

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

TITLE IV

EXPORTS FROM THE COMMUNITY TO THIRD COUNTRIES

CHAPTER 1

Exports of waste for disposal

Article 35

Procedures when exporting to EFTA countries

- 1 Where waste is exported from the Community and destined for disposal in EFTA 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 the competent authority of dispatch in the Community 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 outside the Community, 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:
 - a the competent authority of transit in the Community shall acknowledge the receipt of the notification to the notifier;
 - b the competent authorities of dispatch 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 export and to the customs office of exit from the Community;
 - c a copy of the movement document shall be delivered by the carrier to the customs office of export and the customs office of exit from the Community;
 - d as soon as the waste has left the Community, the customs office of exit from the Community shall send a stamped copy of the movement document to the competent authority of dispatch in the Community stating that the waste has left the Community;

- e if, 42 days after the waste has left the Community, the competent authority of dispatch in the Community has received no information from the facility about receipt of the waste, it shall without delay inform the competent authority of destination; and
 - f 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 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 outside the Community 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 exported, 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.
- 6 If a customs office of export or a customs office of exit from 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 dispatch in the Community; and
 - b ensure detention of the waste until the competent authority of dispatch 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.