

Van: Emmanuelle Mortagne
Aan: zhong.bin@zhb.gov.cn
Datum: Donderdag 16 September 2004 13:24:23
Onderwerp: notes verbales China 10 march and 13 mai 2004 about Council Regulation No.259/93

Dear Mr Zhong Bin,

I am an inspector of the Ministry of the environment in the Netherlands, and I have a question about 2 notes verbales from the Mission of the people's republic of China to the European communities.

Perhaps you can help me with the interpretation of these notes verbales, especially regarding waste electrical line and cable being exported from the EU to China.

The 2 notes verbales of 10 march and 13 mai 2004, involve new rules and procedures governing the importation of non hazardous wastes into Chinese territory, and ask for measures to amend Council Regulation (EC) No. 1420/1999 and 1547/1999 accordingly.

In the Netherlands we are not sure about the interpretation of the notes verbales. In the first note, waste electrical line and cable is mentioned explicitly to be allowed to be imported into China, without a procedure (except for the CCIC-procedure). In the next note, waste electrical line and cable is not mentioned anymore. Because it is not mentioned, this means, following the rules of the Council Regulation No. 259/93, that, because waste line and cable is classified under code GC020, and China has forbidden the import of GC020, waste electrical line and cable will also be forbidden to be imported into China.

Can you please inform me if China still wishes to receive waste line and cable without procedure (except CCIC-procedure)?

Next question about the notes verbales, is if China wishes to have a ban on the import or a red list procedure, for the import into China of the other not specifically in the notes mentioned green waste. On one hand China says the import is forbidden, but on the other hand China requests the entry for China in Annex B of Commission Regulation No 1547/1999 to remain unchanged. Annex B of Regulation 1547/1999 doesn't mean an importban to China, but a red list procedure, which means a notification and a permit of the European member state and China.

Can you please inform me if China wishes an importban for the not mentioned green waste or a red list procedure?

Best regards, Emmanuelle Mortagne
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CC: Herder, Kees den; Koreman, Jaap; Luttikhuizen, Cees

Van Pieter Roos
Aan: Kees den Herder
Datum Maandag 20 September 2004 8:38:33
Onderwerp: Doorgest.: RE: Betr.: Draft Commission regulation amending Council Regulation (EC) No 1420/1999 and Commissio

>>> <Gareth.STEEL@cec.eu.int> 17-09-2004 18:09:46 >>>

Dear Mr Roos,

Thank you for your questions, to which I am only able to reply to a limited extent, I'm afraid.

Let me take the second question first. On the one hand we have the EU regulations which specify what procedures apply to EU exporters. On the other hand we have the import requirements of the destination country. There is no contradiction to my mind between saying on the one hand that China has a ban, and on the other that it asks us to require red procedure. Those traders using red procedure will, if the information about the ban is correct, currently discover that the requests are turned down. Clearly, the information that China currently has a ban is relevant to a trader wanting to apply to do an export, but that information might become out of date (and can change rather more quickly and effortlessly than a change to our regulations). At the end of the day we can only say with authority what the position is about our procedures, and these will be laid down with complete finality by the regulations. What the Chinese do is entirely for them.

Now the second question exposes some less than ideal circumstances. One is that I do not personally have much experience with waste classifications. You tell me that 'waste electrical line and cable' falls within GC 020. To me GC 020 reads as if it should be metal only, rather than including the notorious plastic sheathing, as is suggested by the word "cable". In their NV of 10 March the Chinese mentioned cable as being "not covered in 259/93" which seems to imply that they regard it that way too. The second less than ideal circumstance is the ease of getting information from the Chinese about their wishes on these issues. We had a lot of difficulty and several false starts getting a plausible request out of China, so that the prospect of getting a reasoned explanation and background to the change from March to May is, I'm afraid, remote. But it is their last word, and I am obliged to implement it.

What situation are we left with? As I understand it, anyone who wants to export cable (ie still with the plastic covering) to China will have to follow red list procedure and will then discover whether it is banned or not.

