

EXPLANATORY MEMORANDUM TO
THE TRANSFRONTIER SHIPMENT OF WASTE (AMENDMENT)
REGULATIONS 2005

2005 No. 187

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations amend the Transfrontier Shipment of Waste Regulations 1994 (S.I. 1994/1137). The 1994 Regulations set out the competent authorities responsible for the enforcement of environmental legislation in the UK.

2.2 Currently, the twenty six District Councils in Northern Ireland process the notifications for transfrontier shipments of waste between Northern Ireland and countries outside the UK. At the request of the Department of Environment Northern Ireland, the role of competent authority of destination and despatch is proposed to be changed to the Environment and Heritage Services of the Department of Environment Northern Ireland.

2.3 The primary objective of the proposed amendment is to improve the regulatory regime by centralising expertise. This will promote more effective enforcement of existing controls on transboundary waste legislation, and closer co-operation between the relevant authorities.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 These Regulations amend Statutory Instrument 1994/1137 to provide that a competent authority of dispatch and a competent authority of destination, for the purposes of Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community, shall, in respect of Northern Ireland, be the Department of Environment Northern Ireland, rather than the District Councils in Northern Ireland, as provided for in the 1994 Regulations (regulation 3).

5. Extent

5.1 This instrument applies to England, Wales, Scotland and Northern Ireland

6. European Convention on Human Rights

6.1 Not applicable

7. Policy Background

7.1 The volume of transfrontier notifications in Northern Ireland is currently low. Whilst all the District Councils have knowledge of the Transfrontier Shipment Regulations, most of them only deal with enquiries relating to the Regulations. A recent survey carried out with all the District Councils revealed that less than half of the Councils received notifications, and some of these had only received a small number.

7.2 Despite the level of notifications currently being processed in Northern Ireland being quite modest, it is envisaged in future years that levels of notifications and shipments will rise sharply. This is due to the transposition of several new pieces of legislation, including the Landfill Directive, the End of Life Vehicle Directive, the Waste Electronic and Electrical Equipment Directive, the Batteries Directive and changes to the Hazardous Waste List.

7.3 At present there is only one person within each District Council who deals with all aspects of transfrontier shipments of waste, including notifications. However, the levels of notifications which will be generated as new legislation is transposed could substantially add to this workload. By centralising resources at the Department of Environment, Northern Ireland officials there will be in a position to make the best use of the expertise that already exists there.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Policy Division : Environment Quality and Waste (Hazardous Waste Unit)

Name : Stephen Cowperthwaite

Telephone Number : 0207 082 8762

E-mail address : Stephen.cowperthwaite@defra.gsi.gov.uk