

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

TITLE VII

**OTHER PROVISIONS**

CHAPTER 1

*Additional obligations*

*Article 49*

**Protection of the environment**

1 The producer, the notifier and other undertakings involved in a shipment of waste and/or its recovery or disposal shall take the necessary steps to ensure that any waste they ship is managed without endangering human health and in an environmentally sound manner throughout the period of shipment and during its recovery and disposal. In particular, when the shipment takes place in the Community, the requirements of Article 4 of Directive 2006/12/EC and other Community legislation on waste shall be respected.

2 In the case of exports from the Community, the competent authority of dispatch in the Community shall:

- a require and endeavour to secure that any waste exported is managed in an environmentally sound manner throughout the period of shipment, including recovery as referred to in Articles 36 and 38 or disposal as referred to in Article 34, in the third country of destination;
- b prohibit an export of waste to third countries if it has reason to believe that the waste will not be managed in accordance with the requirements of point (a).

Environmentally sound management may, *inter alia*, be assumed as regards the waste recovery or disposal operation concerned, if the notifier or the competent authority in the country of destination can demonstrate that the facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to standards established in Community legislation.

This assumption shall, however, be without prejudice to the overall assessment of environmentally sound management throughout the period of shipment and including recovery or disposal in the third country of destination.

For the purposes of seeking guidance on environmentally sound management, the guidelines listed in Annex VIII may be considered.

3 In the case of imports into the Community, the competent authority of destination in the Community shall:

- a require and take the necessary steps to ensure that any waste shipped into its area of jurisdiction is managed without endangering human health and without using processes or methods which could harm the environment, and in accordance with Article 4 of Directive 2006/12/EC and other Community legislation on waste throughout the period of shipment, including recovery or disposal in the country of destination;

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- b prohibit an import of waste from third countries if it has reason to believe that the waste will not be managed in accordance with the requirements of point (a).

### Article 50

#### Enforcement in Member States

1 Member States shall lay down the rules on penalties applicable for infringement of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify the Commission of their national legislation relating to prevention and detection of illegal shipments and penalties for such shipments.

2 Member States shall, by way of measures for the enforcement of this Regulation, provide, *inter alia*, for inspections of establishments and undertakings in accordance with Article 13 of Directive 2006/12/EC, and for spot checks on shipments of waste or on the related recovery or disposal.

3 Checks on shipments may take place in particular:

- a at the point of origin, carried out with the producer, holder or notifier;
- b at the destination, carried out with the consignee or the facility;
- c at the frontiers of the Community; and/or
- d during the shipment within the Community.

4 Checks on shipments shall include the inspection of documents, the confirmation of identity and, where appropriate, physical checking of the waste.

5 Member States shall cooperate, bilaterally or multilaterally, with one another in order to facilitate the prevention and detection of illegal shipments.

6 Member States shall identify those members of their permanent staff responsible for the cooperation referred to in paragraph 5 and identify the focal point(s) for the physical checks referred to in paragraph 4. The information shall be sent to the Commission which shall distribute a compiled list to the correspondents referred to in Article 54.

7 At the request of another Member State, a Member State may take enforcement action against persons suspected of being engaged in the illegal shipment of waste who are present in that Member State.

### Article 51

#### Reports by Member States

1 Before the end of each calendar year, each Member State shall send the Commission a copy of the report for the previous calendar year which, in accordance with Article 13(3) of the Basel Convention, it has drawn up and submitted to the Secretariat of that Convention.

2 Before the end of each calendar year, Member States shall also draw up a report for the previous year based on the additional reporting questionnaire in Annex IX, and shall send it to the Commission.

3 The reports drawn up by Member States in accordance with paragraphs 1 and 2 shall be submitted to the Commission in an electronic version.

4 The Commission shall establish every three years a report, based on these reports, on the implementation of this Regulation by the Community and its Member States.

#### *Article 52*

### **International cooperation**

Member States, where appropriate and necessary in liaison with the Commission, shall cooperate with other Parties to the Basel Convention and inter-State organisations, *inter alia*, via the exchange and/or sharing of information, the promotion of environmentally sound technologies and the development of appropriate codes of good practice.

#### *Article 53*

### **Designation of competent authorities**

Member States shall designate the competent authority or authorities responsible for the implementation of this Regulation. Each Member State shall designate only one single competent authority of transit.

#### *Article 54*

### **Designation of correspondents**

Member States and the Commission shall each designate one or more correspondents responsible for informing or advising persons or undertakings making enquiries. The Commission correspondent shall forward to the correspondents of the Member States any questions put to him/her which concern the latter, and vice versa.

