

*Draft Regulations laid before Parliament under paragraphs 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2021 No. XXX**

**EXITING THE EUROPEAN UNION**

**CUSTOMS**

**ENVIRONMENTAL PROTECTION**

**The International Waste Shipments  
(Amendment) (EU Exit) Regulations 2021**

<i>Made</i>	-	-	-	-	***
<i>Coming into force</i>	-	-			***

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

In accordance with paragraphs 1(1) and 8F(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**PART 1**

**Introductory**

**Citation**

1. These Regulations may be cited as the International Waste Shipments (Amendment) (EU Exit) Regulations 2021.

**Commencement**

2. These Regulations come into force on the day after the day on which they are made.

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(1) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Section 8C was inserted by section 21 of that Act. Paragraph 8F of Schedule 7 was inserted by paragraph 51 of Schedule 5 to that Act.

## PART 2

### Amendments to subordinate legislation

#### Amendments to the Transfrontier Shipment of Waste Regulations 2007

3. The Transfrontier Shipment of Waste Regulations 2007(2) are amended in accordance with regulations 4 to 8.

#### New regulation 8A

4. Before regulation 9 insert—

**“Northern Ireland: Designation of authorities under Articles 54 and 55**

8A.—(1) The Department for Agriculture, Environment and Rural Affairs is the correspondent for the United Kingdom in respect of Northern Ireland for the purposes of Article 54.

(2) The Secretary of State is responsible for designating places at which waste entering or leaving Northern Ireland is controlled for the purposes of Article 55.”.

#### Amendment to Part 4 heading

5. In Part 4, for the heading substitute—

*“The shipment and transport of waste between the United Kingdom and EU countries and within the United Kingdom”.*

#### Amendment to regulation 19

6. In regulation 19(1) for the words from “in the United Kingdom” to the end substitute—

“—

- (a) in the United Kingdom and is destined for an EU country, with or without transport through a third country;
- (b) in an EU country and is destined for the United Kingdom, with or without transport through a third country;
- (c) in the United Kingdom and is destined for the United Kingdom, with transport through a third country;
- (d) in Great Britain and is destined for Northern Ireland, without transport through a third country; and
- (e) in Great Britain and is destined for Great Britain, with transport through Northern Ireland.”.

#### Amendment to regulation 20

7. In regulation 20(1) for the words from “in the United Kingdom” to the end substitute—

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(2) S.I. 2007/1711, amended by S.I. 2007/3538, 2008/9, 2010/265, 2010/675, 2010/1159, 2011/988, 2011/1043, 2014/861, 2016/1154, 2019/590.

- (a) in the United Kingdom and is destined for an EU country, with or without transport through a third country;
- (b) in an EU country and is destined for the United Kingdom, with or without transport through a third country;
- (c) in the United Kingdom and is destined for the United Kingdom, with transport through a third country;
- (d) in Great Britain and is destined for Northern Ireland, without transport through a third country; and
- (e) in Great Britain and is destined for Great Britain, with transport through Northern Ireland.”.

#### **Amendments to regulation 34**

**8.** In regulation 34—

- (a) in the heading, after “recovery:” insert “EU or”;
- (b) in paragraph (1)(a), for “for, a” substitute “for, an EU country or a”.

## **PART 3**

### **Amendments to retained direct EU legislation**

#### **Amendments to Regulation (EC) No 1013/2006 on shipments of waste**

**9.** Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste<sup>(3)</sup> is amended in accordance with regulations 10 to 39.

#### **Amendments to Article 1**

**10.—**(1) Article 1 is amended as follows.

(2) For paragraphs 1 and 2 substitute—

“**1.** This Regulation establishes procedures and control regimes for—

- (a) the shipment of waste, and
- (b) the transport of waste from Great Britain to Northern Ireland,

depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.

**2.** This Regulation shall apply to—

- (a) the shipment of waste exported from Great Britain to a third country, with or without transit through another third country (see Titles 2 and 4, read together);
- (b) the shipment of waste imported into Great Britain from a third country, with or without transit through another third country (see Titles 2 and 5, read together);
- (c) the shipment of waste from one third country to another with transit through the United Kingdom (see Titles 2 and 6, read together);
- (d) the shipment and transport of waste within the United Kingdom, with or without transit via third countries (see Title 2, Chapter 6).”.

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(3) Regulation (EC) No 1013/2006 as it forms part of domestic law on and after IP completion day (see section 3 of the European Union (Withdrawal) Act 2018 (c. 16)) was amended by S.I. 2019/473, 2019/590, 2020/1455.

