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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	10884/15 + ADD 1
Subject:	Commission Regulation (EC) .../.. of XXX amending Annexes IC and V to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste - Decision not to oppose adoption

STATEMENT BY AUSTRIA

In the written procedure concerning the opinion of the Committee for the adaptation to scientific and technical progress of EC legislation on Waste, Austria opposed the draft Commission Regulation amending Annexes IC and V to Regulation (EC) No 1013/2006.

Reason for the amendment of Annexes IC and V to Regulation (EC) No 1013/2006 was the editorial alignment to Commission Regulation (EU) 1357/2014, replacing Annex III to Directive 2008/98/EC. Austria doubts, however, that the latter Commission Regulation has taken into account all possible legal impacts on relevant existing EU waste legislation and subsequently its consequences (especially for the export prohibition) for Member States.

For this reason, we do not consider the Commission Regulation amending Annexes IC and V to Regulation (EC) No 1013/2006 to be complete.

In addition, other necessary adjustments have not been conducted, e.g. Article 36 (3) and (4) still make a reference to properties H3 to H8, H10 and H11 and have not been aligned to Commission Regulation (EU) 1357/2014 replacing Annex III (hazardous properties HP1-HP15), given that at the same time new criteria (HP 13 “sensitising” and HP 15 “Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste”) have been introduced; or Article 3, Annex III, IIIA and Annex V still refer to the old Directive 91/689/EEC or Directive 2006/12/EC.

As Annexes IA and IB remain unchanged the question remains how far the renaming of the hazardous properties in Annex IC clarifies the matter.

Furthermore, the amendment of Annexes IC and V to Regulation (EC) No 1013/2006 does not take into account the necessity to adapt national electronic data interchange systems for waste shipments. The Austrian EDM System (Electronic Data Management – Environment), for example, enables notifiers to submit their written notification as well as movement documents, the confirmation of receipt and certificates for recovery/disposal to the Austrian competent authority electronically. This electronic online application would have to be changed and adjusted within a very short period of time.