



INFORMATION CIRCULAR CONCERNING TRANSFRONTIER SHIPMENTS OF WASTE (TFS) BETWEEN EU COUNTRIES

1. CURRENT REGULATION

Transfrontier shipments of waste (import/export of waste between different countries)—hereafter known as TFS—is governed by Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14th June 2006 on shipments of waste—hereafter known as the Regulation—replacing Regulation (EEC) No. 259/93 of the Council of 1st February 1993 relating to the supervision and control of shipments of waste within, into and out of the European Community.

This information circular mentions the most important aspects of the Regulation and the administrative procedure necessary in order to be allowed to ship waste between EU countries.

2. AGENTS INVOLVED

The main agents affected (Article 2 of the Regulation) who are involved in these shipments are as follows:

Competent authority at destination (import): competent authority in the country receiving/importing the waste.

Competent shipment authority (export): competent authority in the country of origin/country exporting the waste.

Transit authority: competent administration/s in the country or countries that the waste passes through, not including the origin and destination countries.

Producer: any person or organisation whose activity produces waste (initial producer) or any person or organisation carrying out preliminary treatment, mixing or other types of operations that change the nature or composition of such waste (new producer).

Possessor: the producer of the waste or the individual or organisation who has possession of it.

Collector: any person or organisation making waste collections.

Trader: any person or organisation acting on their own behalf in purchasing and selling waste, including traders that do not physically take possession of the waste.

Agent: any person or organisation arranging waste recovery or disposal on behalf of third parties.

Consignee: a person or company subject to the jurisdiction of the destination country where the waste is shipped for recovery or disposal.

Notifier: individual or organisation obliged to carry out the shipment procedures (initial producer, new producer, collector, trader, agent or possessor).

There may be several competent import and export authorities in one country (depending on the distribution of environmental powers) but there can be only one transit authority for each country. To find out the competent import/export authority corresponding to a particular geographical



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location in Europe, it is necessary to contact the producer/consignee of the waste or the competent transit authority.

The Agència de Residus de Catalunya of the Generalitat de Catalunya's Departament de Medi Ambient is the competent authority for the import/export of waste between Catalonia and other European Union countries (in Spain, each Autonomous Community has had these powers transferred to it). The competent authority for the import/export of waste between Catalonia and countries not belonging to the European Union is the Spanish Ministerio de Medio Ambiente, which is also the competent transit authority.

Contact information for these bodies is given below:

Generalitat de Catalunya
DEPARTAMENT DE MEDI AMBIENT I HABITATGE
AGÈNCIA DE RESIDUS DE CATALUNYA
Dpt. d'Atenció Ciutadana
Dr Roux, 80
08017 Barcelona
Tel. 93-567.33.00
Fax 93-204.99.38 (TFS only)

Ministerio de Medio Ambiente y Medio Rural y Marino

Secretaría de Estado de Cambio Climático
Dirección General de Calidad y Evaluación Ambiental
Subdirección General de Producción y Consumo Sostenibles
Pl. de San Juan de la Cruz, s/n
28071 Madrid
Tel. 91 597 68 68
Fax 91 597 59 38

3. WASTE CLASSIFICATION/CODING

The Regulation classifies waste according to the annexes of the Basel Convention and establishes two lists of waste:

Orange list (Annex IV to the Regulation, list A (Annex VIII of the Basel Convention)).

Green list (Annex III to the Regulation, list B (Annex IX of the Basel Convention)).

The other waste classifications used in the TFS procedure are as follows:

- European Waste Catalogue (EWC): <http://www.arc-cat.net/en/aplicatiu/cer/jr-42000.asp>
- Identification System for Toxic and Hazardous Waste: RD 833/1988.
- Y code (OECD Council Decision C(88)90 FINAL)
(Consult the Annex to the applicable regulations)

4. SCOPE OF APPLICATION (Article 1 of the Regulation)

The Regulation applies to waste shipments:

- ✓ Between Member States, within the Community or including transit through third countries.
- ✓ Imported into the Community from third countries.
- ✓ Exported from the Community to third countries.
- ✓ In transit through the Community on their way from one third country to another.



