

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

TITLE II

SHIPMENTS^{F1}... WITH OR WITHOUT TRANSIT THROUGH THIRD COUNTRIES

CHAPTER 1

Prior written notification and consent

Article 12

Objections to shipments of waste destined for recovery

1 Where a notification is submitted regarding a planned shipment of waste destined for recovery, the competent authorities of destination and dispatch may, within 30 days following the date of transmission of the acknowledgement of the competent authority of destination in accordance with Article 8, raise reasoned objections based on one or more of the following grounds^{F1}...:

- ^{F2}a
- b that the planned shipment or recovery would not be in accordance with national legislation relating to environmental protection, public order, public safety or health protection concerning actions taking place in the objecting country; or
- c that the planned shipment or recovery would not be in accordance with national legislation in the country of dispatch relating to the recovery of waste, including where the planned shipment would concern waste destined for recovery in a facility which has lower treatment standards for the particular waste than those of the country of dispatch^{F3}...;

This shall not apply if:

- ^{F4}i
- ii the recovery operation in the country of destination takes place under conditions that are broadly equivalent to those prescribed in the national legislation of the country of dispatch,
- ^{F5}iii
- d that the notifier or the consignee has previously been convicted of illegal shipment or some other illegal act in relation to environmental protection. In this case, the competent authorities of dispatch and destination may refuse all shipments involving the person in question in accordance with national legislation; or
- e that the notifier or the facility has repeatedly failed to comply with Articles 15 and 16 in connection with past shipments; or
- f that the planned shipment or recovery conflicts with obligations resulting from international conventions concluded by the [^{F6}objecting country]; or
- g that the ratio of the recoverable and non-recoverable waste, the estimated value of the materials to be finally recovered or the cost of the recovery and the cost of the disposal

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 12. (See end of Document for details)

of the non-recoverable fraction do not justify the recovery, having regard to economic and/or environmental considerations; or

h that the waste shipped is destined for disposal and not for recovery; or

[^{F7}i that the waste will be treated—

i in a relevant facility in the United Kingdom which does not apply best available techniques within the meaning given by Article 3(10) of Directive 2010/75/EU in compliance with the permit of the facility; or

ii in an installation within the meaning given by Article 3(3) of Directive 2010/75/EU as amended from time to time in an EU country which does not apply the best available techniques within the meaning given by Article 3(10) of that Directive in compliance with the permit of the installation;]

j that the waste concerned will not be treated in accordance with legally binding environmental protection standards in relation to recovery operations, or legally binding recovery or recycling obligations established in ^{F8}... legislation (also in cases where temporary derogations are granted); or

[^{F9}k that the waste concerned will not be treated in accordance with a plan established under the relevant regulations or Article 28 of Directive 2008/98/EC as amended from time to time.]

[^{F10}1A In paragraph 1—

“relevant facility” has the meaning given by Article 11(1A);

“relevant regulations” means—

- a in relation to England and Wales, the Waste (England and Wales) Regulations 2011;
- b in relation to Northern Ireland, the Waste Regulations (Northern Ireland) 2011;
- c in relation to Scotland, the National Waste Management Plan for Scotland Regulations 2007.]

2 The competent authority(ies) of transit may, within the 30-day time limit referred to in paragraph 1, raise reasoned objections to the planned shipment based only on paragraph 1(b), (d), (e) and (f).

3 If, within the 30-day time limit referred to in paragraph 1, the competent authorities consider that the problems which gave rise to their objections have been resolved, they shall immediately inform the notifier in writing, with copies to the consignee and to the other competent authorities concerned.

4 If the problems giving rise to the objections are not resolved within the 30-day time limit referred to in paragraph 1, the notification shall cease to be valid. In cases where the notifier still intends to carry out the shipment, a new notification shall be submitted, unless all the competent authorities concerned and the notifier agree otherwise.

5 Objections ^{F11}... in accordance with paragraph 1(c) shall be reported by [^{F12}the competent authority to the Secretary of State].

^{F13}6

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Textual Amendments

- F1** Words in Art. 12(1) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 12(1)(a) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 12(1)(c) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 12(1)(c)(i) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 12(1)(c)(iii) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 12(1)(f) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Art. 12(1)(i) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Word in Art. 12(1)(j) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 12(1)(k) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 12(1A) inserted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 12(5) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 12(5) substituted (31.12.2020) by The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Art. 12(6) omitted (31.12.2020) by virtue of The International Waste Shipments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/590), regs. 2(2), **53(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

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