

SCHEDULE 7

Regulation 35(2)

CROSS BORDER MOVEMENT OF HAZARDOUS WASTE

Mutual recognition of consignment notes

1. Where hazardous waste has been removed from premises situated in England, Scotland, Wales, or Gibraltar and is transported into Northern Ireland, any consignment note that accompanies that hazardous waste and which either contains or purports to contain the same information in substantially the same format as that set out in either of the notes referred to in subsections (a) or (b) below, shall be treated for the purposes of these Regulations as if it was a consignment note raised in compliance or purported compliance with the provisions of these Regulations:

- (a) the Annex to Commission Decision 94/774 of 24th November 1994 concerning the standard consignment note referred to in Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community; or
- (b) the form of consignment note set out in Schedule 4 of these Regulations.

2. Where hazardous waste has been removed from premises situated in England, Scotland, Wales, or Gibraltar and is transported into Northern Ireland, any reference to “special waste” in the consignment note which accompanies the hazardous waste shall for the purposes of these Regulations be deemed to be a reference to “hazardous waste” and any reference to the “EWC Code” shall have effect as if it were a reference to the “List of Wastes Code”.

3. Any obligation under these Regulations on the producer, holder, consignor, carrier or consignee to complete the relevant part of the consignment note shall be construed as a requirement to complete the equivalent part of any consignment note travelling with any consignment removed from premises in England, Scotland or Wales and transported into Northern Ireland.

General Provisions relating to England, Scotland and Wales

4. The obligations on the consignee and carrier in regulation 31 (duty of consignee not accepting delivery) shall have effect notwithstanding that the consignment of hazardous waste is from premises situated in England, Scotland or Wales and for the avoidance of doubt this shall include:

- (a) the consignee sending a copy of the consignment note or a written explanation to the consignor, producer or holder as the case may be, whether situated in England, Scotland or Wales;
- (b) the carrier informing the Department and seeking instructions from the producer, holder or consignor whether situated in England, Scotland or Wales, and to the extent that those instructions are compatible with these regulations, taking all reasonable steps to ensure they are fulfilled.

5. Where a consignment of hazardous waste is rejected by a consignee in England, Scotland or Wales the obligations on the producer, holder or consignor contained in regulations 31 (duty of consignee not accepting delivery) applies in relation to that consignment to the extent that the law applicable in England, Scotland or Wales imposes substantially similar obligations on the producer, holder or consignor.

Provisions relating to England, Scotland and Wales

6. Where a consignment of hazardous waste is to be removed from any premises in Northern Ireland and is to be transported and consigned to a consignee in either England, Scotland or Wales, before any such consignment is removed—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the hazardous waste producer or holder, as the case may be, shall—
 - (i) prepare an extra copy of the consignment note for the consignee and a copy of the consignment note for the Environment Agency (where the waste is to be consigned to a consignee in England or Wales), or for the Scottish Environment Protection Agency (where the waste is to be consigned to a consignee in Scotland), and both of these copies shall be in addition to those copies prepared in accordance with regulation 23 (standard procedure) and regulation 30(3) (removal of wastes by pipeline) as the case may be;
 - (ii) shall treat those copies of the consignment note in the manner provided by regulation 23 or regulation 30 as the case may be.
- (b) the consignor and the carrier shall treat the additional two copies of the consignment note in accordance with regulation 23, except that the consignor (or the producer or holder in the case of removal of wastes by pipeline as provided in regulation 30) shall send one copy of the consignment note to either the Environment Agency (where the waste is to be consigned to a consignee in England or Wales) or to the Scottish Environment Protection Agency (where the waste is to be consigned to a consignee in Scotland), at least 72 hours before the removal of the consignment unless such consignment cannot lawfully remain where it is for 72 hours, in which case the consignment note may be sent to the Environment Agency or Scottish Environment Protection Agency as the case may be within 72 hours before the removal.

7. Where a carrier makes a multiple collection of hazardous waste in accordance with regulation 24, and the waste is consigned to a consignee in England, Scotland or Wales, he shall before the first collection—

- (a) prepare an additional copy of both the consignment note and the carrier's schedule to that required by regulation 27(2)(b);
- (b) complete the relevant parts of the consignment note as required by regulation 27(2)(b)(ii); and
- (c) send one copy of both the consignment note and the carriers schedule to the Environment Agency (where the waste is consigned to a consignee in England or Wales) or to the Scottish Environment Protection Agency (where the waste is consigned to a consignee in Scotland), at least 72 hours before the first collection, unless such consignment cannot lawfully remain where it is for 72 hours, in which case the consignment note and the carriers schedule may be sent within 72 hours before the first collection.

8. Where a consignment of hazardous waste is transported from England, Scotland or Wales to premises situated in Northern Ireland the consignee shall send a copy of the consignment note to either the Environment Agency (where the waste is to be consigned from England or Wales) or to the Scottish Environment Protection Agency (where the waste is to be consigned from Scotland) within the timeframe specified by regulation 34(1).