

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;

- 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.

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.