal/recovery operation(s)</b> D-code / R-code:
<b>8. Subsequent non-interim disposal</b> <input type="checkbox"/> <b>or recovery facility</b> <input type="checkbox"/> Registration No: Name:  Address:  Contact person: Tel: Fax: E-mail:	<b>10. Declaration by the subsequent non-interim disposal or recovery facility:</b> I certify that the information in blocks 5-9 is complete and correct to my best knowledge. I also certify that the disposal/recovery of the waste described in blocks 5-7 has been completed. Name:  Date:  Signature and stamp:

- (1) For completing this document, see the specific instructions in Annex 2 of the Correspondents' guidelines No 3 and the corresponding specific instructions as contained in Annex IC of Regulation (EC) No 1013/2006.
- (2) Attach details if necessary.
- (3) Completing (i) and (ii) is optional if the waste identification is different than in the notification and movement document.
- (4) To be completed in case of shipments within the EU and of imports into the EU from third countries.
- (5) To be completed in case of exports from the EU to third countries and of transit through the EU from and to third countries.

**Specific instructions for completing the document in Annex 1**

**Option 1**

1. The interim disposal or recovery facility referred to in block 3 is to complete blocks 1-4 and 6-9 and, in case no subsequent interim disposal or recovery takes place, block 5. In addition, this facility is to transmit the document to the subsequent non-interim disposal or recovery facility referred to in block 8.
2. Blocks 5-7 refer to the input into a subsequent non-interim disposal or recovery facility, also in case a subsequent interim disposal or recovery takes place before.
3. The subsequent non-interim disposal or recovery facility referred to in block 8 is to complete block 10 and, in case a subsequent interim disposal or recovery has taken place, block 5. In addition, it is to transmit the document to the interim disposal or recovery facility referred to in block 3.
4. The interim disposal or recovery facility referred to in block 3 is to transmit the obtained completed document to the notifier and the competent authorities concerned. In case
  - a) only one certificate according to Article 15(e) is necessary, or
  - b) more than one certificate according to Article 15(e) is necessary and the last certificate(s) has or have been obtained,

the interim disposal or recovery facility referred to in block 3 is to certify the following:

“The non-interim disposal or recovery of the waste shipped under the notification referred to in block 1 and the shipment(s) referred to in block 2 and delivered for subsequent interim or non-interim recovery or disposal in the country of destination has been completed with the attached certificate(s).”

**Option 2**

1. The subsequent non-interim disposal or recovery facility referred to in block 8 is to complete blocks 5 to 10. Blocks 5-7 refer to the input into this facility, also in case a subsequent interim disposal or recovery takes place before. In addition, this facility is to transmit the document to the interim disposal or recovery facility referred to in block 3.
2. The interim disposal or recovery facility referred to in block 3 is to complete blocks 1 to 4. This facility is to transmit the obtained completed document to the notifier and the competent authorities concerned. In case
  - a) only one certificate according to Article 15(e) is necessary, or
  - b) more than one certificate according to Article 15(e) is necessary and the last certificate(s) has or have been obtained,

the interim disposal or recovery facility referred to in block 3 is to certify the following:

“The non-interim disposal or recovery of the waste shipped under the notification referred to in block 1 and the shipment(s) referred to in block 2 and delivered for subsequent interim or non-interim recovery or disposal in the country of destination has been completed with the attached certificate(s).”

**Extended information to be provided in a certificate according to Article 15(e) of Regulation (EC) No 1013/2006 on shipments of waste<sup>(1)</sup>**

<b>1. Corresponding to notification No:</b>		<b>2. Corresponding to serial number(s):</b>	
<b>3. Interim disposal</b> <input type="checkbox"/> <b>or recovery facility</b> <input type="checkbox"/> Registration No: Name:  Address:  Contact person: Tel: Fax: E-mail:		<b>4. Declaration by the interim disposal or recovery facility:</b> I certify that the information in blocks 1-3, 5, 14-16, 18 and 19 or, in case a subsequent interim disposal or recovery takes place, blocks 1-3, 5, 6-8, 10, 11, 15, 16, 18 and 19 is complete and correct to my best knowledge. Name:  Date:  Signature and stamp:	
<b>5. Period in which the waste referred to in blocks 14-16 or, in case a subsequent interim disposal or recovery takes place, blocks 6-8 has left the facility referred to in block 3:</b> From: To:			
<b>6. Quantity:</b> Tonnes (Mg): m <sup>3</sup> :		<b>14. Quantity:</b> Tonnes (Mg): m <sup>3</sup> :	
<b>7. Designation and composition of the waste (2):</b>		<b>15. Designation and composition of the waste (2):</b>	
<b>8. Waste identification (fill in relevant codes) (3)</b> (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes (4): (iv) National code in country of import (5):		<b>16. Waste identification (fill in relevant codes) (3)</b> (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes (4): (iv) National code in country of import (5):	
<b>9. Period in which the waste referred to in blocks 6-8 was received by the facility referred to in block 10:</b> From: To:		<b>17. Period in which the waste referred to in blocks 14-16 was received by the facility referred to in block 18:</b> From: To:	
<b>10. Subsequent interim disposal</b> <input type="checkbox"/> <b>or recovery facility</b> <input type="checkbox"/> Registration No: Name:  Address:  Contact person: Tel: Fax: E-mail:		<b>18. Subsequent non-interim disposal</b> <input type="checkbox"/> <b>or recovery facility</b> <input type="checkbox"/> Registration No: Name:  Address:  Contact person: Tel: Fax: E-mail:	
<b>11. Subsequent interim disposal/recovery operation(s)</b> D-code / R-code:		<b>19. Subsequent non-interim disposal/recovery operation(s)</b> D-code / R-code:	
<b>12. Period in which the waste referred to in blocks 14-16 has left the facility referred to in block 10:</b> From: To:		<b>20. Period in which the recovery or disposal of the waste referred to in blocks 14-16 was completed by the facility referred to in block 18:</b> From: To:	
<b>13. Declaration by the subsequent interim disposal or recovery facility:</b> I certify that the information in blocks 6-12 and 14-16 is complete and correct to my best knowledge. Name:  Date:  Signature and stamp:		<b>21. Declaration by the subsequent non-interim disposal or recovery facility:</b> I certify that the information in blocks 14-20 is complete and correct to my best knowledge. I also certify that the disposal/recovery of the waste described in blocks 14-16 has been completed. Name:  Date:  Signature and stamp:	

