
STATUTORY INSTRUMENTS

1988 No. 1562

The Transfrontier Shipment of Hazardous Waste Regulations 1988

PART II DUTIES OF HOLDERS OF HAZARDOUS WASTE

Consignment to a Member State: single consignment

3. Subject to regulations 4 and 5, a holder shall not transport, or cause or permit to be transported, a consignment of hazardous waste from Great Britain to a destination in a Member State, unless, before the consignment is removed from the premises at which it was produced, or at which it is stored, he has—

- (a) entered into a contract with the consignee for the disposal of the consignment;
- (b) sent to the competent authority of the Member State of destination a completed consignment note relating to the transport of the consignment;
- (c) sent a photocopy of the completed copy 1 of the note to—
 - (i) the disposal authority for the area in which the consignment is currently located;
 - (ii) the disposal authority for the area in which is situated the port through which the consignment is to leave Great Britain;
 - (iii) the Department of the Environment for Northern Ireland, where the consignment is to be transported through Northern Ireland;
 - (iv) the competent authority of any Member State of transit; and
 - (v) any third state of transit;
- (d) received acknowledgement of the consignment note from the competent authority referred to in paragraph (b);
- (e) either—
 - (i) been informed by the disposal authority referred to in paragraph (c)(i) that it makes no objection under regulation 22; or
 - (ii) received no objection from that disposal authority within the period of 20 days from the date on which a photocopy of copy 1 of the consignment note was received by that authority;
- (f) completed copy 3 of the acknowledged consignment note and sent a photocopy of it to each of the relevant persons mentioned in paragraphs (b) and (c); and
- (g) given the completed copy 3 to the carrier.

Multiple consignments to a Member State

4.—(1) Where a holder intends, within any period of twelve months, to transport, or to cause or permit to be transported, more than one consignment of hazardous waste from Great Britain to a Member State of destination and—

- (a) each consignment will consist of hazardous waste having essentially the same physical and chemical characteristics;
- (b) each consignment is to be transported to the same consignee;
- (c) entry is to be made with Her Majesty's Commissioners of Customs and Excise at the same port in respect of each consignment; and
- (d) clearance is to be sought for each consignment at the same customs office of entry in the Member State of destination and in any Member State of transit, and at the same customs office of exit from any Member State of transit,

regulation 3 shall not apply if, before the first consignment is removed from the premises at which it was produced, or at which it is stored, the holder has complied with the requirements of paragraph (2), and if, before each consignment is removed from the premises at which it was produced, or at which it is stored, the holder has complied with the requirements of paragraph (3).

(2) The requirements of this paragraph are that the holder has—

- (a) entered into a contract with the consignee for the disposal of all the consignments;
 - (b) sent to the competent authority of the Member State of destination a consignment note, which comprises copies 1 and 2 completed with respect to the transport of all the consignments, and separate forms of copy 3 completed as respects each of the proposed consignments;
 - (c) sent a photocopy of the completed copy 1 of the note to—
 - (i) the disposal authority for any area in which the consignments are, or will be, located immediately before being transported;
 - (ii) the disposal authority for the area in which is situated the port through which the consignments are to leave Great Britain;
 - (iii) the Department of the Environment for Northern Ireland, where the consignments are to be transported through Northern Ireland;
 - (iv) the competent authority of any Member State of transit; and
 - (v) any third state of transit;
 - (d) received acknowledgement of the consignment note from the competent authority referred to in sub-paragraph (b);
 - (e) either—
 - (i) been informed by the disposal authority or by each of the disposal authorities mentioned in sub-paragraph (c)(i) that it makes no objection under regulation 22; or
 - (ii) received no such objection from any such disposal authority within the period of 20 days from the date on which a photocopy of copy 1 of the consignment note was received by that authority; and
 - (f) complied with any conditions as to the supply of information about the consignments imposed under Article 5(2) of the Directive by—
 - (i) the competent authority of the Member State of destination; or
 - (ii) the competent authority of any Member State of transit.
- (3) The requirements of this paragraph are that the holder has—

- (a) completed the appropriate copy 3 of the acknowledged consignment note and sent a photocopy of it to each of the relevant persons mentioned in paragraph (2)(b) and (c); and
- (b) given the appropriate completed copy 3 to the carrier.

Exception for certain consignments containing non-ferrous metal to Member States

5. Where a holder intends to transport, or to cause or permit to be transported, a non-ferrous metal consignment from Great Britain to a destination in a Member State, regulation 3 shall not apply if, before the consignment is removed from the premises at which it was produced or at which it is stored, he has—

- (a) entered into a contract with the consignee with respect to the re-use, regeneration or recycling of the non-ferrous metal content of the consignment;
- (b) made a declaration to this effect on a uniform document;
- (c) otherwise completed the uniform document;
- (d) sent the completed copy 4 to the competent authority of the Member State of destination; and
- (e) given completed copies 1 and 2 to the carrier.

