

Brüssel, den 29. September 2020
(OR. en)

11066/20

ENV 539
COMER 90

I/A-PUNKT-VERMERK

Absender: Generalsekretariat des Rates
Empfänger: Ausschuss der Ständigen Vertreter/Rat

Betr.: Notifikation durch die EU und ihre Mitgliedstaaten gemäß Artikel 11 des Basler Übereinkommens
- Billigung

1. Die EU und ihre Mitgliedstaaten sind Vertragsparteien des Basler Übereinkommens über die Kontrolle der grenzüberschreitenden Verbringung gefährlicher Abfälle und ihrer Entsorgung. Nach Artikel 11 des Übereinkommens können die Vertragsparteien regionale Übereinkünfte notifizieren, die Bestimmungen enthalten, die nicht weniger umweltgerecht sind als die in dem Übereinkommen vorgesehenen.
2. Die EU hat auf der Grundlage der EU-Verträge (bei denen es sich um regionale Übereinkünfte im Sinne von Artikel 11 des Basler Übereinkommens handelt) Vorschriften erlassen, die mit der umweltgerechten Behandlung von Abfällen gemäß dem Basler Übereinkommen vereinbar sind (d. h. der Besitzstand im Bereich Abfallverbringung und Abfallbewirtschaftung). Um die übrigen Vertragsparteien darüber zu informieren, dass die Vorschriften über die umweltgerechte Behandlung von Abfällen in der EU bzw. im EWR mit den Anforderungen des Basler Übereinkommens vereinbar sind, müssen die EU und ihre Mitgliedstaaten dem Sekretariat des Basler Übereinkommens die einschlägigen EU-Verträge und das EWR-Abkommen notifizieren. Infolge der neuen Einträge zu Kunststoffabfällen im Basler Übereinkommen, die die Vertragsparteien auf ihrer 14. Konferenz im Mai 2019 beschlossen haben und die am 1. Januar 2021 in Kraft treten, ist eine solche Notifikation insbesondere bezüglich der Verbringung von Kunststoffabfällen innerhalb der EU bzw. des EWR erforderlich.

3. Dementsprechend teilen die EU und ihre Mitgliedstaaten dem Sekretariat des Basler Übereinkommens mit dem beigefügten Schreiben, das gemeinsam vom Vorsitz des Rates und von der Europäischen Kommission unterzeichnet wurde, mit, dass es sich bei den EU-Verträgen und dem EWR-Abkommen um regionale Übereinkünfte im Sinne von Artikel 11 des Basler Übereinkommens handelt. Im Interesse der Klarheit enthält der Anhang der Notifikation eine nicht erschöpfende Liste der EU-Rechtsakte über Abfallverbringung und Abfallbewirtschaftung. Diese Notifikation ist dem Sekretariat des Basler Übereinkommens vor Ende 2020 zu übermitteln. Sobald der Rat das beigefügte Schreiben gebilligt hat, wird es dem Sekretariat des Basler Übereinkommens übermittelt.
4. Die Gruppe „Internationale Umweltaspekte“ (Basel) und die Gruppe „Umwelt“ haben am 29. Juli 2020 bzw. am 14. September 2020 dem Entwurf der Notifikation zugestimmt.
5. Daher wird der Ausschuss der Ständigen Vertreter ersucht, dem Rat zu empfehlen, dass er die Notifikation durch die EU und ihre Mitgliedstaaten gemäß Artikel 11 des Basler Übereinkommens, wie sie in dem beiliegenden Schreiben zum Ausdruck gebracht wird, auf einer seiner nächsten Tagungen als A-Punkt billigt.

Brussels,

Mr. Rolph Payet
Executive Secretary of the Basel Convention
c/o Palais des Nations, 8-14, Avenue de la Paix, 1211
Geneva 10
Switzerland

Subject: Notification by the EU and its Member States in accordance with Article 11 of the Basel Convention

Please find attached a notification by the European Union and its Member States in accordance with Article 11 of the Basel Convention.

Yours sincerely

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Mr. Kęstutis Sadauskas
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Cc: Council Working Party on International Environmental Issues (Basel).

**Notification by the EU and its Member States
in accordance with Article 11 of the Basel Convention**

The European Union and its Member States hereby notify the Treaty on European Union¹, the Treaty on the Functioning of the European Union (TFEU)²; as well as the Agreement on the European Economic Area (EEA)³ as regional agreements in accordance with Article 11 of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal.

