
STATUTORY INSTRUMENTS

2008 No. 9

**The Transfrontier Shipment of Waste
(Amendment) Regulations 2008**

Regulations 23A and 23B

5. After regulation 23, insert—

“Requirements for export of waste listed in Annex III or IIIA to non-OECD Decision countries

23A.—(1) This regulation applies to waste—

- (a) listed in Annex III or IIIA to the Community Regulation; and
- (b) the export of which is not prohibited under Article 36.

(2) A person who transports waste destined for recovery in any country listed in the Annex to [Commission Regulation \(EC\) No 1418/2007](#) (being a country to which the OECD Decision does not apply) commits an offence if he does so in breach of that Regulation.

(3) A person who transports waste destined for recovery in any other country to which the OECD Decision does not apply commits an offence if he does so without complying with the procedure of prior written notification and consent as described in Article 35, in accordance with the second paragraph of Article 37(2).

(4) In either case, he commits an offence if he transports such waste in breach of Article 37(4) (requirement for consignment only to facilities operating or authorised to operate under the applicable national law of the country of destination).

Requirements for export of waste classified under more than one entry in Annex III etc. to non-OECD Decision countries

23B.—(1) This regulation applies to waste specified in Article 37(5) that is—

- (a) destined for recovery in a country to which the OECD Decision does not apply; and
- (b) the export of which is not prohibited under Article 36.

(2) A person who transports such waste commits an offence if he does so—

- (a) without the procedure of prior written notification and consent as described in Article 35 having been complied with in accordance with Article 37(5); or
- (b) in breach of Article 37(4) (requirement for consignment only to facilities operating or authorised to operate under the applicable national law of the country of destination).”

Changes to legislation:

There are currently no known outstanding effects for the The Transfrontier Shipment of Waste (Amendment) Regulations 2008, Section 5.