
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 5

Amendments to retained direct EU legislation

Amendments to Article 44

84.—(1) Article 44 is amended as follows.

(2) In the heading, after “imports from an” insert “EU or”.

(3) In paragraph 1—

- (a) for “Community” substitute “United Kingdom”;
- (b) for “countries and through countries” substitute “or through an EU country or country”;
- (c) omit “*mutatis mutandis*”;
- (d) for “paragraphs 2 and 3” substitute “paragraph 2”.

(4) In paragraph 2—

- (a) in point (a), for “outside the Community” substitute “in any non-EU country”;
- (b) in point (b), at the beginning insert “where waste is imported from a non-EU country to which the OECD Decision applies, with or without transit via another country”.

(5) Omit paragraph 3.

(6) In paragraph 4(a), for “outside the Community” substitute “in any non-EU country”.

(7) For paragraph 5 substitute—

“**5.** If a general customs official discovers an illegal shipment, the official shall without delay inform the relevant authority which shall—

- (a) where the discovery of the waste is not in the area of the competent authority of destination in the United Kingdom, without delay inform the competent authority of destination; and
- (b) ensure detention of the waste until the competent authority of destination has decided otherwise and, where the discovery is not in the area of the relevant authority, has communicated that decision in writing to the relevant authority.

6. In paragraph 5—

“general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009;

“relevant authority” has the meaning given in Article 35(7).”.