The following are excluded from the scope of application of the Regulation:

- ✓ The unloading onto land of waste generated by the normal operation of ships and offshore platforms, including wastewater and waste.
- ✓ Waste generated on board vehicles, trains, aircraft and boats until the waste has been unloaded in order to be recovered or disposed of.
- ✓ Shipments of radioactive waste.
- ✓ Shipments subject to approval requirements in accordance with Regulation (EC) No. 1774/2002.
- ✓ Waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the operation of quarries.
- ✓ Animal carcasses and other agricultural waste, faecal matter and other non-hazardous natural substances used in farming.
- ✓ Wastewater.
- ✓ Unclassified explosives.
- ✓ Waste shipments originating in Antarctica destined for the European Community.
- ✓ European Community-bound imports of waste generated by the armed forces or aid organisations in crisis situations.

5. PROCEDURES TO BE FOLLOWED

There are two completely different possible TFS procedures:

- ✓ Shipment of waste subject to the notification and prior written authorisation procedure. (Chapter 1 of the Regulation)
- ✓ Shipment of waste subject to the general information requirement. (Chapter 2 of the Regulation)

To determine the procedure to be followed, the waste "category" (green or orange list) and its management (recovery or disposal) need to be identified.

5.1 Import/export of waste subject to the general information requirements

The following waste is subject to the general information procedure:

- Waste intended for **recovery**, if the quantity of waste to be shipped exceeds 20 kg:
 - Green-listed waste.
 - Mixture of waste from the green list (provided the composition of these mixtures does not prejudice its proper recovery in environmental terms and provided it is included in Annex IIIA of the Regulation).
- Waste intended for **laboratory analysis** to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations. The quantity to be shipped must not exceed 25 kg.





5.1.1 General information procedure (Article 18 of the Regulation)

- Shipments of this waste must be accompanied by the document appearing in Annex VII of the Regulation, duly completed.
- A contract will have to be formalised between the person or organisation arranging the shipment and the waste consignee, which includes the obligation of the person or organisation arranging the shipment to be responsible for the waste if recovery cannot take place or if it is shipped illegally.
- Provisions will also have to be made for its storage.

5.2 Import/export of waste subject to the notification and prior written authorisation procedure.

The following waste is subject to the notification and prior written authorisation procedure:

- Waste intended for disposal: all.
- Waste intended for recovery:
 - Orange-listed waste.
 - Green-listed waste with any hazardous characteristic specified in Annex III of Directive 91/689/EC (letter H).
 - Unclassified waste from the green or orange list.
 - Mixtures of unclassified waste in a specific category from the green or orange list.
 - Municipal waste (EWC: 200301).

5.2.1 Drawing up and processing the documents required from the notifier

When the notifier intends to ship waste, it will have to present prior written notification to the competent export authority.

The notification will consist of the following documents:

- Notification document (Annex IA of the Regulation).
- Shipment or movement document (Annex IB of the Regulation).



(The notifier must request the notification and shipment/accompanying documents from the competent export authority and will have to formalise them correctly, preferably in print. In the case of waste export from Catalonia to any EC country, these forms must therefore be requested from the Agència de Residus de Catalunya.)

There is a single model form for the whole of Europe; only the language and the country initial in the corresponding document's control number (top right) change. The forms are therefore the same for importing and exporting waste to any Spanish Autonomous Community, regardless of whether the shipment is being made to European Union countries.

The two sheets represent the acceptance sheet (notification document) and the consignment note (shipment/accompanying document) used in Catalonia for waste shipment, but at a European level. Section 9 of this circular explains how to fill out these forms correctly.)

- Contract between the notifier and the consignee (developed in Section 5.2.2)
- The origin, composition (detailed analysis) and quantity of waste (list of producers if there is more than one).
- Transport itinerary (main towns and routes involved).
- Copy of the shipping firm's waste shipment record.
- Information concerning the measures that must be adopted to ensure safe transport.
- Details of the competent import, export and transit authorities (name, contact person, address, telephone and fax numbers).
- The insurance covering damage affecting third parties and possible measures to be adopted for safe transport, specifying the validity period.
- The financial guarantee covering transport costs, the recovery/disposal of the waste and its storage for 90 days. A photocopy of the guarantee, the original receipt and the cost sheet. (Developed in Sections 5.2.3 and 5.2.4)
- In the case of recovery, it is necessary to specify:
 - The planned disposal method, following recovery, for the waste generated.
 - The quantity of material recovered in relation to the total treated.
 - The estimated value of the recovered material.
 - The cost of recovery and the cost of disposing of the unrecoverable fraction.
- Description of the waste production process.
- Description of the waste consignee facility's treatment process.
- Notifier's certificate confirming that the information is complete and correct.
- Payment of the supervision charge (developed in Section 5.2.5).

