

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 [^{F1}prohibitions etc.]

1 All exports of waste from the [^{F2}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 [^{F3}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.

[^{F45} 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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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, CHAPTER 1. (See end of Document for details)

Article 35

Procedures when exporting to [F5EU or] EFTA countries

1 Where waste is exported from the [F6United Kingdom] and destined for disposal in [F7EU or] EFTA countries Parties to the Basel Convention, the provisions of Title II shall apply F8 ..., with the adaptations and additions listed in paragraphs 2 and 3.

2 [F9Where 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 [F10United 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 [F11United 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 F12 ..., 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:

- F13 a
F13 b
F13 c
F13 d

e if, 42 days after the waste has left the [F14United Kingdom], the competent authority of dispatch F15 ... has received no information from the facility about receipt of the waste, it shall without delay inform the competent authority of destination; and

f [F16where 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

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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 ^{F17}... 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 [^{F18}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.

[^{F19}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

- F5** 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)
- F6** 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)
- F7** 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)

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- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** 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)
- F19** 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)

Changes to legislation:

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