

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

TITLE IV

EXPORTS ^{F1}... TO THIRD COUNTRIES

CHAPTER 1

Exports of waste for disposal

Article 34

Export [^{F2}prohibitions etc.]

1 All exports of waste from the [^{F3}United Kingdom] destined for disposal shall be prohibited.

2 The prohibition in paragraph 1 shall not apply to exports of waste destined for disposal in [^{F4}EU or] EFTA countries which are also Parties to the Basel Convention.

3 However, exports of waste for disposal to an EFTA country Party to the Basel Convention shall also be prohibited:

- a where the EFTA country prohibits imports of such waste; or
- b if the competent authority of dispatch has reason to believe that the waste will not be managed in an environmentally sound manner, as referred to in Article 49, in the country of destination concerned.

4 This provision shall be without prejudice to the take-back obligations as laid down in Articles 22 and 24.

[^{F5} Where a person proposes to export waste destined for disposal in an EU or EFTA country, the Secretary of State shall be required to present a prior duly reasoned request to the competent authority of the EU or EFTA country of destination on the basis that technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner do not exist, or cannot reasonably be acquired, in the United Kingdom.]

Textual Amendments

- F2** Words in Art. 34 heading substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **71(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 34(1) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **71(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 34(2) inserted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **71(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 34(5) inserted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **71(5)**; 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, TITLE IV. (See end of Document for details)

Article 35

Procedures when exporting to [F6EU or] EFTA countries

1 Where waste is exported from the [F7United Kingdom] and destined for disposal in [F8EU or] EFTA countries Parties to the Basel Convention, the provisions of Title II shall apply [F9]..., with the adaptations and additions listed in paragraphs 2 and 3.

2 [F10Where waste is exported with transit via one or more non-EU countries, the] following adaptations shall apply:

- a the competent authority of transit outside the [F11United Kingdom] shall have 60 days following the date of transmission of its acknowledgement of receipt of the notification in which to request additional information on the notified shipment, to provide, if the country concerned has decided not to require prior written consent and has informed the other Parties thereof in accordance with Article 6(4) of the Basel Convention, tacit consent or to give a written consent with or without conditions; and
b the competent authority of dispatch in the [F12United Kingdom] shall take the decision to consent to the shipment as referred to in Article 9 only after having received written consent from the competent authority of destination and, where appropriate, the tacit or written consent of the competent authority of transit [F13]..., and not earlier than 61 days following the date of transmission of the acknowledgement by the competent authority of transit. The competent authority of dispatch may take the decision before the conclusion of the 61-day time limit if it has the written consent of the other competent authorities concerned.

3 The following additional provisions shall apply:

- F14 a
F14 b
F14 c
F14 d

e if, 42 days after the waste has left the [F15United Kingdom], the competent authority of dispatch [F16]... has received no information from the facility about receipt of the waste, it shall without delay inform the competent authority of destination; and

f [F17where waste is destined for disposal in an EFTA country Party to the Basel Convention,] the contract referred to in the second subparagraph, point 4 of Article 4 and in Article 5 shall stipulate that:

- (i) if a facility issues an incorrect certificate of disposal with the consequence that the financial guarantee is released, the consignee shall bear the costs arising from the duty to return the waste to the area of jurisdiction of the competent authority of dispatch and from its recovery or disposal in an alternative and environmentally sound manner,
(ii) within three days of receipt of the waste for disposal, the facility shall send signed copies of the completed movement document, except for the certificate of disposal referred to in subpoint iii, to the notifier and the competent authorities concerned, and
(iii) as soon as possible but no later than 30 days after completion of disposal, and no later than one calendar year following the receipt of the waste the facility shall, under its responsibility, certify that the disposal has been completed

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, TITLE IV. (See end of Document for details)

and shall send signed copies of the movement document containing this certification to the notifier and to the competent authorities concerned.

- 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 ^{F18}... 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.

5 Where waste is [^{F19}destined for disposal in an EFTA country Party to the Basel Convention], it shall be destined for disposal operations within a facility which, under applicable national law, is operating or is authorised to operate in the country of destination.

[^{F20}6 If a general customs official discovers an illegal shipment, the official shall without delay inform the relevant authority which shall—

- a where the dispatch of the waste was not in the area of the relevant authority, without delay inform the competent authority of dispatch; and
- b ensure detention of the waste until the competent authority of dispatch has decided otherwise and, where the discovery is not in the area of the competent authority of dispatch, has communicated that decision in writing to the relevant authority.

