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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The International Waste Shipments  
(Amendment) (EU Exit) Regulations 2019**

**PART 3**

**Amendments to subordinate legislation made  
under the European Union (Withdrawal) Act 2018**

**Amendments to TSWR 2007**

**13.** The Transfrontier Shipment of Waste Regulations 2007 are amended in accordance with regulations 14 to 43.

**Amendment to regulation 6**

**14.** In regulation 6, in the words before paragraph (a), omit “for the purposes of the Community Regulation”.

**Amendment to regulation 7**

- 15.** In regulation 7—
- (a) in paragraph (1), omit “for the purposes of the Community Regulation”;
  - (b) in paragraph (2), at the end insert “under the Community Regulation”.

**Omission of regulation 8**

**16.** Omit regulation 8.

**Omission of regulation 10**

**17.** Omit regulation 10.

**Amendment to Part 2 heading**

**18.** For the heading of Part 2, substitute—

*“UK Plan for Shipments of Waste”.*

**Omission of regulation 11**

**19.** Omit regulation 11 (as it forms part of the law of each of England and Wales, Scotland and Northern Ireland).

## New regulation 11A

20. Before regulation 12, insert—

### “UK Plan for Shipments of Waste: continuation and changes

11A.—(1) The UK Plan for Shipments of Waste of May 2012<sup>(1)</sup> continues to have effect.

(2) The Secretary of State may from time to time amend or replace the UK Plan for Shipments of Waste of May 2012; and that plan, as amended or replaced, is referred to in this Part as “the UK Plan”.

(3) Before amending or replacing the UK Plan, the Secretary of State must be satisfied that the change meets the objectives set out in—

- (a) Article 4(2)(b) and (d) and (9)(a) of the Basel Convention<sup>(2)</sup>; and
- (b) paragraphs 1 to 3 of Schedule 1 to the Waste (England and Wales) Regulations 2011<sup>(3)</sup>, reading those paragraphs as if—
  - (i) the objectives in those paragraphs related to the United Kingdom as a whole;
  - (ii) in paragraph 2(2), the reference to the appropriate authority were a reference to the Secretary of State.”.

## Amendments to regulation 12

21. In regulation 12(1)—

- (a) in the words before sub-paragraph (a), for “a waste management plan” substitute “amending or replacing the UK Plan”;
- (b) in sub-paragraph (a), for “plan” substitute “proposals”.

## Amendments to regulation 13

22.—(1) Regulation 13 is amended as follows.

(2) In paragraph (1), for “a waste management plan” substitute “amending or replacing the UK Plan”.

(3) In paragraph (2)—

- (a) in the words before sub-paragraph (a), for “a waste management plan” substitute “amending or replacing the UK Plan”;
- (b) in sub-paragraph (c), for “adopted the waste management plan” substitute “amended or replaced the UK Plan”.

(4) In paragraph (3)(a), for “waste management plan” substitute “proposals”.

## Amendment to regulation 14

23. In regulation 14, in the words before paragraph (a), for “send a copy of the waste management plan” substitute “, on amending or replacing the UK Plan, send a copy of it”.

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(1) A copy of the UK Plan for Shipments of Waste of May 2012 may be seen at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69546/pb13770-waste-shipments.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69546/pb13770-waste-shipments.pdf). Alternatively, a copy may be obtained by writing to the EU and International Chemicals, Hazardous Waste and Waste Shipments Team, Environmental Quality Directorate, Department for Environment, Food and Rural Affairs, 2 Marsham Street, London SW1P 4DF.

(2) Adopted in Basel, Switzerland on 22nd March 1989.

(3) S.I. 2011/988, amended by S.I. 2012/1889, 2014/656.

#### **Amendment to regulation 15**

24. In regulation 15—

- (a) in the words before paragraph (a), for “waste management plan” substitute “UK Plan”;
- (b) in paragraph (a), for “that plan” substitute “the UK Plan”;
- (c) in paragraph (b), for “that plan” substitute “the UK Plan”.