(As two competent authorities with different languages are involved, all this information (except the notification and shipment/accompanying forms) must be translated, so each competent authority



can have a file created in its own language. If necessary, the original can be presented in a language other than Catalan/Spanish, with an unsigned, translated copy.)

5.2.2 Content of the contract

The contract between the notifier and the consignee must establish the following obligations:

- The notifier must take responsibility for the waste, in accordance with the provisions of Article 22 and Section 2 of Article 24 of the Regulation, if the shipment or recovery/disposal is not carried out as planned or if an illegal shipment is made.
- The consignee must recover or dispose of the waste if an illegal shipment is made, in accordance with Section 3 of Article 24.
- In accordance with letter e) of Article 16, the facility must present a certificate that the waste has been recovered or disposed of in accordance with the notification, under the conditions specified in it and according to the requirements of the Regulation.

If the waste shipped is intended for intermediate recovery or disposal operations, the contract must include:

- The consignee facility's obligation, in accordance with letters d) and e) of Article 15, to present certificates that the waste has been recovered or disposed of, in accordance with the notification and the requirements of the Regulation.
- The consignee's obligation to deliver notification to the initial competent authority in the country where the shipment originated, if appropriate, in accordance with letter f), subsection ii) of Article 15.
- Waste shipment between two establishments under the same legal body will be covered by Article 5.5 of the Regulation.

5.2.3 The bond or equivalent insurance

The bond must be established **by the notifier** or other individual or organisation on its behalf, and must be approved by the competent authority for the origin of the shipment.

It must cover the costs of shipping the waste, recovering or disposing of it and storing it for 90 days. The formula making it possible to calculate the value of the bond would be:



1'4. $(TC + CEV \times Q + CA \times 90 \times Q)$

TC: transport costs – each way

DRC: disposal/recovery cost per kg

Q: average quantity shipped in kg/journey

SC: storage cost per kg per day

The financial guarantee must be taken out in the form of a bank guarantee with legitimised signatures (the model guarantee is attached in section 5.2.4). It must be deposited with:

DEPARTAMENT D'ECONOMIA I FINANCES
SUBDIRECCIÓ GENERAL DE TRESORERIA
CAIXA GENERAL DE DIPÒSITS
Gran Via de les Corts Catalanes, 639
08010 Barcelona.
Tel.: 93 316 20 10
Fax: 93 316 22 63

The documents that must be presented to the Agència de Residus de Catalunya are:

- Original of the receipt provided by the Caixa General de Dipòsits.
- Photocopy of the guarantee.
- Cost list accounting for the value of the financial guarantee (justification of the waste shipment and management costs).

The Agència de Residus de Catalunya may refuse authorisation for shipment in cases when it believes that this cost list does not correspond to the true situation.

This guarantee will not be "released" until the Agència de Residus de Catalunya has received the corresponding certificate of recovery/disposal from the waste consignee.

Once "released", the guarantee will be returned to the producer/notifier, if this has been requested, or automatically assigned to the renewal of the file.

The number of journeys that must be guaranteed will depend on the frequency with which shipments are sent and the speed with which the corresponding recovery/disposal certificates arrive. This number of journeys is established by the producer/notifier, but at least one journey must be guaranteed.



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The Agència de Residus de Catalunya will check that each journey is covered by the corresponding financial guarantee.

The same guarantee may initially cover "n" journeys provided that the overall sum guaranteed is "n" times that corresponding to one journey.