I hope this is helpful, but please come back if you have further questions or considerations about this issue.

Best wishes

Gareth Steel

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Disclaimer: The views expressed are purely those of the writer and may not in any circumstances be regarded as stating an official position of the European Commission.

-----Original Message-----

From: Pieter Roos [mailto:pieter.roos@minvrom.nl]
Sent: Friday, September 17, 2004 3:19 PM
To: STEEL Gareth (TRADE); GARDNER Kathleen (TRADE)
Cc: Emmanuelle Mortagne; Jaap Koreman
Subject: Betr.: Draft Commission regulation amending Council Regulation (EC) No 1420/1999 and Commission Regulation

Dear Mr. Steel,

Concerning the draft amendment of Council Regulation (EC) no. 1574/1999 I would like to ask you two questions of clarification with respect to shipments of waste to China.

The draft amendment is based on the note verbale of China of 13 May 2004. The Annex to this note verbale of 13 May 2004 does not mention 'waste electrical line and cable' (GC 020) as a waste category to be exempted from the import ban. However, the earlier note verbale of 10 March 2004 on the same issue allows import of 'waste electrical line and cable' (and three other waste categories which are also missing in the note of 13 May 2004). The note verbale of 10 March 2004 was formally repealed, but without explanation. We would like to be sure that the import ban really applies to 'waste electrical line and cable' (and the other mentioned waste streams) and that the draft amendment, which includes this ban, is correct. Do you have background information that clarifies the changes between the note of 10 March 2004 and the note of 13 May 2004?

A second question concerns the clarification of the difference between export ban and red list procedure. The note verbale of 13 May 2004 forbids import of green listed waste of Council Regulation (EC) no. 259/93 excepts those listed in the note verbale. However, China request to leave Annex B of 1547/1999 unchanged, which formally means that import is not forbidden but needs the red list procedure. Could you confirm that this is correct and that formally no import ban exists?

Best regards,
Pieter Roos

>>> <Kit.Gardner@cec.eu.int> 06-09-2004 12:53:54 >>>

Dear Sir/Madam,

Please find attached a note (in English, French and German) from Rupert Schlegelmilch launching the written procedure for the opinion of the Committee for the Adaptation to Scientific and Technical Progress of EC legislation on Waste (Technical Adaptation Committee - TAC) on a draft Commission regulation amending Council Regulation (EC) No 1420/1999 and Commission Regulation (EC) No 1547/1999 as regards shipments of certain types of waste to China and Saudi Arabia.

<<AD 11863 TAC members consultation note rev1.doc>>

The text of the draft amendment in all but one of the official languages of the EU follows. The 19 language versions (including English but, with apologies, not including Maltese owing to translation delays) are in the following zipped file.

<<00462-01 Format Doc KG.doc.zip>>

As the note explains, any Member State which has not made known its opposition or intention to abstain from taking a position on the enclosed draft by 6 October 2004 will be deemed to have agreed to it. Following Article 12 of the rules of procedure of the TAC, I am addressing this mail to the Permanent Representations and copying to "a limited number of officials appointed by ... Member States ... provided the Member States have notified the Commission of the names and addresses of these officials". I should

be grateful if this opportunity could be taken to update the circulation list used for these amendments. I attach a Word document which tabulates the addresses used on this occasion, plus some failsafe central permanent representation email addresses that we have thought might be possible to use as back ups. It would be extremely helpful if you could send me corrections to this list which will be used for 1547 and 1420 amendments in future. Feel free to reduce the contact points to one in the Permanent Representation and one expert in the Member State competent Ministry if that is all that you require. But please bear in mind the fact that an email addressed to an individual may not reach its intended destination if that individual changes post. So a non-personal mail-box is better, or more than one individual recipient if that is preferred.

<<2004-07 cc list TAC - by country experts and perm reps REV1.doc>>

With thanks for your cooperation

Gareth Steel

Gareth Steel

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