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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 38**

- 77.—(1) Article 38 is amended as follows.
- (2) In paragraph 1—
- (a) for “Community” substitute “United Kingdom”;
  - (b) for “countries”, in the first place it occurs, substitute “an EU country or country”;
  - (c) after “transit through” insert “one or more EU countries or”;
  - (d) omit “*mutatis mutandis*”.
- (3) In paragraph 2—
- (a) in the words before point (a), for “The” substitute “Except where waste is destined for recovery in an EU country, the”;
  - (b) in point (a) after “in a” insert “non-EU”;
  - (c) in point (c) omit “outside the Community”.
- (4) In paragraph 3—
- (a) omit points (a) to (c);
  - (b) in point (d), for “Community”, in both places it occurs, substitute “the United Kingdom”;
  - (c) in point (e), at the beginning insert “except where waste is destined for recovery in an EU country,”.
- (5) In paragraph 4(a), for “authorities of destination and transit outside the Community” substitute “authority of destination in any non-EU country or tacit consent from the competent authority of transit in any country”.
- (6) In paragraph 5—
- (a) in the words before point (a), after “through a” insert “non-EU”;
  - (b) in point (a) omit “to which the OECD Decision does not apply”;
  - (c) in point (b)—
    - (i) omit “in the Community”;
    - (ii) omit “to which the OECD Decision does not apply”.
- (7) In paragraph 6, for “Where waste is exported” substitute “Except where waste is destined for recovery in an EU country”.
- (8) For paragraph 7 substitute—

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

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

8. In paragraph 7—

“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).

9. For the purposes of this Article, Liechtenstein shall be deemed to be a country to which the OECD Decision applies.”.