

CORRESPONDENTS' GUIDELINES No 5

Subject: Classification of wood waste under entries B3050 or AC170

1. These correspondents' guidelines represent the common understanding of all Member States on how Regulation (EC) No 1013/2006 on shipments of waste should be interpreted. The guidelines were agreed by the correspondents at a meeting on 5 December 2007 organised pursuant to Article 57 of Regulation (EC) No 1013/2006. They are not legally binding. The binding interpretation of Community law is the exclusive competence of the European Court of Justice. The guidelines apply from 10 December 2007 and should be reviewed at the latest five years from the above date and, if necessary, revised.

2. Entry B3050 in part I of Annex III ('Green' Listed Waste), and in part 1 of Annex V, list B has the heading of “untreated cork and wood waste” and a subheading of “wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms”. Entry AC170 in Annex IV ('Amber' Listed Waste) and in Part 3 of Annex V is for “treated cork and wood wastes”.

3. *It is unclear in which cases wood waste should be considered to have been treated or is untreated.* There is a need to achieve a Community-wide approach in order to ensure that different competent authorities in Member States interpret entries B3050 and AC170 in the same way.

4. *As a common understanding of correspondents* it was agreed that wood waste comprising of wood that has not been subject to any type of treatment except purely mechanical types of treatment such as cutting or chipping, can be appropriately classified under entry B3050. Wood waste that includes wood that has, at any time, been subject to any type of treatment other than purely mechanical treatment, cannot be appropriately classified under entry B3050.