



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

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

of XXX

**supplementing Regulation (EU) 2024/[...] of the European Parliament and of the Council
by establishing the information to be provided in the certificate confirming the
completion of a subsequent interim or non-interim recovery operation or a subsequent
interim or non-interim disposal operation**

(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

Regulation (EU) 2024/[...] of the European Parliament and of the Council of 25 March 2024 on shipments of waste lays down the prior notification and consent procedure for shipments of certain wastes, including those destined for interim recovery or interim disposal operations.

Article 15 of that Regulation contains specific provisions relating to shipments of waste destined for interim waste treatment operations. The facilities carrying out such interim operations should be informed by the facilities carrying out subsequent waste treatment processes (subsequent facilities), both interim and non-interim, that the subsequent facilities completed the processes for which waste was delivered to them. Such confirmation must take the form of a certificate confirming completion of a subsequent interim or non-interim recovery or a subsequent interim or non-interim disposal operation. Such certificates should be kept in accordance with Article 20 of that Regulation.

Article 27 of that Regulation provides for mandatory submission and exchange of information and documents related to shipments of waste. The requirement comes into effect 2 years after the Regulation's entry into force and covers the information required by Article 15.

To ensure that the content of the aforementioned certificate is consistent with the Regulation, in particular for the purposes of implementing Article 27, it is necessary to lay down the specific information which must be provided in the certificate.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This Delegated Regulation has been developed to lay down the information which must be provided in the certificate referred to in Article 15(5), first subparagraph, of Regulation (EU) 2024/[...].

The template for the certificate and the instructions on how to complete the certificate are contained in the Annexes to this Delegated Regulation. These were developed taking into account the waste shipment correspondents' guidelines No 3 on a certificate for subsequent non-interim recovery or disposal according to Article 15(e) of Regulation (EC) No 1013/2006 on shipments of waste¹, while considering the provisions of Article 15 of the new Waste Shipment Regulation, namely Regulation (EU) 2024/[...].

The information laid down in this Delegated Regulation is also relevant for the purposes of implementing Article 27 of Regulation (EU) 2024/[...] concerning the digitalisation of the prior notification and consent procedure.

[There was substantial consultation of Member States and stakeholders on this issue, in accordance with Article 80 of Regulation (EU) 2024/[...]. Stakeholders were also kept informed throughout this process.]

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

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¹ https://ec.europa.eu/environment/pdf/waste/shipments/correspondents_guidelines3_en.pdf

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered through Article 15(6) of Regulation (EU) 2024/[...] to adopt a delegated act to lay down the information which must be provided in the certificate referred to in Article 15(5), first subparagraph.

The information laid down in this Delegated Regulation includes, in Annex I, a template for the certificate and, in Annex II, instructions on how to complete the certificate.

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

The proposal has no implications for the EU budget.

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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/[...] of the European Parliament and of the Council of [...] 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006², and in particular Article 15(6) thereof,

Whereas:

- (1) Regulation (EU) 2024/[...] lays down the prior notification and consent procedure for shipments of certain wastes, including to interim recovery or disposal operations.
- (2) Article 15 of that Regulation contains specific provisions relating to shipments of waste to interim recovery and disposal operations. The facilities carrying out such interim operations are to be informed by facilities carrying out subsequent waste treatment processes, both interim and non-interim, that these facilities completed the processes for which waste was delivered to them. Such confirmation is to be made in a form of a certificate which should be issued by the facilities which have carried out the subsequent waste treatment process. Through that certificate, those facilities are to confirm the completion of a subsequent interim or non-interim recovery operation or a subsequent interim or non-interim disposal operation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The certificate confirming completion of a subsequent interim or non-interim recovery operation or a subsequent interim or non-interim disposal operation in accordance with Article 15(5) of Regulation (EU) 2024/[...] is set out in Annex I to this Regulation.
2. The specific instructions for completing the certificate set out in Annex I are set out in Annex II to this Regulation.

² OJ L [...], [...], p. [...], ELI [...].

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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