

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 2

Exports of waste for recovery

Section 1

Exports to non-OECD Decision countries

Article 36

Exports prohibition

1 Exports from the Community of the following wastes destined for recovery in countries to which the OECD Decision does not apply are prohibited:

- a wastes listed as hazardous in Annex V;
- b wastes listed in Annex V, Part 3;
- c hazardous wastes not classified under one single entry in Annex V;
- d mixtures of hazardous wastes and mixtures of hazardous wastes with non-hazardous wastes not classified under one single entry in Annex V;
- e wastes that the country of destination has notified to be hazardous under Article 3 of the Basel Convention;
- f wastes the import of which has been prohibited by the country of destination; or
- g wastes which the competent authority of dispatch has reason to believe will not be managed in an environmentally sound manner, as referred to in Article 49, in the country of destination concerned.

2 This provision shall be without prejudice to the take-back obligations as set out in Articles 22 and 24.

3 Member States may, in exceptional cases, adopt provisions to determine, on the basis of documentary evidence provided in an appropriate way by the notifier, that a specific hazardous waste listed in Annex V is excluded from the export prohibition if it does not display any of the properties listed in Annex III to Directive 91/689/EEC, taking into account, as regards the properties H3 to H8, H10 and H11 defined in that Annex, the limit values laid down in Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste⁽¹⁾.

4 The fact that waste is not listed as hazardous in Annex V, or that it is listed in Annex V, Part 1, List B, shall not preclude, in exceptional cases, characterisation of such waste as hazardous and therefore subject to the export prohibition if it displays any of the properties listed in Annex III to Directive 91/689/EEC, taking into account, as regards the properties H3 to H8, H10 and H11 defined in that Annex, the limit values laid down in Commission Decision 2000/532/EC, as provided for in Article 1(4), second indent, of Directive 91/689/EEC and in the introductory paragraph of Annex III to this Regulation.

5 In the cases referred to in paragraphs 3 and 4, the Member State concerned shall inform the envisaged country of destination prior to taking a decision. Member States shall notify such cases to the Commission before the end of each calendar year. The Commission shall forward the information to all Member States and to the Secretariat of the Basel Convention. On the basis of the information provided, the Commission may make comments and, where appropriate, adapt Annex V in accordance with Article 58.

Status: This is the original version (as it was originally adopted).

- (1) [OJ L 226, 6.9.2000, p. 3](#). Decision as last amended by Council Decision 2001/573/EC ([OJ L 203, 28.7.2001, p. 18](#)).