7 In paragraph 6—

“general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009;

“relevant authority” means—

- a where the discovery occurs in England or the English area, the Environment Agency;
- b where the discovery occurs in Wales or the Welsh area, the Natural Resources Body for Wales;
- c where the discovery occurs in Scotland or the Scottish area, the Scottish Environment Protection Agency;
- d where the discovery occurs in Northern Ireland or the Northern Irish area, the Department of Agriculture, Environment and Rural Affairs,

and “English area”, “Welsh area”, “Scottish area” and “Northern Irish area” have the meanings given by regulation 4(1) of the Transfrontier Shipment of Waste Regulations 2007.]

Textual Amendments

- F6** Words in Art. 35 heading inserted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **72(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 35(1) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **72(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 35(1) inserted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **72(3)(b)**; 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, TITLE IV. (See end of Document for details)

- F9** Words in Art. 35(1) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 35(2) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 35(2)(a) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 35(2)(b) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(4)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 35(2)(b) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(4)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Art. 35(3)(a)-(d) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 35(3)(e) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(5)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 35(3)(e) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(5)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 35(3)(f) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(5)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 35(4)(a) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(6)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 35(5) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Art. 35(6)(7) substituted for Art. 35(6) (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **72(8)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER 2

Exports of waste for recovery

Section 1

Exports to ^[F21]non-EU,] non-OECD Decision countries

Article 36

Exports prohibition

1 Exports from the ^[F22]United Kingdom] of the following wastes destined for recovery in ^[F23]non-EU countries] to which the OECD Decision does not apply are prohibited:

- a wastes listed as hazardous in Annex V;
- b wastes listed in Annex V, Part 3;
- c hazardous wastes not classified under one single entry in Annex V;
- d mixtures of hazardous wastes and mixtures of hazardous wastes with non-hazardous wastes not classified under one single entry in Annex V;

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, TITLE IV. (See end of Document for details)

- e wastes that the country of destination has notified to be hazardous under Article 3 of the Basel Convention;
- f wastes the import of which has been prohibited by the country of destination; or
- g wastes which the competent authority of dispatch has reason to believe will not be managed in an environmentally sound manner, as referred to in Article 49, in the country of destination concerned.

2 This provision shall be without prejudice to the take-back obligations as set out in Articles 22 and 24.

3 [F24A competent authority may, in an exceptional case, adopt a procedure] to determine, on the basis of documentary evidence provided in an appropriate way by the notifier, that a specific hazardous waste listed in Annex V is excluded from the export prohibition if it does not display any of the properties listed in Annex III to Directive [F252008/98/EC], taking into account, as regards the properties H3 to H8, H10 and H11 defined in that Annex, the limit values laid down in Commission Decision 2000/532/EC F26....

4 The fact that waste is not listed as hazardous in Annex V, or that it is listed in Annex V, Part 1, List B, shall not preclude, in exceptional cases, characterisation of such waste as hazardous and therefore subject to the export prohibition if it displays any of the properties listed in Annex III to Directive [F272008/98/EC], taking into account, as regards the properties H3 to H8, H10 and H11 defined in that Annex, the limit values laid down in Commission Decision 2000/532/EC, as provided for in [F28Articles 3(2) and 7 of Directive 2008/98/EC] and in the introductory paragraph of Annex III to this Regulation.

5 In the cases referred to in paragraphs 3 and 4, the [F29competent authority] shall inform the envisaged country of destination prior to taking a decision. [F30The competent authority shall notify any case to the Secretary of State] before the end of each calendar year. The [F31Secretary of State] shall forward the information F32... to the Secretariat of the Basel Convention. On the basis of the information provided, the [F33Secretary of State] may make comments and, where appropriate, [F34amend] Annex V in accordance with Article 58.

[F356 For the purposes of this Article, Liechtenstein shall be deemed to be a country to which the OECD Decision applies.]

Textual Amendments

- F22** Words in Art. 36(1) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 74(2)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 36(1) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 74(2)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in Art. 36(3) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 74(3)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Word in Art. 36(3) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 74(3)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 36(3) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 74(3)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Word in Art. 36(4) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 74(4)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 36(4) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 74(4)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 36(5) substituted (31.12.2020) by The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/473), regs. 1, 5(3)(a); 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, TITLE IV. (See end of Document for details)

- F30** Words in Art. 36(5) substituted (31.12.2020) by The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/473), regs. 1, **5(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 36(5) substituted (31.12.2020) by The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/473), regs. 1, **5(3)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in Art. 36(5) omitted (31.12.2020) by virtue of The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/473), regs. 1, **5(3)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 36(5) substituted (31.12.2020) by The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/473), regs. 1, **5(3)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Word in Art. 36(5) substituted (31.12.2020) by The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/473), regs. 1, **5(3)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Art. 36(6) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **74(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 37

Procedures when exporting waste listed in Annex III or IIIA

1 In the case of waste which is listed in Annex III or IIIA and the export of which is not prohibited under Article 36, the [^{F36}Secretary of State may], send a written request to each [^{F37}non-EU] country to which the OECD Decision does not apply, seeking:

- (i) confirmation in writing that the waste may be exported from the [^{F38}United Kingdom] for recovery in that country, and
- (ii) an indication as to which control procedure, if any, would be followed in the country of destination.