#### *Article 55*

### **Designation of customs offices of entry into and exit from the Community**

Member States may designate specific customs offices of entry into and exit from the Community for shipments of waste entering and leaving the Community. If Member States decide to designate such customs offices, no shipment of waste shall be allowed to use any other frontier crossing points within a Member State for the purposes of entering or leaving the Community.

#### *Article 56*

### **Notification of, and information regarding, designations**

- 1 Member States shall notify the Commission of designations of:
  - a competent authorities, pursuant to Article 53;
  - b correspondents, pursuant to Article 54; and,
  - c where appropriate, customs offices of entry into and exit from the Community, pursuant to Article 55.

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2 In relation to those designations, Member States shall notify the Commission of the following information:

- a name(s);
- b postal address(es);
- c e-mail address(es);
- d telephone number(s);
- e fax number(s); and
- f languages acceptable to the competent authorities.

3 Member States shall immediately notify the Commission of any changes in this information.

4 This information as well as any changes in the information shall be submitted to the Commission in an electronic as well as a paper version if so required.

5 The Commission shall publish on its web-site lists of the designated competent authorities, correspondents and customs offices of entry into and exit from the Community, and shall update these lists as appropriate.

## CHAPTER 2

### ***Other provisions***

#### *Article 57*

#### **Meeting of the correspondents**

The Commission shall, if requested by Member States or if otherwise appropriate, periodically hold a meeting of the correspondents to examine the questions raised by the implementation of this Regulation. Relevant stakeholders shall be invited to such meetings, or parts of meetings, where all Member States and the Commission are in agreement that this is appropriate.

#### *Article 58*

#### **Amendment of Annexes**

1 The Annexes may be amended by the Commission by means of Regulations and in accordance with the procedure referred to in Article 18(3) of Directive 2006/12/EC, to take account of scientific and technical progress. In addition:

- a Annexes I, II, III, IIIA, IV and V shall be amended to take account of changes agreed under the Basel Convention and the OECD Decision; in addition, Annex IC on specific instructions for completing the notification and movement documents shall be completed at the latest by the date of application of this Regulation having regard to the OECD instructions;
- b unclassified wastes may be added to Annex IIIB, IV or V on a provisional basis pending a decision on their inclusion in the relevant Annexes to the Basel Convention or to the OECD Decision;
- c following the submission of a request by a Member State, mixtures of two or more wastes listed in Annex III may be considered for inclusion in Annex IIIA in the cases

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- referred to in Article 3(2) on a provisional basis pending a decision on their inclusion in the relevant Annexes to the Basel Convention or to the OECD Decision. The initial entries to be included in Annex IIIA shall be inserted, if practicable, by the date of application of this Regulation and at the latest six months after that date. Annex IIIA may contain the proviso that one or more of the entries therein shall not apply for exports to countries to which the OECD Decision does not apply;
- d the exceptional cases referred to in Article 3(3) shall be determined and, where necessary, such waste shall be added to Annexes IVA and V and deleted from Annex III;
  - e Annex V shall be amended to reflect agreed changes to the list of hazardous waste adopted in accordance with Article 1(4) of Directive 91/689/EEC;
  - f Annex VIII shall be amended to reflect relevant international conventions and agreements.
- 2 When amending Annex IX, the Committee established by Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment<sup>(1)</sup> shall be fully associated with the deliberations.
- 3 The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

#### *Article 59*

#### **Additional measures**

- 1 The Commission may adopt additional measures related to the implementation of this Regulation as follows:
- a a method for calculating the financial guarantee or equivalent insurance as set out in Article 6;
  - b guidelines for the application of Article 12(1)(g);
  - c further conditions and requirements in relation to pre-consented recovery facilities as referred to in Article 14;
  - d guidelines on the application of Article 15 in relation to the identification and tracking of waste undergoing substantial changes in the interim recovery or disposal operation;
  - e guidelines for the cooperation of competent authorities with regard to illegal shipments as referred to in Article 24;
  - f technical and organisational requirements for the practical implementation of electronic data interchange for the submission of documents and information in accordance with Article 26(4);
  - g further guidance concerning the use of languages referred to in Article 27;
  - h further clarification of the procedural requirements of Title II as regards their application to exports, imports and transit of waste from, to, and through the Community;
  - i further guidance concerning undefined legal terms.
- 2 Such measures shall be decided in accordance with the procedure referred to in Article 18(3) of Directive 2006/12/EC.
- 3 The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

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## Article 60

### Review

1 By 15 July 2006, the Commission shall complete its review of the relationship between existing sectoral legislation on animal and public health, including shipments of waste covered by Regulation (EC) No 1774/2002, and the provisions of this Regulation. If necessary, this review shall be accompanied by appropriate proposals with a view to achieving an equivalent level of procedures and control regime for the shipment of such waste.

