

Regulation (EC) No 1013/2006 of the European Parliament
and of the Council of 14 June 2006 on shipments of waste

TITLE V

IMPORTS ^{F1}... FROM THIRD COUNTRIES

CHAPTER 2

Imports of waste for recovery

Article 44

**Procedural requirements for imports from an [^{F1}EU or] OECD
Decision country or from other areas during situations of crisis or war**

1 Where waste destined for recovery is imported into the [^{F2}United Kingdom] from [^{F3}or through an EU country or country] to which the OECD Decision applies, the provisions of Title II shall apply ^{F4}..., with the adaptations and additions listed in [^{F5}paragraph 2].

2 The following adaptations shall apply:

- a the consent as required in accordance with Article 9 may be provided in the form of tacit consent from the competent authority of dispatch [^{F6}in any non-EU country];
- b [^{F7}where waste is imported from a non-EU country to which the OECD Decision applies, with or without transit via another country,] prior written notification in accordance with Article 4 may be submitted by the notifier; and
- c in the cases referred to in Article 43(1)(e) involving situations of crisis, peacemaking, peacekeeping or war, the consent of the competent authorities of dispatch shall not be required.

^{F8}3

4 The shipment may take place only if:

- a the notifier has received written consent from the competent authorities of dispatch, destination and, where appropriate, transit or if tacit consent from the competent authority of dispatch [^{F9}in any non-EU country] is provided or can be assumed and if the conditions laid down are met;
- b a contract between the notifier and consignee has been concluded and is effective, as required in the second subparagraph, point 4 of Article 4 and in Article 5;
- c a financial guarantee or equivalent insurance has been established and is effective, as required in the second subparagraph, point 5 of Article 4 and in Article 6; and
- d environmentally sound management, as referred to in Article 49, is ensured.

[^{F10}5 If a general customs official discovers an illegal shipment, the official shall without delay inform the relevant authority which shall—

- a where the discovery of the waste is not in the area of the competent authority of destination in the United Kingdom, without delay inform the competent authority of destination; and

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1013/2006 of the European Parliament and of the Council, Article 44. (See end of Document for details)

- b ensure detention of the waste until the competent authority of destination has decided otherwise and, where the discovery is not in the area of the relevant authority, has communicated that decision in writing to the relevant authority.
- 6 In paragraph 5—
- “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009;
- “relevant authority” has the meaning given in Article 35(7).]

Textual Amendments

- F1** Words in Art. 44 heading inserted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 44(1) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 44(1) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 44(1) omitted (31.12.2020) by virtue of [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 44(1) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 44(2)(a) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 44(2)(b) inserted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 44(3) omitted (31.12.2020) by virtue of [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 44(4)(a) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(6)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 44(5)(6) substituted for Art. 44(5) (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **84(7)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 1013/2006 of the European Parliament and of the Council, Article 44.