5.2.4 Model guarantee for the transfrontier shipment of waste

The (bank, savings bank, insurance company, etc.) and, on its behalf, (name and surname of power of attorney/s), with sufficient powers to make this document a binding one, resulting from approval by:

the Legal Advisory of the Departament d'Economia i Finances of the Generalitat

or

the Legal Advisory of the Caixa General de Dipòsits

or

the State Legal Office in the respective province

on

Guarantees

jointly and under the terms and conditions determined in Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14th June 2006, on shipments of waste, and particularly concerning Article 6 of the aforementioned Regulation, (name of the company or person guaranteed) before the Agència de Residus de Catalunya for the sum of (sum of the guaranteed in words) as a bond to meet the obligations deriving from the development of transfrontier waste shipment activities.

The guarantor expressly waives the benefits of division, order and excussion mentioned in Articles 1830 and following of the Civil Code, and it will automatically be executed following justified notification from the Agència de Residus de Catalunya.

This guarantee will be valid until the Agència de Residus de Catalunya authorises its cancellation, in accordance with current applicable regulations.



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..... (Place and date of issue)
(Signature)

(Signatures must be legitimised)

..... (Place, date)

5.2.5 The supervision charge

The supervision of import and export files concerning the transfrontier shipment of waste justifies a charge, in accordance with the provision of Articles 375, 376, 377 and 378 of Law 15/1997 of 24th December of the Generalitat de Catalunya.

In accordance with Law 15/1997 and subsequent updates resulting from successive "budget laws", the applicable charges will be those established by the applicable regulations. Payment must be made into a BBVA bank account in the name of the Agència de Residus de Catalunya, account number:

Bank account: 0182 6035 44 0010000384

The name of the producer or manager, its code and the file number must be given when making the payment.

Rates may be consulted at <http://www.arc-cat.net/en/eines/taxes.html>

This charge must be paid in advance so that all the files can be processed.

This can be proved with the paying in receipt which will be provided by the bank branch and which must be included in the file, together with the other documents.

(Once notification has been properly formalised, as described in Article 4, point 2, of the Regulation, the original and as many copies as there are competent authorities involved must be presented, accompanied by an official presentation note, at the Register of Incoming Documents at the Agència de Residus de Catalunya.

The Agència de Residus de Catalunya will keep a copy of the notification and pass it on to the competent destination authority, with a copy to all competent transit authorities, and will inform the notifier that these documents have been sent).



6. STUDY OF DOCUMENTS BY THE COMPETENT IMPORT/EXPORT AUTHORITIES FOR SUBSEQUENT AUTHORISATION/REFUSAL

Once the competent import authority has received the documents, the administrative process begins. This authority has a period of 3 working days to send all those involved notification of receipt, consisting of a copy of the notification form stamped in box 19 (this is generally done first by fax and then in writing), and 30 days to authorise or refuse permission for the action.

The other authorities affected (import/export/transit) have a period of 30 days from the date of the notification of receipt to:

- Grant unconditional authorisation.
- Grant authorisation with conditions, in accordance with Article 10.
- Draw up objections, in accordance with Article 11 and 12.

These objections must be based on the precepts of Articles 11 and 12 of the Regulation and must immediately be notified to all those involved, so that they can be resolved and a final decision can be made.

If there are no objections from any competent authority (import/export/transit), the competent import authority will grant its authorisation for the shipment. It is the competent import authority that authorises the transfer; the other competent authorities merely give (or refuse) their consent. However, a refusal by any of the competent authorities is binding.

In all cases, for the shipment to be made:

- The notification document must be stamped by the competent import authority in boxes 19 (notification of receipt) and 20 (authorisation).
- All other agents involved must have this document (if the producer and the notifier are different, the producer must contact the notifier to get the stamped document).
- The competent import authority will send the notifier the original shipment/accompanying document together with the original notification document.
- If there are objections from the competent authorities, these must immediately be notified to all those affected and resolved as soon as possible. If this cannot be done, shipment cannot go ahead and the competent import authority will give the corresponding notification in writing to all those affected as soon as possible.

7. TRANSPORT OF THE WASTE AND NOTIFICATION TO ALL THOSE INVOLVED

a. Once transport has been authorised and all the agents involved have a copy of the corresponding authorisation, every time the producer wishes to transport waste it will have to notify all those involved (by fax), sending the shipment/accompanying form, duly completed, 3 days in advance for each journey.

