

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

TITLE V

IMPORTS INTO THE COMMUNITY FROM THIRD COUNTRIES

CHAPTER 1

Imports of waste for disposal

Article 41

**Imports prohibited except from a country Party to the Basel Convention or with
an agreement in place or from other areas during situations of crisis or war**

1 Imports into the Community of waste destined for disposal shall be prohibited except those from:

- a countries which are Parties to the Basel Convention; or
- b other countries with which the Community, or the Community and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Community legislation and in accordance with Article 11 of the Basel Convention; or
- c other countries with which individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or
- d other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (b) or (c) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.

2 In exceptional cases, individual Member States may conclude bilateral agreements and arrangements for the disposal of specific waste in those Member States, where such waste will not be managed in an environmentally sound manner, as referred to in Article 49, in the country of dispatch.

These agreements and arrangements shall be compatible with Community legislation and in accordance with Article 11 of the Basel Convention.

These agreements and arrangements shall guarantee that the disposal operations will be carried out in an authorised facility and will comply with the requirements for environmentally sound management.

These agreements and arrangements shall also guarantee that the waste is produced in the country of dispatch and that disposal will be carried out exclusively in the Member State which has concluded the agreement or arrangement.

These agreements or arrangements shall be notified to the Commission prior to their conclusion. However, in emergency situations they may be notified up to one month after conclusion.

3 Bilateral or multilateral agreements or arrangements entered into in accordance with paragraph 1(b) and (c) shall be based upon the procedural requirements of Article 42.

4 The countries referred to in paragraph 1(a), (b) and (c) shall be required to present a prior duly reasoned request to the competent authority of the Member State of destination on the basis that they do not have and cannot reasonably acquire the technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner.

Article 42

Procedural requirements for imports from a country Party to the Basel Convention or from other areas during situations of crisis or war

1 Where waste is imported into the Community and destined for disposal from countries Parties to the Basel Convention, the provisions of Title II shall apply *mutatis mutandis*, with the adaptations and additions listed in paragraphs 2 and 3.

2 The following adaptations shall apply:

- a the competent authority of transit outside the Community 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 in the cases referred to in Article 41(1)(d) involving situations of crisis, peacemaking, peacekeeping or war, the consent of the competent authorities of dispatch shall not be required.

3 The following additional provisions shall apply:

- a the competent authority of transit in the Community shall acknowledge the receipt of the notification to the notifier, with copies to the competent authorities concerned;
- b the competent authorities of destination and, where appropriate, transit in the Community shall send a stamped copy of their decisions to consent to the shipment to the customs office of entry into the Community;
- c a copy of the movement document shall be delivered by the carrier to the customs office of entry into the Community; and
- d having carried out the necessary customs formalities, the customs office of entry into the Community shall send a stamped copy of the movement document to the competent authorities of destination and transit in the Community, stating that the waste has entered the Community.

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 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 If a customs office of entry into the Community discovers an illegal shipment, it shall without delay inform the competent authority in the country of the customs office which shall:

- a without delay inform the competent authority of destination in the Community which shall inform the competent authority of dispatch outside the Community; and
- b ensure detention of the waste until the competent authority of dispatch outside the Community has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained.

CHAPTER 2

Imports of waste for recovery

Article 43

Imports prohibited except from an OECD Decision country or a country Party to the Basel Convention or with an agreement in place or from other areas during situations of crisis or war

1 All imports into the Community of waste destined for recovery shall be prohibited except those from:

- a countries to which the OECD Decision applies; or
- b other countries which are Parties to the Basel Convention; or
- c other countries with which the Community, or the Community and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Community legislation and in accordance with Article 11 of the Basel Convention; or
- d other countries with which individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or
- e other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (b) or (c) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.

2 In exceptional cases, individual Member States may conclude bilateral agreements and arrangements for the recovery of specific waste in those Member States, where such waste will not be managed in an environmentally sound manner, as referred to in Article 49, in the country of dispatch.

In such cases Article 41(2) shall apply.

3 Bilateral or multilateral agreements or arrangements entered into in accordance with paragraph 1(c) and (d) shall be based upon the procedural requirements of Article 42 in so far as may be relevant.

Article 44

Procedural requirements for imports from an OECD Decision country or from other areas during situations of crisis or war

1 Where waste destined for recovery is imported into the Community from countries and through countries to which the OECD Decision applies, the provisions of Title II shall apply *mutatis mutandis*, with the adaptations and additions listed in paragraphs 2 and 3.

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 outside the Community;
 - b 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.
- 3 In addition, Article 42(3)(b), (c) and (d) shall be complied with.
- 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 outside the Community 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.
- 5 If a customs office of entry into the Community discovers an illegal shipment, it shall without delay inform the competent authority in the country of the customs office which shall:
- a without delay inform the competent authority of destination in the Community which shall inform the competent authority of dispatch outside the Community; and
 - b ensure detention of the waste until the competent authority of dispatch outside the Community has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs office in which the waste is detained.

Article 45

Procedural requirements for imports from a non-OECD Decision country Party to the Basel Convention or from other areas during situations of crisis or war

Where waste destined for recovery is imported into the Community:

- (a) from a country to which the OECD Decision does not apply; or
- (b) through any country to which the OECD Decision does not apply and which is also Party to the Basel Convention,

Article 42 shall apply *mutatis mutandis*.

CHAPTER 3

General provisions

Article 46

Imports from overseas countries or territories

1 Where waste is imported into the Community from overseas countries or territories, Title II shall apply *mutatis mutandis*.

2 One or more overseas countries and territories and the Member State to which they are linked may apply national procedures to shipments from the overseas country or territory to that Member State.

3 Member States which apply paragraph 2 shall notify the Commission of the national procedures applied.