Each [^{F39}non-EU] country to which the OECD Decision does not apply shall be given the following options:

- (a) a prohibition; or
- (b) a procedure of prior written notification and consent as described in Article 35; or
- (c) no control in the country of destination.

2 [^{F40}The Secretary of State may, by regulations, amend Commission Regulation (EC) No 1418/2007 in order to take into account any replies received pursuant to paragraph 1 on or after exit day.]

If a country has not issued a confirmation as referred to in paragraph 1 or if a country for any reason has not been contacted, paragraph 1(b) shall apply.

^{F41} ...

3 If a country indicates in its reply that certain shipments of waste are not subject to any control, Article 18 shall apply *mutatis mutandis* to such shipments.

4 Where waste is exported, it shall be destined for recovery operations within a facility which, under applicable national law, is operating or is authorised to operate in the country of destination.

5 In the case of a shipment of waste not classified under one single entry in Annex III or a shipment of mixtures of wastes not classified under one single entry in Annex III or IIIA or a shipment of waste classified in Annex IIIB, and provided that the export is not prohibited pursuant to Article 36, paragraph 1(b) of this Article shall apply.

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, TITLE IV. (See end of Document for details)

[^{F42}6 For the purposes of this Article, Liechtenstein shall be deemed to be a country to which the OECD Decision applies.]

Textual Amendments

- F36** Words in Art. 37(1) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **75(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Word in Art. 37(1) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **75(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 37(1)(i) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **75(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Word in Art. 37(1) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **75(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Art. 37(2) substituted (31.12.2020) by The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/473), regs. 1, **5(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Words in Art. 37(2) omitted (31.12.2020) by virtue of The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/473), regs. 1, **5(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Art. 37(6) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **75(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F21** Word in Title 4, Ch. 2, s. 1 heading inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **73**; 2020 c. 1, Sch. 5 para. 1(1)

Section 2

Exports to [^{F43}EU or] OECD-Decision countries

Article 38

Exports of waste listed in Annexes III, IIIA, IIIB, IV and IVA

1 Where waste listed in Annexes III, IIIA, IIIB, IV and IVA, waste not classified or mixtures of wastes not classified under one single entry in either Annex III, IV or IVA are exported from the [^{F44}United Kingdom] and destined for recovery in [^{F45}an EU country or country] to which the OECD Decision applies, with or without transit through [^{F46}one or more EU countries or] countries to which the OECD Decision applies, the provisions of Title II shall apply ^{F47}..., with the adaptations and additions listed in paragraphs 2, 3 and 5.

2 [^{F48}Except where waste is destined for recovery in an EU country, the] following adaptations shall apply:

- a mixtures of wastes listed in Annex IIIA destined for an interim operation shall be subject to the procedure of prior written notification and consent if any subsequent interim or non-interim recovery or disposal operation is to take place in a [^{F49}non-EU] country to which the OECD Decision does not apply;
- b waste listed in Annex IIIB shall be subject to the procedure of prior written notification and consent;

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, TITLE IV. (See end of Document for details)