Consignment to a third state: single consignment

6. Subject to regulations 7 and 8, a holder shall not transport, or cause or permit to be transported, a consignment of hazardous waste from Great Britain to a destination in a third state unless, before the consignment is removed from the premises at which it was produced, or at which it is stored, he has—

- (a) obtained the agreement of that state to the receipt of that consignment in that country for disposal;
- (b) entered into a contract with the consignee for the disposal of the consignment;
- (c) sent a completed consignment note relating to the transport of the consignment—
 - (i) where the consignment will pass through one or more Member States of transit, and that state or the last of those states exercises, under Article 4(2) of the Directive, the right to acknowledge such consignment notes or to object, to the competent authority of that state; or
 - (ii) in any other case, to the Secretary of State;
- (d) sent a photocopy of the completed copy 1 of the note to—
 - (i) where paragraph (c)(i) applies, the Secretary of State;
 - (ii) the disposal authority for the area in which is situated the port through which the consignment is to leave Great Britain;
 - (iii) where the consignment is to be transported through Northern Ireland, the Department of the Environment for Northern Ireland;
 - (iv) the competent authority of any Member State of transit;
 - (v) any third state of transit; and
 - (vi) the third state of destination;
- (e) received acknowledgement of the consignment note from the person to whom the completed note was sent in accordance with paragraph (c);
- (f) where paragraph (c)(i) applies, either—
 - (i) been informed by the Secretary of State that he has no objection; or

- (ii) received no objection from him within the period of 20 days from the date on which he received a photocopy of copy 1 of the consignment note;
- (g) completed copy 3 of the acknowledged consignment note and sent a photocopy of it to each of the relevant persons mentioned in paragraphs (c) and (d); and
- (h) given the completed copy 3 to the carrier.

Multiple consignments to a third state

7.—(1) Where a holder intends, within any period of twelve months, to transport, or to cause or permit to be transported, more than one consignment of hazardous waste from Great Britain to a third state of destination and—

- (a) each such consignment will consist of hazardous waste having essentially the same physical and chemical characteristics;
- (b) each consignment is to be transported to the same consignee;
- (c) entry is to be made with Her Majesty's Commissioners of Customs and Excise at the same port in respect of each consignment; and
- (d) where the consignments are to be transported through any Member State of transit, clearance is to be sought at the same customs office of exit from that Member State,

regulation 6 shall not apply if, before the first consignment is removed from the premises at which it was produced, or at which it is stored, the holder has complied with the requirements of paragraph (2), and if, before each consignment is removed from the premises at which it was produced, or at which it is stored, the holder has complied with the requirements of paragraph (3).

(2) The requirements of this paragraph are that the holder has—

- (a) obtained the agreement of the third state of destination to the receipt of all the consignments in that country for disposal;
- (b) entered into a contract with the consignee for the disposal of all the consignments;
- (c) sent a consignment note, which comprises copies 1 and 2 completed with respect to the transport of all the consignments, and separate forms of copy 3 completed as respects each of the proposed consignments,
 - (i) where the consignments will pass through one or more Member States of transit, and that state or the last of those states exercises, under Article 4(2) of the Directive, the right to acknowledge such consignment notes or to object, to the competent authority of that state; or
 - (ii) in any other case, to the Secretary of State;
- (d) sent a photocopy of copy 1 of the completed consignment note to—
 - (i) where sub-paragraph (c)(i) applies, the Secretary of State;
 - (ii) the disposal authority for the area in which is situated the port through which the consignments are to leave Great Britain;
 - (iii) where the consignments are to be transported through Northern Ireland, the Department of the Environment for Northern Ireland;
 - (iv) the competent authority of any Member State of transit;
 - (v) any third state of transit; and
 - (vi) the third state of destination;
- (e) received acknowledgement of the consignment note from the person to whom the completed consignment note was sent in accordance with sub-paragraph (c);

- (f) where sub-paragraph (c)(i) applies, either—
 - (i) been informed by the Secretary of State that he has no objection; or
 - (ii) received no objection from the Secretary of State within the period of 20 days from the date on which he received a photocopy of copy 1 of the consignment note; and
 - (g) complied with any conditions as to the supply of information about the consignments imposed under Article 5(2) of the Directive by—
 - (i) the competent authority of any Member State of transit; and
 - (ii) where sub-paragraph (c)(ii) applies, the Secretary of State.
- (3) The requirements of this paragraph are that the holder has—
- (a) completed the appropriate copy 3 of the acknowledged consignment note and sent a photocopy of it to each of the relevant persons mentioned in paragraph (2)(c) and (d); and
 - (b) given the appropriate completed copy 3 to the carrier.

Exception for certain consignments containing non-ferrous metal to third states

8. Where a holder intends to transport, or to cause or permit to be transported, a non-ferrous metal consignment from Great Britain to a destination in a third state, regulation 6 shall not apply if, before the consignment is removed from the premises at which it was produced or at which it is stored, he has—

- (a) entered into a contract with the consignee with respect to the re-use, regeneration or recycling of the non-ferrous metal content of the consignment;
- (b) made a declaration to this effect on a uniform document;
- (c) otherwise completed the uniform document;
- (d) sent the completed copy 4 to the disposal authority for the area in which the consignment is currently located;
- (e) sent a photocopy of copy 4 to the competent authority of any last Member State of transit; and
- (f) given completed copies 1 and 2 to the carrier.

Additional duties regarding consignments to third states

9.—(1) This regulation applies to any consignment to which regulation 6 applies and to any consignment in relation to which the holder relies on the exemption provided by regulation 7.

(2) Where regulations 6(c)(ii) or 7(2)(c)(ii) apply, the holder shall notify the Secretary of State in writing within 6 weeks from the date on which the consignment left the area of the Communities—

- (a) of the customs post of exit from the area of the Communities; and
- (b) of the arrival of the consignment at the place of destination stated on the consignment note.

(3) In cases to which paragraph (2) does not apply, the holder shall notify the competent authority of the Member State of transit or, where there are more than one of such States, the competent authority of the last Member State of transit within six weeks from the date on which the consignment left the area of the Communities—

- (a) of the customs post of exit from the area of the Communities; and
- (b) of the arrival of the consignment at the place of destination stated in the consignment note.

Retention of documents

10.—(1) A holder shall keep for at least two years from the date of receipt any copy of a consignment note or photocopy thereof sent or given to him or sent by him in accordance with these Regulations or any provision of the law of a Member State giving effect to the Directive.

(2) A holder who sends a uniform document under regulations 5 or 8 shall keep copy 3 of that document for at least two years from the date on which he sent it.