A copy of this form, together with a copy of the authorisation form (notification form stamped in box 20) will have to accompany the means of transport used (lorry, ship, etc.) on each shipment.



b. Once the consignee has received the waste, and always within 3 working days, it will send the shipment/accompanying form, duly completed and stamped in box 18, or 17, if necessary (intermediate storage), to all those involved.

c. Once the recovery/disposal facility has properly managed the waste, it will send all those involved (within 30 days of the completion of the operation) the shipment/accompanying form, correctly filled in and stamped in box 19.

This is when the responsibility of all agents involved ends and when the financial guarantee may therefore be returned or used for a subsequent journey.

8. IMPORTING WASTE INTO CATALONIA

Waste import follows the same procedure as the export detailed in the previous section. In this case, the Agència de Residus de Catalunya acts as the competent import authority.

Some aspects that should be mentioned and taken into account include:

- The European Waste Catalogue (EWC) code must also be specified in the section corresponding to the import country.
- The financial guarantee must be established with the competent waste export authority. The Agència de Residus de Catalunya must be presented with a document proving that it is available and giving its characteristics (a copy of the corresponding guarantee, for example, if this is the system used, is sufficient). If no such guarantee exists, one must be established with the Agència de Residus de Catalunya under the terms and conditions specified above. Only in this latter case need the financial guarantee be processed as in the case of export (original of the receipt from the Caixa General de Dipòsits, transport and management cost list and photocopy of the guarantee).
- Waste consignee firms must be authorised for this activity in the destination country.

9. FORMALISING TFS DOCUMENTS

The main points to be taken into account when filling in the forms correctly (in print, recommended) are as follows:

9.1. Notification form

All boxes except for 19 and 20 must be filled in, taking into account:

Box 3C: a pre-authorized recovery facility is not the same as an authorised recovery facility. Care must therefore be taken when filling in this box.

Box 14: various codes corresponding to the waste are requested:

- The applicable waste code in Catalonia is currently the EWC. This code must be placed in the space corresponding to the export/import country.
- The code corresponding to the European Waste Catalogue (EWC).
- Where it says "other code", the hazardous waste identification code according to RD 833/1988 must be entered (consult the Appendix to the applicable Regulation).

Box 17: Y code (consult the Annex of the applicable Regulation).

Box 16: This must only be filled in when export/import to/from outside the European Union is taking place (in this case the Agència de Residus de Catalunya is not the competent authority).



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Shipment/accompanying form

All the boxes must be filled in except 2, 5, 6, 17, 18 and 19, taking into account the same considerations as above, plus:

Box 8: the details of the transport companies and their registration numbers must be included.

When waste that has already been authorised is being shipped, boxes 2, 5 and 6 must be filled in 3 days in advance and the form faxed to all those involved.

9.3. Notification and shipment/accompanying forms, common criteria

In the details of the producer/notifier/consignee, the record number must always be entered, that is, the corresponding waste producer code (P-#####.#) or waste manager code (E-###.##) assigned by the Agència de Residus de Catalunya in the case of Catalonia, and their corresponding counterparts issued by the other competent authority.

Telephone and fax numbers must consist of the number itself and the international prefix. For example, in the case of the Agència de Residus de Catalunya., the telephone number would be 34 935673300 and the fax number 34 932049938.

10. CONSIDERATIONS TO BE TAKEN INTO ACCOUNT CONCERNING PROCEDURE UNDER THE REGULATION AND OF THE VARIOUS COMPETENT AUTHORITIES

The basic procedures to be followed for importing and exporting waste, based on the Regulation and explained above, are the same for each country. However, there may be small variations depending on the organisation and operational structure of the competent authority and its own existing regulations concerning the matter.

For example, the establishment of the financial guarantee (sum and characteristics) is not harmonised in the European Union, so there are often variations between different countries; some usually ask for additional information that must be presented, etc. To resolve queries concerning any of these matters, it is best to contact the corresponding competent authority.

It must also be taken into account that the movement of waste in the European Union is subject to the waste regulations applicable in each country, as well as compliance with the principles of proximity and sufficiency. Based on these principles, transfrontier shipment of waste cannot be authorised in certain cases.

