

## Explanatory notes to Annex VII

### General

Under Article 18 of Regulation (EC) No. 1013/2006 waste shipments should be accompanied by the Annex VII document in the case of the following types of waste:

- green-listed recoverable waste (Annexes III, IIIA and IIIB) (>20 kg), and
- waste destined for laboratory analysis (< 25 kg).

### Contract

Before the shipment takes place, the **person who arranges the shipment** must conclude a legally binding contract with the **consignee** (this does not apply to waste for laboratory analysis). The contract must include an obligation, where the shipment of waste or its recovery cannot be completed as intended or where it has been effected as an illegal shipment, on the person who arranges the shipment or, where that person is not in a position to complete the shipment of waste or its recovery, on the consignee, to:

- (a) take the waste back or ensure its recovery in an alternative way; and
- (b) provide, if necessary, for its storage in the meantime.

If the consignee in the country of destination is a dealer/broker who will not take physical possession of the waste, it is up to the person who arranges the shipment to confirm that the dealer/broker is permitted to operate as such under the law of the country of destination and that the consignee has some form of control over the waste that he does have in his physical possession.

The contract does not have to accompany the shipments but must be available for consultation at all times.

### Signature

Annex VII must be signed by the person who arranges the shipment before the shipment takes place. That person is responsible for ensuring that the whole shipment is accompanied by Annex VII, properly completed and carried out. To this end, he must make agreements – if necessary in contractual form – with other involved parties, including carriers. Annex VII does not have to be sent to the relevant authorities before the shipment starts.

After the shipment has arrived, the consignee signs Annex VII. If the consignee is not the recovery facility or laboratory, the consignee must ensure that the Annex is signed by the facility or laboratory when they receive the waste.

### Keeping copies

The person who arranges the shipment, the consignee and the recovery facility or laboratory must all keep a copy of the properly completed Annex VII. The copies must be kept for at least three years from the date of the start of the shipment. The person who arranges the shipment can of course not have a copy with all signatures, and there is no obligation to return the signed form to the person who arranges the shipment.

## **Completing Annex VII**

### **Block 1 Person who arranges the shipment**

The person or company who intends to arrange the shipment can be the original producer, the new producer, the collector or a registered dealer/broker. Registered means that they are on the VIHB list at the NIWO ([www.niwo.nl](http://www.niwo.nl)). The VIHB number should be specified.

A dealer/broker does not need to be authorised by the original producer, the new producer or the collector. The dealer/broker must, however, be registered in the same country as the producer/collector. The dealer/broker does not have to possess his own facility.

### **Block 2 Importer/Consignee**

De importer/consignee is the person or company to which the recoverable waste or waste for laboratory analysis is transported. In most cases this will also be the recovery facility. A dealer/broker can also act as consignee, even if he does not possess a facility. In all cases, the importer/consignee must be registered in the same country as the recovery facility.

Recovery facilities also include facilities performing activities as referred to in R12 or R13 (see the explanatory notes to block 8).

### **Block 3 Actual quantity**

The actual quantity is the net quantity of waste in tonnes or cubic metres. It can be divided between several containers. In that case all containers must be accompanied by an Annex VII form specifying the actual quantity transported in the container. These may be copies of the original signed form.

### **Block 4 Actual date of shipment**

This is the date on which the shipment actually starts from the facility of the person who arranges the shipment. If that person does not have a facility the shipment will start at the facility of the producer or collector. The Annex VII form must be present at the start of the shipment.

### **Block 5 Carrier transporting the waste**

You should enter the details of the carriers that will be transporting the waste, as far you know this in advance. You should also enter the means of transport and the date on which this part of the shipment starts. You can use the following codes for the means of transport: R = by road

T = by train

S = by sea

A = by air

W = by inland waterways

The carriers also have to sign the form. If more than one carrier is involved in the shipment, they must all sign. This is the responsibility of the person who arranges the shipment.

### **Block 6 Waste generator**

If the person who arranges the shipment (specified in block 1) is the original producer the following text should be entered in block 6: same as in block 1.

If the person who arranges the shipment is not the original producer, the new producer or the collector, block 6 must always be completed. The following sequence should be observed:

- the original producer,
- the new producer (NB: in this context, R12 and R13 facilities are considered new producers),
- the registered collector (or the holder of a collector's licence).

It is also important that the person who arranges the shipment (specified in block 1) and the producer in block 6 are both located in the same country (the Netherlands) and are therefore subject to the law of the country of dispatch.

In block 6, you may never enter a carrier or a dealer/broker without a facility.

#### **Block 7 Recovery facility or laboratory**

If the consignee in block 2 is the recovery facility/laboratory, the following text should be entered in block 7: same as in block 2.

If the consignee is not the recovery facility/laboratory, this block must be completed.

A recovery facility can also be an R12 or R 13 facility. In that case it is not necessary to provide information on the facility or facilities where final recovery will take place.

It is also important that the consignee specified in block 2 and the recovery facility in block 7 are both registered in the same country and are therefore subject to the law of the country of destination.

#### **Block 8 Recovery operation**

Recovery is one of the operations specified in Annex II B of Directive 2006/12/EC:

- R1 Use as fuel (other than incineration as such) or other means to generate energy. Use principally as a fuel or other means to generate energy
- R2 Solvent reclamation
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Oil re-refining or other reuses of oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Use of wastes obtained from any of the operations numbered R 1 to R 10
- R12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11
- R13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where it is produced)

If a sample is transported for laboratory analysis, it can be assumed that, after analysis, the sample will be disposed of and the analysis itself cannot be seen as a recovery operation.

The operation in the laboratory can be indicated as a D9 operation.

D9: Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 8 and D 10 to D 12.

#### **Block 10 Waste identification**

Use here the Basel or OECD code: enter here the code from Annexes III, IIIA or IIIB of Regulation No. 1013/2006. The code can come from Annex IX to the Basel Convention or the OECD Decision, Appendix 3.

In addition to the Basel / OECD code, you should also enter the code from the European waste list (EURAL).

In the Netherlands, the EURAL code is used as a national code.

**Block 11 Countries/states concerned**

The Basel Convention uses the term 'state', the OECD decision refers to 'OECD countries' and the European Community speaks of 'member states'. It is preferable to use here the country codes according to ISO standard 3166.

In addition to the country of dispatch and destination, all countries of transit must also be given.

**Blocks 12 and 13 Signature by the person who arranges the shipment or the consignee**

**Block 14 Signature by the recovery facility or laboratory**

The recovery facility or laboratory signs for receipt of the waste and specifies the quantity received on the form.

If the consignee in block 13 is the same as the recovery facility or laboratory, both blocks still have to be signed.

**Check by competent authority**

The competent authorities have the following checking opportunities:

- Asking to see an Annex VII document during shipment
- Asking the person who arranges the shipment or the consignee for a copy of the contract.
- Asking the person who arranges the shipment or the consignee for Annex VII information for Control, enforcement, planning or statistical purposes.