

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

TITLE V

IMPORTS INTO THE COMMUNITY FROM THIRD COUNTRIES

CHAPTER 2

Imports of waste for recovery

Article 43

**Imports prohibited except from an OECD Decision country or
a country Party to the Basel Convention or with an agreement
in place or from other areas during situations of crisis or war**

1 All imports into the Community of waste destined for recovery shall be prohibited except those from:

- a countries to which the OECD Decision applies; or
- b other countries which are Parties to the Basel Convention; or
- c other countries with which the Community, or the Community and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Community legislation and in accordance with Article 11 of the Basel Convention; or
- d other countries with which individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or
- e other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (b) or (c) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.

2 In exceptional cases, individual Member States may conclude bilateral agreements and arrangements for the recovery of specific waste in those Member States, where such waste will not be managed in an environmentally sound manner, as referred to in Article 49, in the country of dispatch.

In such cases Article 41(2) shall apply.

3 Bilateral or multilateral agreements or arrangements entered into in accordance with paragraph 1(c) and (d) shall be based upon the procedural requirements of Article 42 in so far as may be relevant.

Article 44

Procedural requirements for imports from an OECD Decision country or from other areas during situations of crisis or war

1 Where waste destined for recovery is imported into the Community from countries and through countries to which the OECD Decision applies, 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 consent as required in accordance with Article 9 may be provided in the form of tacit consent from the competent authority of dispatch outside the Community;
- b prior written notification in accordance with Article 4 may be submitted by the notifier; and
- c in the cases referred to in Article 43(1)(e) involving situations of crisis, peacemaking, peacekeeping or war, the consent of the competent authorities of dispatch shall not be required.

3 In addition, Article 42(3)(b), (c) and (d) shall be complied with.

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 or if tacit consent from the competent authority of dispatch outside the Community is provided or can be assumed 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 If a customs office of entry into 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 destination in the Community which shall inform the competent authority of dispatch outside the Community; and
- b ensure detention of the waste until the competent authority of dispatch outside the Community 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.

Article 45

Procedural requirements for imports from a non-OECD Decision country Party to the Basel Convention or from other areas during situations of crisis or war

Where waste destined for recovery is imported into the Community:

- (a) from a country to which the OECD Decision does not apply; or
- (b) through any country to which the OECD Decision does not apply and which is also Party to the Basel Convention,

Article 42 shall apply *mutatis mutandis*.