
STATUTORY INSTRUMENTS

2007 No. 1711

The Transfrontier Shipment of Waste Regulations 2007

PART 8

Additional duties

Illegal shipments of waste brought to a facility

36. If the operator of a facility knows or has reasonable grounds to suspect that waste brought to that facility is an illegal shipment of waste, he must notify the competent authority immediately and comply with their instructions and failure to do so is an offence.

Duties on operators of facilities in respect of notifiable waste

37.—(1) This regulation applies to the operator of a facility that receives notifiable waste.

(2) He commits an offence if he fails to—

- (a) ensure that the recovery or disposal of such waste is completed within the time period in Article 9(7);
- (b) comply with any condition of a consent imposed on him by the competent authority of destination in accordance with Article 10(1);
- (c) comply with any condition, imposed by the competent authority of destination in accordance with Article 10(5), requiring him to keep records specified in that Article and send them to that competent authority in accordance with that Article;
- (d) retain the movement document in accordance with Article 16(c);
- (e) provide, in accordance with Article 16(d), confirmation that waste has been received;
- (f) certify, in accordance with Article 16(e), that non-interim recovery or disposal has been completed;
- (g) keep any document sent to or by the competent authorities in relation to a notified shipment in accordance with Article 20(1); or
- (h) inform the competent authority of destination in accordance with Article 22(1) if a shipment of waste is rejected.

Interim recovery or disposal operations

38.—(1) This regulation applies to the operator of a facility that carries out interim recovery or disposal operations.

(2) He commits an offence if he fails to—

- (a) provide confirmation to the notifier or competent authorities concerned of the receipt of waste for interim recovery or disposal operations in accordance with Article 15(c); or
- (b) certify, in accordance with Article 15(d), that interim recovery or disposal has been completed.

(3) He commits an offence if, in the case of waste sent to another facility for subsequent interim or non-interim recovery or disposal operation, he fails to—

- (a) obtain from that facility, in accordance with Article 15(e), first paragraph, a certificate that such operation has been completed; or
- (b) transmit that certificate to the notifier and competent authorities concerned in accordance with Article 15(e), second paragraph.

(4) He commits an offence if he delivers waste for subsequent interim or non-interim recovery or disposal operations in accordance with Article 15(f), without complying with the notification requirements of that Article.

Duties on operators of facilities in respect of waste subject to general information requirements

39.—(1) This regulation applies to the operator of a recovery facility that receives waste subject to the procedural requirements of Article 18(1).

- (2) He commits an offence if he fails to—
 - (a) sign the Annex VII document, in accordance with Article 18(1)(b); or
 - (b) keep the information given pursuant to Article 18(1), in accordance with Article 20(2).

Duties on consignees in respect of notifiable waste

40.—(1) This regulation applies to a consignee of notifiable waste.

(2) He commits an offence if he fails to keep any document sent to or by the competent authorities in relation to a notified shipment in accordance with Article 20(1).

Duties on consignees in respect of waste subject to general information requirements

41.—(1) This regulation applies to a consignee of waste subject to the procedural requirements of Article 18(1).

- (2) He commits an offence if he fails to—
 - (a) sign the Annex VII document, in accordance with Article 18(1)(b);
 - (b) provide a copy of the contract referred to in Article 18(2), second paragraph, to the competent authority upon request, in accordance with that Article; or
 - (c) keep information given pursuant to Article 18(1), in accordance with Article 20(2).

Duties on laboratories

42.—(1) This regulation applies to the operator of a laboratory that receives waste subject to the procedural requirements of Article 18(1).

- (2) He commits an offence if he fails to—
 - (a) sign the Annex VII document, in accordance with Article 18(1)(b); or
 - (b) keep the Annex VII document for three years from the date the shipment started.

Notifier's duty to keep documents

43. A notifier commits an offence if he fails to keep—

- (a) a copy of the movement document in accordance with Article 16(c); or

- (b) any document sent to or by the competent authorities in relation to a notified shipment in accordance with Article 20(1).

Duties on persons who arrange the shipment of waste

44.—(1) This regulation applies to a person who arranges the shipment of waste subject to the procedural requirements of Article 18(1).

(2) He commits an offence if he fails to—

- (a) provide the competent authority with a copy of the contract referred to in Article 18(2) upon request, in accordance with the second paragraph of that Article; or
- (b) keep the information given pursuant to Article 18(1), in accordance with Article 20(2).

Annex VII document

45.—(1) This regulation applies in Scotland and Northern Ireland only.

(2) A person who arranges the shipment of waste subject to the procedural requirements of Article 18(1) must ensure that a copy of the Annex VII document that he has signed in accordance with Article 18(1)(b) is received by the competent authority before the shipment takes place and failure to do so is an offence.

Changes to legislation:

There are currently no known outstanding effects for the The Transfrontier Shipment of Waste Regulations 2007, PART 8.