It is important to take into account that, in the case of exports from Catalonia:

- .- The corresponding import authority's notification of receipt is required in order for written consent (which is compulsory in some cases) to be granted.
- .- Authorisation from the competent import authority is required before the producer begins to export waste.
- .- In order to speed up authorisations, once the Agència de Residus de Catalunya has received notification of receipt and, if it approves shipment, it will send the corresponding consent to all those involved in writing (but first by fax). As a general rule it will not use tacit consent, which involves waiting 30 days.
- .- No import/export shipment will be permitted without the corresponding associated financial guarantee. For this purpose, and in cases of imports where the competent export authority requires



and fixes the financial guarantee once the Agència de Residus de Catalunya has authorised shipment, the Agència de Residus de Catalunya's consent will always be subject (as specified in writing in the authorisation) to proof that the corresponding financial guarantee is available before the first journey.

11. EXPIRY OF AUTHORISATION

Authorisation issued by the competent import authority will expire after no more than a year after it is granted, although this period can be shorter if specified. After the end of this period, a new authorisation must be processed following the same procedure.

The validity and expiry dates for the procedure, and therefore the last ones on which journeys can be made, are those appearing in box 25 of the notification document.

12. PRE-AUTHORISED RECOVERY FACILITY

Under Article 14, the Regulation allows a particular competent authority to decide never to present objections to waste shipments to particular recovery facilities under its control (imports); this is what we mean by pre-authorised facilities.

It means that the exporter can be sure that the competent import authority will grant authorisation for the import. However, in all cases, the administrative procedure to be followed to achieve waste shipment authorisation is the same as for other facilities.

Whether or not the facility is pre-authorised is indicated in box 3C of the notification document. Waste recovery facilities in Catalonia entered in the General Register of Waste Managers that would like to be pre-authorised must apply to the Agència de Residus de Catalunya, which will deal with all necessary procedures.

13. FREQUENTLY ASKED QUESTIONS AND QUERIES

Below, we will attempt to clear up some of the most common queries that may arise concerning the TFS procedure.

- *How can TFS forms be obtained?*

These notification and shipment or accompanying forms are available, free of charge, to interested parties at Agència de Residus de Catalunya offices. It must remember that the two forms must have the same number.

- *Can the documents provided by the ARC be used to import waste here?*

No, the documents provided by the Agència de Residus de Catalunya are valid only for exports either to European Union or other countries.

- *What determines the number of TFS files to be prepared?*



A file must be created for each different waste type, producer, notifier, itinerary or recovery/disposal facility. For example, in the simplest case: the same waste sent under the same conditions to two different facilities will require two different files in which only the details of the consignee, the itinerary and, probably, the competent authority, will change.

• *How many journeys can a file be used for?*

The same file may be used for a single journey or for multiple journeys (as indicated in box 3 of the notification document). As a general rule, neither the quantity of waste nor the number of journeys previously established may be exceeded. However, this criterion may vary depending on the corresponding competent authority.

It must be stressed that there is no upper limit in terms of journeys/quantity to be filled in on the notification forms, but if more than one journey a day is made, the bond will have to cover it.

• *What happens when the documents specified in the Regulation are not received from the agents involved?*

The Regulation very clearly specifies the form of all the documents and who is responsible for processing them correctly. If one of the agents involved does not have all the documents, this must be resolved, and the missing document must be obtained.

It is particularly important that the administrations have all the documents considering that:

.- They will not give their consent without the notification of receipt.

.- Without authorisation, transport will not be permitted.

.- With the recovery/disposal certificates, the guarantees associated with the journey will be frozen and new journeys will not be permitted.

It is therefore very important that, in any of the three cases above, the producer/notifier/consignee in Catalonia sends these documents to the Agència de Residus de Catalunya.

It must not be forgotten that the established procedures can be carried out rapidly only when all those involved comply with the stipulations.

• *How long do the documents generated by the TFS procedure need to be kept?*

The Regulation stipulates that they must be kept for three years.

• *On which list does the waste from selective collection appear?*

It must be remembered that, although the waste from selective waste collection may be included on the green list, it is considered to be on the orange list (it appears on the orange list as domestic waste).

