



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2024) XXX

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

amending Regulation (EU) 2024/1157 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)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The Union and its Member States are Parties to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal ('the Basel Convention'), which was adopted on 22 March 1989 and entered into force in 1992¹. The Basel Convention has 191 Parties.

The Conference of the Parties of the Basel Convention decided at its fifteenth meeting on 17 June 2022 to include all electrical and electronic waste under the control mechanisms of the Convention (Decision BC 15/18). These types of waste will be included in Annexes II and VIII of the Convention. The current entries for such waste in Annexes VIII and IX will be replaced by the new entries. These changes will improve controls of transboundary shipments of electrical and electronic waste, thereby encouraging their environmentally sound management and contributing to curb illegal cross-border movement of waste.

These changes will become effective on 1 January 2025.

Similar changes have been made to Regulation (EC) No 1013/2006, which will be repealed by Regulation (EU) 2024/1157 as of 21 May 2026. In order to ensure continuity in implementing the amendments to the Basel Convention, Regulation (EU) 2024/1157 should be amended accordingly.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This Delegated Regulation has been developed to implement to EU law the above changes to the Basel Convention's annexes and builds on the wording of the decision on this matter adopted by the Conference of the Parties (CoP) to the Basel Convention at its fifteenth meeting. There was substantial consultation of Member States and stakeholders on this issue, at the occasion of the definition of the EU position at the CoP of the Basel Convention and afterwards.

The implementation of the respective changes to the Basel Convention through this Delegated Regulation was then further discussed with the Member States at meetings of the Council Working Party on International Environmental Issues, dealing with the Basel Convention and during [an] Expert Meeting[s] on the topic. Stakeholders were also informed throughout this process. Notably, stakeholders were informally consulted on the issue by the European Commission in the course of February 2024.

[Section to be completed following the four-week feedback consultation and the consultation of the relevant expert group.]

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered to adopt delegated acts through Article 79 of the Waste Shipment Regulation (EU) 2024/1157 to amend the annexes of the Regulation to take account of changes and reflect decisions agreed under the Basel Convention.

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¹ Council Decision 93/98/EEC concerning the conclusion, on behalf of the Community, of the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal, OJ L 39, 16.2.1993, p. 1.

This delegated act provides for changes in Annex III, IV and V of the waste shipment regulation, taking into account Council Decision (EU) 2020/1829 of 24 November 2020².

These changes are designed to:

- incorporate the new entry on hazardous electrical and electronic waste (A1181) agreed under the Basel Convention into the Regulation (EU) 2024/1157 (Annex V),
- incorporate the new entry on non-hazardous electrical and electronic (Y49) agreed under the Basel Convention into the Regulation (EU) 2024/1157 (Annex V),
- delete the reference to entry B1110, as well as to entries GC010 and GC020, in Annex III, as these entries will no longer apply from 1 January 2025,
- delete the reference to entries A1180, as well as entries GC010 and GC020, in Annex IV, as these entries will no longer apply from 1 January 2025.

In accordance with the principle of proportionality, the measure does not go beyond what is necessary to achieve its objective.

The proposal has no implications for the EU budget.

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² See Council Decision (EU) 2020/1829 of 24 November 2020, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020D1829&from=en>

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2024/1157 of the European Parliament and of the Council on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006³, and in particular Article 79(1) 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 (EU) 2024/1157 where they refer to the Annexes to the Basel Convention.
- (3) With respect to shipments of electrical and electronic waste within the Union, 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 (EU) 2024/1157 should take account of the changes to Annexes II, VIII and IX to the Basel Convention. As a result, from 1 January 2025, shipments of electrical and electronic waste within the Union, exports from the Union to third countries to which the Decision OECD/LEGAL/0266 of the OECD Council⁴ ('OECD Decision') applies and imports into the Union of electrical and electronic waste under entries A1181 in Annex VIII to the Basel Convention and Y49 in Annex II to the Basel Convention, should be subject to the procedure of prior written notification and consent. In accordance with Article 39(1), points (a) and (c), of Regulation (EU) 2024/1157, 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

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³ OJ L, 2024/1157, 30.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1157/oj>.

⁴ Decision OECD/LEGAL/0266 of the OECD Council on the control of transboundary movements of wastes destined for recovery operations.

Convention to third countries to which the OECD Decision does not apply should be prohibited.

- (4) 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 (EU) 2024/1157 should therefore no longer be applied.
- (5) Regulation (EU) 2024/1157 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes III, IV and V to Regulation (EU) 2024/1157 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*.

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

Done at Brussels,

For the Commission
The President
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