- c the consent as required in accordance with Article 9 may be provided in the form of tacit consent from the competent authority of destination ^{F50}....
- 3 As regards exports of waste listed in Annexes IV and IVA, the following additional provisions shall apply:
- ^{F51}a
- ^{F51}b
- ^{F51}c
- d if, 42 days after the waste has left [^{F52}the United Kingdom], the competent authority of dispatch in [^{F52}the United Kingdom] has received no information from the facility about receipt of the waste, it shall without delay inform the competent authority of destination; and
- e [^{F53}except where waste is destined for recovery in an EU country,] the contract referred to in the second subparagraph, point 4 of Article 4 and in Article 5 shall stipulate that:
- (i) if a facility issues an incorrect certificate of recovery with the consequence that the financial guarantee is released, the consignee shall bear the costs arising from the duty to return the waste to the area of jurisdiction of the competent authority of dispatch and from its recovery or disposal in an alternative and environmentally sound manner,
- (ii) within three days of receipt of the waste for recovery, the facility shall send signed copies of the completed movement document, except for the certificate of recovery referred to in subpoint iii, to the notifier and the competent authorities concerned, and
- (iii) as soon as possible but no later than 30 days after completion of recovery, and no later than one calendar year following the receipt of the waste the facility shall, under its responsibility, certify that the recovery has been completed and shall send signed copies of the movement document containing this certification to the notifier and to the competent authorities concerned.
- 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 [^{F54}authority of destination in any non-EU country or tacit consent from the competent authority of transit in any country] is provided or can be assumed and if the conditions laid down are met;
- b Article 35(4)(b), (c) and (d) is complied with.
- 5 If an export as described in paragraph 1 of waste listed in Annexes IV and IVA is in transit through a [^{F55}non-EU] country to which the OECD Decision does not apply, the following adaptations shall apply:
- a the competent authority of transit ^{F56}... shall have 60 days following the date of transmission of its acknowledgement of receipt of the notification in which to request additional information on the notified shipment, to provide, if the country concerned has decided not to require prior written consent and has informed the other Parties thereof in accordance with Article 6(4) of the Basel Convention, tacit consent or to give a written consent with or without conditions; and
- b the competent authority of dispatch ^{F57}... shall take the decision to consent to the shipment as referred to in Article 9 only after having received tacit or written consent from that competent authority of transit ^{F58}..., and not earlier than 61 days following the date of transmission of the acknowledgement of the competent authority of transit. The

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, TITLE IV. (See end of Document for details)

competent authority of dispatch may take the decision before the conclusion of the 61-day time limit if it has the written consent of the other competent authorities concerned.

6 [F59] Except where waste is destined for recovery in an EU country], it shall be destined for recovery operations within a facility which, under applicable national law, is operating or is authorised to operate in the country of destination.

[F60] If a general customs official discovers an illegal shipment, the official shall without delay inform the relevant authority which shall—

- a where the dispatch of the waste was not in the area of the relevant authority, without delay inform the competent authority of dispatch; and
- b ensure detention of the waste until the competent authority of dispatch has decided otherwise and, where the discovery is not in the area of the competent authority of dispatch, has communicated that decision in writing to the relevant authority.

8 In paragraph 7—

“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).

9 For the purposes of this Article, Liechtenstein shall be deemed to be a country to which the OECD Decision applies.]

Textual Amendments

- F44** Words in Art. 38(1) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(2)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F45** Words in Art. 38(1) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(2)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in Art. 38(1) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(2)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Art. 38(1) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(2)(d); 2020 c. 1, Sch. 5 para. 1(1)
- F48** Words in Art. 38(2) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(3)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F49** Word in Art. 38(2)(a) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(3)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 38(2)(c) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(3)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F51** Art. 38(3)(a)-(c) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(4)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F52** Words in Art. 38(3)(d) substituted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(4)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in Art. 38(3)(e) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(4)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F54** Words in Art. 38(4)(a) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(5); 2020 c. 1, Sch. 5 para. 1(1)
- F55** Word in Art. 38(5) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), 77(6)(a); 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, TITLE IV. (See end of Document for details)

- F56** Words in Art. 38(5)(a) omitted (31.12.2020) by virtue of [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **77(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in Art. 38(5)(b) omitted (31.12.2020) by virtue of [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **77(6)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F58** Words in Art. 38(5)(b) omitted (31.12.2020) by virtue of [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **77(6)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 38(6) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **77(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F60** Art. 38(7)-(9) substituted for Art. 38(7) (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **77(8)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F43** Words in Title 4, Ch. 2, s. 2 heading inserted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **76**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER 3

General provisions

Article 39

Exports to the Antarctic

Exports of waste from the [^{F61}United Kingdom] to the Antarctic shall be prohibited.

Textual Amendments

- F61** Words in Art. 39 substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **78**; 2020 c. 1, Sch. 5 para. 1(1)

Article 40

Exports to overseas countries or territories

1 Exports from the [^{F62}United Kingdom] of waste destined for disposal in overseas countries or territories shall be prohibited.

2 As regards exports of waste destined for recovery in overseas countries or territories, the prohibition set out in Article 36 shall apply ^{F63}....

3 As regards exports of waste destined for recovery in overseas countries or territories not covered by the prohibition set out in paragraph 2, the provisions of Title II shall apply *mutatis mutandis*.

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, TITLE IV. (See end of Document for details)

Textual Amendments

- F62** Words in Art. 40(1) substituted (31.12.2020) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **79(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in Art. 40(2) omitted (31.12.2020) by virtue of [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **79(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F1** Words in Title 4 heading omitted (31.12.2020) by virtue of [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(2), **70**; 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, TITLE IV.