2 Within five years from 12 July 2007, the Commission shall review the implementation of Article 12(1)(c), including its effect on environment protection and the functioning of the internal market. If necessary, this review shall be accompanied by appropriate proposals to amend this provision.

## Article 61

### Repeals

1 Regulation (EEC) No 259/93 and Decision 94/774/EC are hereby repealed with effect from 12 July 2007.

2 References made to the repealed Regulation (EEC) No 259/93 shall be construed as being made to this Regulation.

3 Decision 1999/412/EC is hereby repealed with effect from 1 January 2008.

## Article 62

### Transition rules

1 Any shipment that has been notified and for which the competent authority of destination has given acknowledgement before 12 July 2007 shall be subject to the provisions of Regulation (EEC) No 259/93.

2 Any shipment for which the competent authorities concerned have given their consent pursuant to Regulation (EEC) No 259/93 shall be completed not later than one year from 12 July 2007.

3 Reporting pursuant to Article 41(2) of Regulation (EEC) No 259/93 and Article 51 of this Regulation for the year 2007 shall be based on the questionnaire contained in Decision 1999/412/EC.

## Article 63

### Transitional arrangements for certain Member States

1 Until 31 December 2010, all shipments to Latvia of waste for recovery listed in Annexes III and IV and shipments of waste for recovery not listed in those Annexes shall be subject to the procedure of prior written notification and consent in accordance with Title II.

By way of derogation from Article 12, the competent authorities shall object to shipments of waste for recovery listed in Annexes III and IV and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Directive 96/61/EC during the period in which the temporary derogation is applied to the facility of destination.

2 Until 31 December 2012, all shipments to Poland of waste for recovery listed in Annex III shall be subject to the procedure of prior written notification and consent in accordance with Title II.

By way of derogation from Article 12, until 31 December 2007, the competent authorities may raise objections to shipments to Poland for recovery of the following waste listed in Annexes III and IV in conformity with the grounds for objection laid down in Article 11:

- B2020 and GE020 (glass waste)
- B2070
- B2080
- B2100
- B2120
- B3010 and GH013 (solid plastic waste)
- B3020 (paper waste)
- B3140 (waste pneumatic tyres)
- Y46
- Y47
- A1010 and A1030 (only the indents referring to arsenic and mercury)
- A1060
- A1140
- A2010
- A2020
- A2030
- A2040
- A3030
- A3040
- A3070
- A3120
- A3130
- A3160
- A3170
- A3180 (applies only in respect of polychlorinated naphthalenes (PCN))
- A4010
- A4050
- A4060
- A4070
- A4090
- AB030
- AB070
- AB120
- AB130

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AB150  
AC060  
AC070  
AC080  
AC150  
AC160  
AC260  
AD150

With the exception of glass waste, paper waste and waste pneumatic tyres, this period may be extended until no later than 31 December 2012 in accordance with the procedure referred to in Article 18(3) of Directive 2006/12/EC.

By way of derogation from Article 12, until 31 December 2012, the competent authorities may raise objections in conformity with the grounds for objection laid down in Article 11 to shipments to Poland of:

- (a) the following waste for recovery listed in Annex IV:
- A2050
  - A3030
  - A3180, except polychlorinated naphthalenes (PCN)
  - A3190
  - A4110
  - A4120
  - RB020

and of

- (b) waste for recovery not listed in the Annexes.

By way of derogation from Article 12, competent authorities shall object to shipments of waste for recovery listed in Annexes III and IV and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Directive 96/61/EC during the period in which the temporary derogation is applied to the facility of destination.

3 Until 31 December 2011, all shipments to Slovakia of waste for recovery listed in Annexes III and IV and shipments of waste for recovery not listed in those Annexes shall be subject to the procedure of prior written notification and consent in accordance with Title II.

By way of derogation from Article 12, the competent authorities shall object to shipments of waste for recovery listed in Annexes III and IV and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Directives 94/67/EC<sup>(2)</sup> and 96/61/EC, Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste<sup>(3)</sup>, and Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants<sup>(4)</sup> during the period in which the temporary derogation is applied to the facility of destination.

4 Until 31 December 2014, all shipments to Bulgaria of waste for recovery listed in Annex III shall be subject to the procedure of prior written notification and consent in accordance with Title II.



