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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

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

**PART 5**

Amendments to retained direct EU legislation

**Amendments to Article 12**

**53.**—(1) Article 12 is amended as follows.

(2) In paragraph 1—

- (a) in the words before point (a) omit “and in accordance with the Treaty”;
- (b) omit point (a);
- (c) in point (c)—
  - (i) in the first subparagraph omit the words from “, respecting the need” to “internal market”;
  - (ii) omit point (i);
  - (iii) omit point (iii);
- (d) in point (f), for the words from “Member State(s)” to the end substitute “objecting country”;
- (e) for point (i) substitute—
  - “(i) that the waste will be treated—
    - (i) in a relevant facility in the United Kingdom which does not apply best available techniques within the meaning given by Article 3(10) of [Directive 2010/75/EU](#) in compliance with the permit of the facility; or
    - (ii) in an installation within the meaning given by Article 3(3) of [Directive 2010/75/EU](#) as amended from time to time in an EU country which does not apply the best available techniques within the meaning given by Article 3(10) of that Directive in compliance with the permit of the installation;”;
- (f) in point (j), omit “Community”.
- (g) for point (k) substitute—
  - “(k) that the waste concerned will not be treated in accordance with a plan established under the relevant regulations or Article 28 of [Directive 2008/98/EC](#) as amended from time to time.”.

(3) After paragraph 1 insert—

“**1A.** In paragraph 1—

“relevant facility” has the meaning given by Article 11(1A);

“relevant regulations” means—

- (a) in relation to England and Wales, the Waste (England and Wales) Regulations 2011<sup>(1)</sup>;
  - (b) in relation to Northern Ireland, the Waste Regulations (Northern Ireland) 2011<sup>(2)</sup>;
  - (c) in relation to Scotland, the National Waste Management Plan for Scotland Regulations 2007<sup>(3)</sup>.”.
- (4) In paragraph 5—
- (a) omit “raised by competent authorities”;
  - (b) for the words from “Member States” to the end substitute “the competent authority to the Secretary of State”.
- (5) Omit paragraphs 5 and 6.

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<sup>(1)</sup> S.I. 2011/988, amended by S.I. 2012/1889, 2014/656.

<sup>(2)</sup> S.R. 2011 No. 127, amended by S.R. 2011 No. 232, 2011 No. 403.

<sup>(3)</sup> S.S.I. 2007/251, amended by S.S.I. 2011/226, 2015/188, 2015/438.