(3) In paragraph 3—

- (a) in point (f), for “the United Kingdom” substitute “Great Britain”;
- (b) in point (g), for the second sentence substitute—

“In such cases, the competent authority of destination and the competent authority of transit in Great Britain shall be informed in advance concerning the shipment and its destination;”.

(4) In paragraph 4, for “the United Kingdom”, in the second place it occurs, substitute “Great Britain”.

## **Amendments to Article 2**

**11.**—(1) Article 2 is amended as follows.

(2) In point 15—

- (a) in point (a), for “the United Kingdom”, in both places it occurs, substitute “Great Britain”;
- (b) in point (b), for “the United Kingdom” substitute “Great Britain”.

(3) For points 22 to 24 substitute—

**“22. ‘country of dispatch’ means—**

- (a) where the area from which a shipment of waste is planned to be initiated or is initiated is within Great Britain, the United Kingdom; or
- (b) in any other case, the country from which a shipment of waste is planned to be initiated or is initiated;

**23. ‘country of destination’ means—**

- (a) where the area to which a shipment of waste—
  - (i) for recovery or disposal is planned or takes place is within Great Britain; or
  - (ii) for the purpose of loading prior to recovery or disposal in an area not under the national jurisdiction of any country is within Great Britain, the United Kingdom;
- (b) in any other case, the country to which a shipment of waste is planned or takes place—
  - (i) for recovery or disposal; or
  - (ii) for the purpose of loading prior to recovery or disposal in an area not under the national jurisdiction of that country;

**24. ‘country of transit’ means—**

- (a) where the area, other than the country of dispatch or destination, through which a shipment of waste is planned or takes place is within Great Britain, the United Kingdom; or
- (b) in any other case, the country, other than the country of dispatch or destination, through which a shipment of waste is planned or takes place;”.

## **Substitution of Article 2A**

**12.** For Article 2A substitute—  
“Article 2A

*Meaning of “Directive 2008/98/EC”*

1. In this Regulation, “[Directive 2008/98/EC\(4\)](#)” means (except in the expression “[Directive 2008/98/EC](#) as amended from time to time”) [Directive 2008/98/EC](#) as last amended by Directive (EU) 2018/851(5) and read in accordance with paragraphs 2 to 6.

2. Article 2 of [Directive 2008/98/EC](#) is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for “other Community legislation” there were substituted “retained EU law”;

(ii) for point (d), in relation to Scotland, there were substituted—

“(d) extractive waste, which has the same meaning as in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010(6).”;

(b) after paragraph 2 there were inserted—

“**2A.** In paragraph 2(d), as it relates to England and Wales, “[Directive 2006/21/EC](#) of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries(7)” means [Directive 2006/21/EC](#) read as if—

(a) in Article 2 of [Directive 2006/21/EC](#)—

(i) in paragraph 2(c), “Article 11(3)(j) of [Directive 2000/60/EC\(8\)](#)” had the meaning given by paragraph 2B;

(ii) paragraphs 3 and 4 were omitted;

(b) in Article 3(1) of [Directive 2006/21/EC](#), for “Article 1(a) of [Directive 75/442/EC](#)” there were substituted “Article 3(1) of [Directive 2008/98/EC](#)”.

**2B.** For the purposes of paragraph 2A(a)(i), “Article 11(3)(j) of [Directive 2000/60/EC](#)” means Article 11(3)(j) of [Directive 2000/60/EC](#) read as if—

(a) the first reference to “Member States” were a reference to—

(i) in relation to England, the Secretary of State or the Environment Agency;

(ii) in relation to Scotland, the Scottish Ministers or the Scottish Environment Protection Agency;

(iii) in relation to Wales, the Welsh Ministers or the Natural Resources Body for Wales;

(b) in the words after the final indent, “environmental objectives”—

(i) in relation to the Northumbria River Basin District, means the objectives referred to in the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(9) as applied by regulation 5 of the Water Environment

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(4) OJ No L 312, 22.11.2008, p. 3.

(5) OJ No L 150, 14.6.2018, p. 109.

(6) [S.S.I. 2010/60](#), amended by [S.S.I. 2011/226](#). There are other amending instruments but none is relevant.

(7) OJ No L 102, 11.4.2006, p. 15.

(8) OJ No L 327, 22.12.2000, p. 1.

(9) [S.I. 2017/407](#), amended by [2018/942](#), [2019/558](#), [2019/1290](#).