

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

TITLE II

**SHIPMENTS WITHIN THE COMMUNITY WITH OR  
WITHOUT TRANSIT THROUGH THIRD COUNTRIES**

CHAPTER 5

*General administrative provisions*

*Article 26*

**Format of the communications**

- 1 The information and documents listed below may be submitted by post:
  - a notification of a planned shipment pursuant to Articles 4 and 13;
  - b request for information and documentation pursuant to Articles 4, 7 and 8;
  - c submission of information and documentation pursuant to Articles 4, 7 and 8;
  - d written consent to a notified shipment pursuant to Article 9;
  - e conditions for a shipment pursuant to Article 10;
  - f objections to a shipment pursuant to Articles 11 and 12;
  - g information on decisions to issue pre-consents to specific recovery facilities pursuant to Article 14(3);
  - h written confirmation of receipt of the waste pursuant to Articles 15 and 16;
  - i certificate for recovery or disposal of the waste pursuant to Articles 15 and 16;
  - j prior information regarding actual start of the shipment pursuant to Article 16;
  - k information on changes in the shipment after consent pursuant to Article 17; and
  - l written consents and movement documents to be sent pursuant to Titles IV, V and VI.
- 2 Subject to the agreement of the competent authorities concerned and the notifier, the documents referred to in paragraph 1 may alternatively be submitted using any of the following methods of communication:
  - a by fax; or
  - b by fax followed by post; or
  - c by e-mail with digital signature. In this case, any stamp or signature required shall be replaced by the digital signature; or
  - d by e-mail without digital signature followed by post.
- 3 The documents to accompany each transport in accordance with Article 16(c) and Article 18 may be in an electronic form with digital signatures if they can be made readable at any time during the transport and if this is acceptable to the competent authorities concerned.
- 4 Subject to the agreement of the competent authorities concerned and of the notifier, the information and documents listed in paragraph 1 may be submitted and exchanged by means of electronic data interchange with electronic signature or electronic authentication

in accordance with Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures<sup>(1)</sup>, or a comparable electronic authentication system which provides the same level of security. In such cases, organisational arrangements concerning the flow of electronic data interchange may be made.

#### *Article 27*

##### **Language**

1 Any notification, information, documentation or other communication submitted pursuant to the provisions of this Title shall be supplied in a language acceptable to the competent authorities concerned.

2 The notifier shall provide the competent authorities concerned with authorised translation(s) into a language which is acceptable to them, should they so request.

#### *Article 28*

##### **Disagreement on classification issues**

1 If the competent authorities of dispatch and of destination cannot agree on the classification as regards the distinction between waste and non-waste, the subject matter shall be treated as if it were waste. This shall be without prejudice to the right of the country of destination to deal with the shipped material in accordance with its national legislation, following arrival of the shipped material and where such legislation is in accordance with Community or international law.

2 If the competent authorities of dispatch and of destination cannot agree on the classification of the notified waste as being listed in Annex III, IIIA, IIIB or IV, the waste shall be regarded as listed in Annex IV.

3 If the competent authorities of dispatch and destination cannot agree on the classification of the waste treatment operation notified as being recovery or disposal, the provisions regarding disposal shall apply.

4 Paragraphs 1 to 3 shall apply only for the purposes of this Regulation, and shall be without prejudice to rights of interested parties to resolve any dispute related to these questions before a court of law or tribunal.

#### *Article 29*

##### **Administrative costs**

Appropriate and proportionate administrative costs of implementing the notification and supervision procedures and usual costs of appropriate analyses and inspections may be charged to the notifier.

### *Article 30*

#### **Border-area agreements**

1 In exceptional cases, and if the specific geographical or demographical situation warrants such a step, Member States may conclude bilateral agreements making the notification procedure for shipments of specific flows of waste less stringent in respect of cross-border shipments to the nearest suitable facility located in the border area between the two Member States concerned.

2 Such bilateral agreements may also be concluded where waste is shipped from and treated in the country of dispatch but transits another Member State.

3 Member States may also conclude such agreements with countries that are Parties to the Agreement on the European Economic Area.

4 Such agreements shall be notified to the Commission before they take effect.

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

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(1) OJ L 13, 19.1.2000, p. 12.