• *What other obligations affect those involved in importing/exporting waste?*

It must be borne in mind that waste producers and final recipient (managers) in Catalonia must record all imports and exports carried out (type of waste, quantity and recipient) in their annual declaration and monthly/annual summaries and must comply with the applicable environmental regulations.



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- *How long does the authorisation procedure take?*

About thirty days from the presentation of the file, although this period can vary depending on whether authorisation is tacit or in writing. Therefore, considering that sometimes when a file is presented it has to be corrected or additional information is requested, and that not all the competent authorities have the technical and human resources they need, it is recommended that files should be presented at least two months before the shipments are due to be made.

- *Can the guarantee that all waste managers in Catalonia have deposited with the Agència de Residus de Catalunya in order to carry out waste management activities also be used for TFS?*

No, because they are completely different activities. The TFS financial guarantee covers only possible costs deriving from the shipment and recovery/disposal of the waste outside the manager's facilities.

- *When should the guarantee expire?*

The guarantee must be for an indefinite period.

- *Who has to take out the financial guarantee?*

It may be taken out either by the waste producer or the notifier, but not by a third party whose name does not appear on the notification document.

- *Can several journeys with different types of waste worth different amounts be guaranteed with the same bond?*

Yes, it is possible, provided the guarantor (producer and/or notifier) is the same. The figures corresponding to the separate sums that must be guaranteed must simply be added together and a joint guarantee established. It is the producer/notifier that decides on the preferred model. However, it must be borne in mind that if this guarantee is cancelled none of the waste it covers may be shipped.

- *Once a guarantee has been taken out and a waste shipment file created, can additional journeys be added to the guarantee?*

Yes, they can, provided that the guaranteed sum permits this.

- *What needs to be done so that a guarantee is returned to the producer/notifier?*

A request for this needs to be made in writing to the Agència de Residus de Catalunya, specifying the reasons. Within a period of two/three months, the Departament d'Economia i Finances of the Generalitat de Catalunya (which is responsible for the Caixa General de Dipòsits), will return it, giving written notification to the guarantor.



- *How much must the financial guarantee cover when the cost of the recovery/disposal of the waste is negative?*

In these cases (generally recovery of waste with a market value), the value of the financial guarantee is fixed at 1502.53 euros per journey in the case of road transport. For other types of management, consult the Agència de Residus de Catalunya, but the value will never be lower than 1502.53 euros per journey. In all these cases, it must be proved that the management of the waste is financially favourable for the producer/notifier; that is, that the waste management is not being paid for (information that must always appear in the contract or one of its annexes).

- *What happens if the information in the file presented to the competent authorities is incomplete or incorrect?*

Generally, in this case the competent authorities notify those involved and the information concerned must be corrected or added as soon as possible. This causes long delays to the procedure, particularly when the information comes from other countries. For this reason, it is advisable to contact the authorities involved in advance to resolve or clarify queries before the file is presented.

- *In addition to the TFS forms, is it necessary to establish the acceptance sheet (FA) and consignment note (FS) used in Catalonia?*

No, because the acceptance sheet and consignment note are used only for procedures with their origin and destination in Catalonia.

- *When a waste manager is also a producer, which of the two codes issued by the Agència de Residus de Catalunya has to be entered on the forms when they ask for the registration number?*

For exports, if the waste has been produced by the organisation, the producer code must be entered (P-#####.#). Otherwise, the manager code (E-##.##) must be used. For imports, the manager code must always be entered.

- *What happens if the producer/notifier cannot notify the Agència de Residus de Catalunya of shipment 3 days in advance?*

In certain cases, it may be that the producer/notifier does not know the quantity, date and/or shipment firm's details so far in advance. In this case, notification of the shipment must be given as soon as possible, and always far enough in advance so that the Agència de Residus de Catalunya can check whether the corresponding financial guarantee is available.

APPLICABLE REGULATIONS

- Regulation 1013/2006 of the European Parliament and of the Council of 14th June 2006 on shipments of waste.



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- EWC
- RD 833/1988
- Y code (OECD Council Decision C(88)90 FINAL)
- Competent transit authorities