By way of derogation from Article 12, until 31 December 2009, the Bulgarian competent authorities may raise objections to shipments to Bulgaria for recovery of the following waste listed in Annexes III and IV in conformity with the grounds for objection laid down in Article 11:

- B2070
- B2080
- B2100
- B2120
- Y46
- Y47
- A1010 and A1030 (only the indents referring to arsenic and mercury)
- A1060
- A1140
- A2010
- A2020
- A2030
- A2040
- A3030
- A3040
- A3070
- A3120
- A3130
- A3160
- A3170
- A3180 (applies only in respect of polychlorinated naphthalenes (PCN))
- A4010
- A4050
- A4060
- A4070
- A4090
- AB030
- AB070
- AB120
- AB130
- AB150
- AC060
- AC070
- AC080
- AC150
- AC160
- AC260
- AD150

This period may be extended until no later than 31 December 2012 in accordance with the procedure referred to in Article 18(3) of Directive 2006/12/EC.

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By way of derogation from Article 12, until 31 December 2009, the Bulgarian competent authorities may raise objections in conformity with the grounds for objection laid down in Article 11 to shipments to Bulgaria of:

a the following waste for recovery listed in Annex IV:

A2050

A3030

A3180, except polychlorinated naphthalenes (PCN)

A3190

A4110

A4120

RB020

and of

b waste for recovery not listed in those Annexes.

By way of derogation from Article 12, the Bulgarian competent authorities shall object to shipments of waste for recovery listed in Annexes III and IV and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Directive 96/61/EC or Directive 2001/80/EC during the period in which the temporary derogation is applied to the facility of destination.

5 Until 31 December 2015, all shipments to Romania of waste for recovery listed in Annex III shall be subject to the procedure of prior written notification and consent in accordance with Title II.

By way of derogation from Article 12, until 31 December 2011, the Romanian competent authorities may raise objections to shipments to Romania for recovery of the following waste listed in Annexes III and IV in conformity with the grounds for objection laid down in Article 11:

B2070

B2100, except waste alumina

B2120

B4030

Y46

Y47

A1010 and A1030 (only the indents referring to arsenic, mercury and thallium)

A1060

A1140

A2010

A2020

A2030

A3030

A3040

A3050

A3060

A3070

A3120

A3130

A3140

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A3150  
A3160  
A3170  
A3180 (applies only in respect of polychlorinated naphthalenes (PCN))  
A4010  
A4030  
A4040  
A4050  
A4080  
A4090  
A4100  
A4160  
AA060  
AB030  
AB120  
AC060  
AC070  
AC080  
AC150  
AC160  
AC260  
AC270  
AD120  
AD150

This period may be extended until no later than 31 December 2015 in accordance with the procedure referred to in Article 18(3) of Directive 2006/12/EC.

By way of derogation from Article 12, until 31 December 2011, the Romanian competent authorities may raise objections in conformity with the grounds for objection laid down in Article 11 to shipments to Romania of:

a the following waste for recovery listed in Annex IV:

A2050  
A3030  
A3180, except polychlorinated naphthalenes (PCN)  
A3190  
A4110  
A4120  
RB020

and of

b waste for recovery not listed in those Annexes.

This period may be extended until no later than 31 December 2015 in accordance with the procedure referred to in Article 18(3) of Directive 2006/12/EC.

By way of derogation from Article 12, the Romanian competent authorities shall object to shipments of waste for recovery listed in Annexes III and IV and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Directive 96/61/EC, Directive 2000/76/

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EC or Directive 2001/80/EC during the period in which the temporary derogation is applied to the facility of destination.

6 When reference is made in this Article to Title II in relation to waste listed in Annex III, Article 3(2), Article 4, second subparagraph, point 5, and Articles 6, 11, 22, 23, 24, 25 and 31 shall not apply.

#### *Article 64*

### **Entry into force and application**

1 This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 12 July 2007.

2 Should the date of accession of Bulgaria or Romania be later than the date of application specified in paragraph 1, Article 63(4) and (5) shall, by way of derogation from paragraph 1 of this Article, apply from the date of accession.

3 Subject to the agreement of the Member States concerned, Article 26(4) may be applied before 12 July 2007.

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- (1) [OJ L 377, 31.12.1991, p. 48](#). Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1](#)).
- (2) [OJ L 365, 31.12.1994, p. 34](#).
- (3) [OJ L 332, 28.12.2000, p. 91](#).
- (4) [OJ L 309, 27.11.2001, p. 1](#). Directive as amended by the 2003 Act of Accession.