
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transfrontier Shipment of Waste Regulations 2007.

They insert regulation 23A which creates an offence for failure to comply with [Commission Regulation \(EC\) No 1418/2007](#). This Commission Regulation sets out the requirements for, and prohibitions that apply to, the export of waste listed in Annex III or IIIA to Regulation [\(EC\) No 1013/2006](#) of the European Parliament and of the Council on shipments of waste (OJ No L 190, 12.7.2006, p.1) that is destined for recovery in non-OECD Decision countries.

They insert regulation 23B which creates an offence for failure to comply with Article 37(5) of Regulation [\(EC\) No 1013/2006](#). This Article applies the procedure of prior written notification and consent to the export of the following waste for recovery in countries to which the OECD Decision does not apply—

- (a) shipments of wastes not classified under one single entry in Annex III to Regulation [\(EC\) No 1013/2006](#) ;
- (b) shipments of mixtures of wastes not classified under one single entry in Annex III or IIIA to that Regulation; and
- (c) shipments of waste classified in Annex IIIB to that Regulation.

Regulations 23A(4) and 23B(2)(b) create offences for failure to comply with Article 37(4) of Regulation [\(EC\) No 1013/2006](#). This Article requires such waste to be sent to facilities that are authorised in the country of destination.

An impact assessment has not been produced for this instrument. An impact assessment of the effect that the Transfrontier Shipment of Waste Regulations 2007 will have on the costs of business and the voluntary sector is available from the Department for Environment, Food and Rural Affairs, Hazardous Waste Unit, Ergon House, Horseferry Road, London SW1P 2AL. This impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument on the Office of Public Sector Information website.

Changes to legislation:

There are currently no known outstanding effects for the The Transfrontier Shipment of Waste (Amendment) Regulations 2008.