



2024/3229

20.12.2024

COMMISSION DELEGATED REGULATION (EU) 2024/3229

of 18 October 2024

amending Regulation (EC) No 1013/2006 of the European Parliament and of the Council as regards changes on shipments of electrical and electronic waste agreed under the Basel Convention

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 Article 58(1), point (a), thereof,

Whereas:

- (1) The Conference of the Parties to the Basel Convention decided at its fifteenth meeting held in June 2022, by Decision BC-15/18, to include a new entry for hazardous electrical and electronic waste (entry A1181) in Annex VIII to the Basel Convention, while deleting entry A1180 in that Annex and adding a new entry for non-hazardous electrical and electronic waste (entry Y49) in Annex II to the Basel Convention, while deleting the current entry for such waste (entry B1110) in Annex IX to the Basel Convention as well as deleting entry B4030 in Annex IX to the Basel Convention. Those changes will become effective on 1 January 2025.
- (2) It is appropriate for the Union, which is a Party to the Basel Convention, to modify the entries related to electrical and electronic waste in the relevant Annexes to Regulation (EC) No 1013/2006 where they refer to the Annexes to the Basel Convention.
- (3) With respect to export of electrical and electronic waste from the Union to third countries and import of such waste into the Union from third countries, Annexes III, IV and V to Regulation (EC) No 1013/2006 should take account of the changes to Annexes II, VIII and IX to the Basel Convention. As a result, from 1 January 2025, exports from the Union to third countries to which the Organisation for Economic Cooperation and Development (OECD) Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations ⁽²⁾ (‘the OECD Decision’) applies and imports into the Union of electrical and electronic waste under entry A1181 in Annex VIII to the Basel Convention and under entry Y49 in Annex II to the Basel Convention, should be subject to the procedure of prior written notification and consent. In accordance with Article 36(1), points (a) and (b), to Regulation (EC) No 1013/2006 and Annex V to that Regulation, the export of electrical and electronic waste under entries A1181 in Annex VIII to the Basel Convention and Y49 in Annex II to the Basel Convention to third countries to which the OECD Decision does not apply should be prohibited.
- (4) The requirements of Article 18 of Regulation (EC) No 1013/2006 should remain applicable to shipments between Member States of non-hazardous electrical and electronic waste under entries GC010 and GC020 for as long as Article 18 of that Regulation applies. Article 18 ensures the supervision and control of the shipments with a view to their environmentally sound management.
- (5) This Regulation takes account of the fact that no agreement has been reached within the OECD to incorporate the amendments to the Annexes to the Basel Convention on electrical and electronic waste into the Appendices of the OECD Decision. The entries GC010 and GC020 in Annexes III and IV of Regulation (EC) No 1013/2006 should therefore no longer be applied from 1 January 2025 for export of electrical and electronic waste from the Union to third countries and import of such waste into the Union from third countries.

⁽¹⁾ OJ L 190, 12.7.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1013/oj>.

⁽²⁾ OECD/LEGAL/0266.

- (6) Regulation (EC) No 1013/2006 should therefore be amended accordingly.
- (7) Since the changes to the Annexes to the Basel Convention will not be effective until 1 January 2025, the application of this Regulation should be deferred to that date.
- (8) To ensure legal certainty for economic operators and competent authorities as well as to ensure a harmonised approach to the implementation of the changes introduced by this Regulation, it is necessary to introduce transitional provisions specifying that consents for shipments of electrical and electronic waste issued before the date of application of this Regulation remain valid until 1 January 2026 or until the expiry of such consent where it expires before that date. Moreover, notifiers should be allowed until 1 February 2025 to update a notification that was submitted before 31 December 2024 to align it with the changes introduced by this Regulation.
- (9) Notifiers should be allowed to submit notifications regarding shipments of electrical and electronic waste based on the new entries already before 1 January 2025, in order to facilitate swift decision-making,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes III, IV and V to Regulation (EC) No 1013/2006 are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2025. However, notifiers may already before that date submit notifications regarding shipments of electrical and electronic waste in accordance with Regulation (EC) No 1013/2006 as amended by this Regulation.

With regard to shipments of electrical and electronic waste classified under entries A1180, B1110, B4030, GC010 or GC020, or of such wastes not classified under one single entry in either Annex III, IIIB or IV of Regulation (EC) No 1013/2006, for which a competent authority has given its consent before 1 January 2025, except for shipments of non-hazardous electrical and electronic waste to countries to which the OECD Decision does not apply, the consent shall remain valid until 1 January 2026 or until the expiry of such consent where it expires before that date.

Where a notifier has submitted a notification concerning shipments of waste classified under entries A1180, B1110, B4030, GC010 or GC020 before 31 December 2024 and the competent authorities have not taken a decision by that date, the notifier shall be allowed to update the notification to align it to the new rules introduced by this Regulation until 1 February 2025.

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

Done at Brussels, 18 October 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Amendments to Regulation (EC) No 1013/2006 as regards changes on shipments of electrical and electronic waste agreed under the Basel Convention

Annexes III, IV and V to Regulation (EC) No 1013/2006 are amended as follows:

(1) Annex III is amended as follows:

- (a) in Part I, point (e) is deleted;
- (b) in Part II, under the heading 'Other wastes containing metals', the following footnote shall be added to code GC010:
'(*) Entry GC010 shall apply only for waste shipped within the Union.';
- (c) in Part II, under the heading 'Other wastes containing metals', the following footnote shall be added to code GC020:
'(*) Entry GC020 shall apply only for waste shipped within the Union.';

(2) Annex IV, Part I is amended as follows:

- (a) point (c) is replaced by the following:
'(c) Basel entry A2060 shall not apply and OECD entry GG040 in Annex III, Part II shall apply instead when appropriate.';
- (b) the following point is added:
'(g) For waste shipped within the Union, Basel entry Y49 shall not apply and entries GC010 and GC020 in Annex III Part II shall apply instead where appropriate.';

(3) Annex V is amended as follows:

(a) Part 1 is amended as follows:

- (i) in List A, section A1, entry A1180 is replaced by the following entry:
'A1181 Electrical and electronic waste (note the related entry Y49 in List A of Part 3 in Annex V):
— Waste electrical and electronic equipment
— containing or contaminated with cadmium, lead, mercury, organohalogen compounds or other Annex I constituents to an extent that the waste exhibits an Annex III characteristic, or
— with a component containing or contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic, including but not limited to any of the following components:
— glass from cathode-ray tubes included on list A
— a battery included on list A
— a switch, lamp, fluorescent tube or a display device backlight which contains mercury
— a capacitor containing PCBs
— a component containing asbestos
— certain circuit boards
— certain display devices
— certain plastic components containing a brominated flame retardant

- Waste components of electrical and electronic equipment containing or contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, unless covered by another entry on list A
 - Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment, and containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic (e.g. fractions arising from shredding or dismantling), unless covered by another entry on list A’;
- (ii) in List B, section B1, entry B1110 is deleted;
- (iii) in List B, section B4, entry B4030 is deleted;
- (b) in Part 3, List A, the following entry Y49 is added:
- Y49 Electrical and electronic waste:
- Waste electrical and electronic equipment
 - not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, and
 - in which none of the components (e.g. certain circuit boards, certain display devices) contain or are contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic
 - Waste components of electrical and electronic equipment (e.g. certain circuit boards, certain display devices) not containing and not contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, unless covered by another entry in Annex II or by an entry in Annex IX
 - Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment (e.g. fractions arising from shredding or dismantling), and not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, unless covered by another entry in Annex II or by an entry in Annex IX’.
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