

Ordinance Enforcing Provisions contained in Legal Acts of the European Community regarding the Shipment of Waste

(Ordinance on Fines for Waste Shipments – *Abfallverbringungsbußgeldverordnung – AbfVerbrBußV*)^{1, 2}

Preamble

On the basis of section 18 subsection (5) of the Waste Shipment Act – *Abfallverbringungsgesetz – AbfVerbrG*) of 19 July 2007 (Federal Law Gazette I p. 1462), the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety herewith orders as follows:

Section 1 Regulatory offences in accordance with Regulation (EC) No 1013/2006

(1) A regulatory offence within the meaning of section 18 subsection (1) point 18 (b) of the Waste Shipment Act (*Abfallverbringungsgesetz*) shall be deemed to have been committed by whomsoever wilfully or negligently mixes waste in contravention of Article 19 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190 of 12 July 2006, p. 1, L 318 of 28 November 2008, p. 15, L 334 of 13 December 2013, p. 46, L 277 of 22 October 2015, p. 61), most recently amended by Regulation (EU) No 2015/2002 (OJ L 294 of 11 November 2015, p. 1), also in conjunction with Article 35 (1), Article 37 (2) sub-para. 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1), Article 47 or Article 48.

(2) A regulatory offence within the meaning of section 18 subsection (1) point 18 (c) of the Waste Shipment Act shall be deemed to have been committed by whomsoever violates Regulation (EC) No 1013/2006 by wilfully or negligently,

1. in contravention of Article 10 (5), second sentence, also in conjunction with Article 42 (1), Article 44 (1), Article 45 or Article 46 (1), failing to submit a record to the competent authority, or to do so correctly, or completely, or on time,
2. in contravention of Article 13 (2) sub-para. 1, also in conjunction with Article 35 (1), Article 37 (2), sub-para 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1), Article 47 or Article 48, failing to give information, or to do so correctly, or completely, or on time,

¹ Non-binding translation for information purposes only. In case of discrepancies, the German text shall prevail. The German version is available at http://www.gesetze-im-internet.de/abfverbrbu_v/index.html.

² Ordinance on Fines for Waste Shipments of 29 July 2007 (Federal Law Gazette I S. 1761); last amended through article 3 of law of 1 November 2016 (Federal Law Gazette I S. 2452).

3. as the operator of a facility, in contravention of Article 15 (c), third sentence, in conjunction with the first and second sentences or of Article 16 (d), third sentence, in conjunction with the first and second sentences, in each case also in conjunction with Article 35 (1), Article 37 (2) sub-para. 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1), Article 47 or Article 48, failing to submit a document referred to therein to a competent authority, or to do so correctly, or completely, or on time,
4. as the operator of a facility, in contravention of Article 15 (d), third sentence, in conjunction with the first and second sentences, or of Article 16 (e), third sentence, in conjunction with the first and second sentences, in each case also in conjunction with Article 35 (1), Article 37 (2) sub-para. 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1), Article 47 or Article 48, failing to submit a document referred to therein to a competent authority, or to do so correctly, or completely, or on time,
5. as the operator of a facility, in contravention of Article 15 (e), second sentence, also in conjunction with Article 35 (1), Article 37 (2) sub-para. 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1), Article 47 or Article 48, failing to submit a certificate to a competent authority, or to do so correctly, or completely, or on time,
6. in contravention of Article 16 (b), also in conjunction with Article 35 (1), Article 37 (2) sub-para. 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1), Article 47 or Article 48, failing to submit a document designated therein to a competent authority, or to do so correctly, or completely, or on time,
7. as the carrier or the person who directly carries out the transport, in contravention of Article 16 (c), second sentence, also in conjunction with Article 35 (1), Article 37 (2) sub-para. 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1), Article 47 or Article 48, failing to carry a document referred to therein with the transport, or to do so correctly, or completely,
8. in contravention of Article 17 (1), also in conjunction with Article 35 (1), Article 37 (2) sub-para. 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1), Article 47 or Article 48, failing to inform a competent authority, or to do so correctly, or completely, or on time,
9. (repealed)
10. in contravention of Article 18 (2) sub-para. 2, also in conjunction with Article 37 (3), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45, Article 46 (1),