(1) For completing this document, see the specific instructions in Annex 4 of the Correspondents' guidelines No 3 and the corresponding specific instructions as contained in Annex IC of Regulation (EC) No 1013/2006.

(2) Attach details if necessary.

(3) Completing (i) and (ii) is optional if the waste identification is different than in the notification and movement document.

(4) To be completed in case of shipments within the EU and of imports into the EU from third countries.

(5) To be completed in case of exports from the EU to third countries and of transit through the EU from and to third countries.

**Specific instructions for completing the document in Annex 3**

**Option 1**

1. The interim disposal or recovery facility referred to in block 3 is to complete blocks 1-5, 14-16, 18 and 19 or, in case a subsequent interim disposal or recovery takes place, blocks 1-8, 10, 11, 15, 16, 18 and 19. In addition, this facility is to transmit the document to the subsequent non-interim disposal or recovery facility referred to in block 18 or, in case a subsequent interim disposal or recovery takes place, to the subsequent interim disposal or recovery facility referred to in block 10. In case more than one interim disposal or recovery takes place, further documents in Annex 1 should be attached which are to be completed as mentioned above, but only blocks 6-14 are to be completed.
2. Blocks 6-8 refer to the input into a subsequent interim disposal or recovery facility. Blocks 14-16 refer to the input into the subsequent non-interim disposal or recovery facility.
3. If a subsequent interim disposal or recovery takes place, the subsequent interim disposal or recovery facility referred to in block 10 is to complete blocks 9, 12, 13 and 14. In addition, it is to transmit the document to a subsequent non-interim disposal or recovery facility or, in case more than one interim disposal or recovery takes place, to a further subsequent interim disposal or recovery facility. In case more than one interim disposal or recovery takes place, each subsequent interim disposal or recovery facility is to complete the corresponding further documents in Annex 1 as mentioned above.
4. The subsequent non-interim disposal or recovery facility referred to in block 18 is to complete blocks 17, 20 and 21. In addition, it is to transmit the document to the interim disposal or recovery facility referred to in block 3.
5. The interim disposal or recovery facility referred to in block 3 is to transmit the obtained completed document to the notifier and the competent authorities concerned. In case
  - a) only one certificate according to Article 15(e) is necessary, or
  - b) more than one certificate according to Article 15(e) is necessary and the last certificate(s) has or have been obtained,

the interim disposal or recovery facility referred to in block 3 is to certify the following:

“The non-interim disposal or recovery of the waste shipped under the notification referred to in block 1 and the shipment(s) referred to in block 2 and delivered for subsequent interim or non-interim recovery or disposal in the country of destination has been completed with the attached certificate(s).”

**Option 2**

1. The subsequent non-interim disposal or recovery facility referred to in block 18 is to complete blocks 14 to 21. Blocks 14-16 refer to the input into this facility, also in case a subsequent interim disposal or recovery takes place before. In addition, this facility is to transmit the document to the interim disposal or recovery facility referred to in block 10.
2. If a subsequent interim disposal or recovery takes place, the subsequent interim disposal or recovery facility referred to in block 10 is to complete blocks 6 to 13. In addition, it is to

transmit the document to the interim disposal or recovery facility referred to in block 3 or, in case more than one interim disposal or recovery takes place, to a further subsequent interim disposal or recovery facility. In case more than one interim disposal or recovery takes place, each subsequent interim disposal or recovery facility is to complete the corresponding further documents in Annex 3 as mentioned above.

3. The interim disposal or recovery facility referred to in block 3 is to complete blocks 1 to 5. This facility is to transmit the obtained completed document to the notifier and the competent authorities concerned. In case
  - a) only one certificate according to Article 15(e) is necessary, or
  - b) more than one certificate according to Article 15(e) is necessary and the last certificate(s) has or have been obtained,

the interim disposal or recovery facility referred to in block 3 is to certify the following:

“The non-interim disposal or recovery of the waste shipped under the notification referred to in block 1 and the shipment(s) referred to in block 2 and delivered for subsequent interim or non-interim recovery or disposal in the country of destination has been completed with the attached certificate(s).”