#### **Amendment to regulation 16**

25. In regulation 16 (as it forms part of the law of each of England and Wales, Scotland and Northern Ireland) for “a waste management plan made under this Part” substitute “the UK Plan”.

#### **Amendment to Part 4 heading**

26. In the heading of Part 4, for the words from “within” to the end substitute “between the United Kingdom and EU countries”.

#### **Amendments to regulation 19**

27. In regulation 19(1)—

- (a) after “originates in” insert “the United Kingdom or”;
- (b) for “another member State” substitute “an EU country”;
- (c) for “third country” substitute “non-EU country”.

#### **Amendments to regulation 20**

28. In regulation 20(1)—

- (a) after “originates in” insert “the United Kingdom or”;
- (b) for “another member State” substitute “an EU country”;
- (c) for “third country” substitute “non-EU country”.

#### **Amendment to Part 5 heading**

29. In the heading of Part 5, for the words from “third countries” to the end substitute “non-EU countries”.

#### **Amendments to regulation 21**

30. In regulation 21—

- (a) in the heading, after “than to” insert “EU or”;
- (b) for “third” substitute “non-EU”;
- (c) after “circumstances, to” insert “EU or”.

#### **Amendment to regulation 23**

31. In regulation 23—

- (a) in the heading, after “recovery to” insert “non-EU,”;
- (b) after “recovery in a” insert “non-EU”.

### **Amendments to regulation 23A**

**32.** In regulation 23A—

- (a) in the heading, after “or IIIA to” insert “non-EU,”;
- (b) in paragraph (2), after “being a” insert “non-EU”;
- (c) in paragraph (3), after “any other” insert “non-EU”.

### **Amendments to regulation 23B**

**33.** In regulation 23B—

- (a) in the heading, after “IIIetc. to” insert “non-EU,”;
- (b) in paragraph (1)(a), after “in a” insert “non-EU”.

### **Amendments to regulation 24**

**34.** In regulation 24—

- (a) in the heading, after “recovery to” insert “non-EU”;
- (b) in paragraph (1), after “in any” insert “non-EU”.

### **Amendments to regulation 27**

**35.** In regulation 27—

- (a) in the heading, after “from a” insert “non-EU”;
- (b) in paragraph (1), after “from a” insert “non-EU”.

### **Amendments to regulation 29**

**36.** In regulation 29—

- (a) in the heading, for “an” insert “a non-EU”;
- (b) in paragraph (1), after “through a” insert “non-EU”;
- (c) in paragraph (2), after “through, an” insert “EU or”.

### **Amendments to regulation 30**

**37.** In regulation 30—

- (a) in the heading, after “from a” insert “non-EU,”;
- (b) in paragraph (1)—
  - (i) in sub-paragraph (a), after “from a” insert “non-EU”;
  - (ii) in sub-paragraph (b), after “through a” insert “non-EU”;
- (c) in paragraph (2), after “imports from” insert “non-EU,”.

### **Amendments to regulation 32**

**38.** In regulation 32—

- (a) in paragraph (1)(a), for “third” substitute “non-EU”;
- (b) in paragraph (2), for “third” substitute “non-EU”.

### **Amendments to regulation 33**

**39.** In regulation 33—

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

### **Amendments to regulation 34**

**40.** In regulation 34—

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

### **Amendments to regulation 35**

**41.** In regulation 35—

- (a) in the heading—
  - (i) after “between” insert “EU or”;
  - (ii) after “countries and” insert “non-EU,”;
- (b) for paragraph (1) substitute—

“(1) This regulation applies to waste destined for recovery that—

  - (a) originates from a non-EU country to which the OECD Decision does not apply and is destined for an EU country or a country to which the OECD Decision applies; or
  - (b) originates from an EU country or a country to which the OECD Decision applies and is destined for a non-EU country to which the OECD Decision does not apply.”.
- (c) in paragraph (2)—
  - (i) after “between” insert “EU or”;
  - (ii) after “Decision and” insert “non-EU,”.

### **Omission of regulation 60**

**42.** Omit regulation 60.

### **Omission of Schedule 1**

**43.** Omit Schedule 1.