Article 47 or Article 48, failing to submit a copy of the contract, or to do so correctly, or completely, or on time,

11. in contravention of Article 20, also in conjunction with Article 35 (1), Article 37 (2) sub-para. 2, Article 37 (5), Article 38 (1), Article 40 (3), Article 42 (1), Article 44 (1), Article 45 or Article 46 (1), failing to keep a document or a piece of information, or to do so for a minimum of three years, or
12. as the operator of a facility, in contravention of Article 22 (1), second sentence, also in conjunction with Article 42 (1), Article 44 (1), Article 45 or Article 46 (1), failing to inform the competent authority, or to do so correctly, or completely, or on time.

Section 2 Regulatory offences in accordance with Regulation (EC) No 1418/2007

(1) A regulatory offence within the meaning of section 18 subsection (1) point 18 (a) of the Waste Shipment Act shall be deemed to have been committed by whomsoever violates Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or III A to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316 of 4 December 2007, p. 6), most recently amended by Regulation (EU) No 733/2014 (OJ L 197 of 4 July 2014, p. 6), by wilfully or negligently

1. exporting waste in contravention of Article 1 in conjunction with column a of the Annex,
2. exporting waste without valid consent in contravention of Article 1 in conjunction with column b of the Annex to Regulation (EC) No 1418/2007, in conjunction with Article 35 (1), Article 9 (6) of Regulation (EC) No 1013/2006, or
3. exporting waste in contravention of Article 1 in conjunction with column b of the Annex to Regulation (EC) No 1418/2007, in conjunction with Article 35 (4) (a) of Regulation (EC) No 1013/2006.

(2) A regulatory offence within the meaning of section 18 subsection (1) point 18 (b) of the Waste Shipment Act shall be deemed to have been committed by whomsoever violates Regulation (EC) No 1418/2007 by wilfully or negligently mixing waste in contravention of Article 1, in conjunction with column b of the Annex to Regulation (EC) No 1418/2007, in conjunction with Article 35 (1), Article 19 of Regulation (EC) No 1013/2006.

(3) A regulatory offence within the meaning of section 18 subsection (1) point 18 (c) of the Waste Shipment Act shall be deemed to have been committed by whomsoever violates

Regulation (EC) No 1418/2007 by wilfully or negligently,

1. in contravention of Article 1 in conjunction with column b of the Annex to Regulation (EC) No 1418/2007, in conjunction with Article 35 (1), Article 13 (2) sub-para. 1 of Regulation (EC) No 1013/2006, failing to give information or to do so correctly, completely or on time,
2. in contravention of Article 1 in conjunction with column b of the Annex to Regulation (EC) No 1418/2007, in conjunction with Article 35 (1), Article 16 (b) of Regulation (EC) No 1013/2006, failing to submit a document referred to therein to a competent authority, or to do so correctly, or completely, or on time,
3. as the carrier or the person who directly carries out the transport, in contravention of Article 1 in conjunction with column b of the Annex to Regulation (EC) No 1418/2007, in conjunction with Article 35 (1), Article 16 (c), second sentence, of Regulation (EC) No 1013/2006, failing to carry a document referred to therein with the transport, or to do so correctly, or completely,
4. in contravention of Article 1 in conjunction with column b of the Annex to Regulation (EC) No 1418/2007, in conjunction with Article 35 (1), Article 17 (1) of Regulation (EC) No 1013/2006, failing to inform a competent authority, or to do so correctly, or completely, or on time, or
5. in contravention of Article 1 in conjunction with column b of the Annex to Regulation (EC) No 1418/2007, in conjunction with Article 35 (1), Article 20 of Regulation (EC) No 1013/2006, failing to keep a document or a piece of information, or to do so for a minimum of three years.

Section 3 (repealed)