
STATUTORY INSTRUMENTS

2019 No. 590

**The International Waste Shipments
(Amendment) (EU Exit) Regulations 2019**

PART 5

Amendments to retained direct EU legislation

Amendments to Article 35

- 72.**—(1) Article 35 is amended as follows.
- (2) In the heading after “exporting to” insert “EU or”.
- (3) In paragraph 1—
- (a) for “Community” substitute “United Kingdom”;
 - (b) after “disposal in” insert “EU or”;
 - (c) omit “*mutatis mutandis*”.
- (4) In paragraph 2—
- (a) in the words before point (a), for “The” substitute “Where waste is exported with transit via one or more non-EU countries, the”;
 - (b) in point (a), for “Community” substitute “United Kingdom”;
 - (c) in point (b)—
 - (i) for “Community”, in the first place it occurs, substitute “United Kingdom”;
 - (ii) omit “outside the Community”.
- (5) In paragraph 3—
- (a) omit points (a) to (d);
 - (b) in point (e)—
 - (i) for “Community”, in the first place it occurs, substitute “United Kingdom”;
 - (ii) omit “in the Community”;
 - (c) in point (f), in the words before point (i), at the beginning insert “where waste is destined for disposal in an EFTA country Party to the Basel Convention,”.
- (6) In paragraph 4(a) omit “outside the Community”.
- (7) In paragraph 5, for “exported” substitute “destined for disposal in an EFTA country Party to the Basel Convention”.
- (8) For paragraph 6 substitute—
- “**6.** If a general customs official discovers an illegal shipment, the official shall without delay inform the relevant authority which shall—

- (a) where the dispatch of the waste was not in the area of the relevant authority, without delay inform the competent authority of dispatch; and
- (b) ensure detention of the waste until the competent authority of dispatch has decided otherwise and, where the discovery is not in the area of the competent authority of dispatch, has communicated that decision in writing to the relevant authority.

7. In paragraph 6—

“general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009⁽¹⁾;

“relevant authority” means—

- (a) where the discovery occurs in England or the English area, the Environment Agency;
- (b) where the discovery occurs in Wales or the Welsh area, the Natural Resources Body for Wales;
- (c) where the discovery occurs in Scotland or the Scottish area, the Scottish Environment Protection Agency;
- (d) where the discovery occurs in Northern Ireland or the Northern Irish area, the Department of Agriculture, Environment and Rural Affairs,

and “English area”, “Welsh area”, “Scottish area” and “Northern Irish area” have the meanings given by regulation 4(1) of the Transfrontier Shipment of Waste Regulations 2007.”.

(1) 2009 c.11.