Under these agreements, rules have been adopted, among other matters, to ensure the environmentally sound management of hazardous wastes and other wastes as required by the Basel Convention. These agreements and the related rules stipulate provisions which are not less environmentally sound than those provided for by the Basel Convention, in accordance with Article 11 of this Convention.

The rules are based notably on the Treaty on the Functioning of the European Union (TFEU), and preceding treaties, and binding on the European Union and the following 27 countries which are members of the European Union:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

In addition to the EU and its Member States, the EEA agreement is applicable in Norway, Iceland and Lichtenstein.

¹ <https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-force.html>

² <https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-force.html>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A21994A0103%2801%29>

This notification, on behalf of the EU and its Member States, applies with respect to transboundary movements of waste taking place within the EU or the EEA.

Based on Article 192, paragraph 1, of TFEU, and following the legislative procedure laid down in its Article 294⁴, a comprehensive set of rules governing transboundary movements of waste, as well as the management of waste, has been adopted. As laid down in Article 288 of TFEU, these rules are binding upon the European Union and all EU Member States. These rules also apply to EEA countries, if incorporated into the EEA agreement by a Decision of the EEA Joint Committee⁵. A non-exhaustive list of applicable legislative acts comprising this set of rules is contained in the annex to this notification.

These rules may be amended, supplemented and complemented in the future⁶, under the above mentioned agreements and taking into account other applicable international agreements and arrangements⁷, in order to ensure the environmentally sound management of hazardous wastes and other wastes as required by the Basel Convention.

⁴ Some acts have been adopted under the corresponding provisions under the previously applicable Treaty establishing the European Community, notably Articles 175(1), 251 and 249. EU Treaties currently in force can be found at: <https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-force.html#new-2-52>; and previously applicable treaties including the Treaty establishing the European Community at: <https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-founding.html>, and on: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2006:321E:TOC>.

⁵ The relevant provisions in the EEA agreement are Article 92 et seq, Article 97 et seq., Articles 73 and 74 and Annex XX. The EEA agreement is available at [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01994A0103\(01\)-20191214](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01994A0103(01)-20191214) and its Annex XX is available at <https://www.efta.int/media/documents/legal-texts/eea/the-eea-agreement/Annexes%20to%20the%20Agreement/annex20.pdf>. The EEA Joint Committee Decisions can be found here: <https://www.efta.int/legal-texts/eea/list-of-adopted-joint-committee-decisions-jclds>.

⁶ Note that some of the provisions covered in this notification are currently being reviewed, including those related to the amendments to the Basel Convention adopted by the Fourteenth meeting of the Conference of the Parties to this Convention

⁷ For example, OECD Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations [OECD-LEGAL-0266], which has already been notified under Article 11 of the Basel Convention.

NON-EXHAUSTIVE LIST OF APPLICABLE LEGISLATIVE ACTS

Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L190, 12.7.2006, p.1)⁸

This Regulation provides notably the conditions under which shipments of waste take place between Member States of the European Union.

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste (OJ L 312, 22.11.2008, p.3)⁹

Directive 2008/98/EC on waste, “the Waste Framework Directive”, contains requirements designed to ensure the environmentally sound management of all types of waste.

Legislation on the environmentally sound management of specific waste streams and certain waste management operations:

- European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10–23)¹⁰;
- Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34–43)¹¹;
- Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC (OJ L 102, 11.4.2006, p. 15–34)¹²;
- Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1–14)¹³;
- Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 365 31.12.1994, p. 10)¹⁴;

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02006R1013-20180101>

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1586277255463&uri=CELEX:02008L0098-20180705>

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1586277763934&uri=CELEX:01994L0062-20180704>

¹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1592298912075&uri=CELEX:02000L0053-20200306>

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1592299034876&uri=CELEX:02006L0021-20090807>

¹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02006L0066-20180704>

¹⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1586278065824&uri=CELEX:02012L0019-20180704>

- Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC Text with EEA relevance (OJ L 330, 10.12.2013, p. 1–20)¹⁵;
- Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1–19)¹⁶;
- Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45–77)¹⁷.
- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334 17.12.2010, p. 17)¹⁸;
- Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 16.7.1999, p. 1)¹⁹;



¹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R1257-20180704>
¹⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1586278649013&uri=CELEX:32019L0904>
¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R1021>
¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1586278282362&uri=CELEX:02010L0075-20110106>
¹⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1586278523107&uri=CELEX:01999L0031-20180704>