

*Draft Regulations laid before Parliament under paragraphs 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2021 No. XXX**

**EXITING THE EUROPEAN UNION**

**CUSTOMS**

**ENVIRONMENTAL PROTECTION**

**The International Waste Shipments  
(Amendment) (EU Exit) Regulations 2021**

<i>Made</i>	-	-	-	-	***
<i>Coming into force</i>	-	-			***

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

In accordance with paragraphs 1(1) and 8F(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**PART 1**

**Introductory**

**Citation**

1. These Regulations may be cited as the International Waste Shipments (Amendment) (EU Exit) Regulations 2021.

**Commencement**

2. These Regulations come into force on the day after the day on which they are made.

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(1) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Section 8C was inserted by section 21 of that Act. Paragraph 8F of Schedule 7 was inserted by paragraph 51 of Schedule 5 to that Act.

## PART 2

### Amendments to subordinate legislation

#### Amendments to the Transfrontier Shipment of Waste Regulations 2007

3. The Transfrontier Shipment of Waste Regulations 2007(2) are amended in accordance with regulations 4 to 8.

#### New regulation 8A

4. Before regulation 9 insert—

##### **“Northern Ireland: Designation of authorities under Articles 54 and 55**

8A.—(1) The Department for Agriculture, Environment and Rural Affairs is the correspondent for the United Kingdom in respect of Northern Ireland for the purposes of Article 54.

(2) The Secretary of State is responsible for designating places at which waste entering or leaving Northern Ireland is controlled for the purposes of Article 55.”.

#### Amendment to Part 4 heading

5. In Part 4, for the heading substitute—

*“The shipment and transport of waste between the United Kingdom and EU countries and within the United Kingdom”.*

#### Amendment to regulation 19

6. In regulation 19(1) for the words from “in the United Kingdom” to the end substitute—

“—

- (a) in the United Kingdom and is destined for an EU country, with or without transport through a third country;
- (b) in an EU country and is destined for the United Kingdom, with or without transport through a third country;
- (c) in the United Kingdom and is destined for the United Kingdom, with transport through a third country;
- (d) in Great Britain and is destined for Northern Ireland, without transport through a third country; and
- (e) in Great Britain and is destined for Great Britain, with transport through Northern Ireland.”.

#### Amendment to regulation 20

7. In regulation 20(1) for the words from “in the United Kingdom” to the end substitute—

“—

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(2) S.I. 2007/1711, amended by S.I. 2007/3538, 2008/9, 2010/265, 2010/675, 2010/1159, 2011/988, 2011/1043, 2014/861, 2016/1154, 2019/590.

- (a) in the United Kingdom and is destined for an EU country, with or without transport through a third country;
- (b) in an EU country and is destined for the United Kingdom, with or without transport through a third country;
- (c) in the United Kingdom and is destined for the United Kingdom, with transport through a third country;
- (d) in Great Britain and is destined for Northern Ireland, without transport through a third country; and
- (e) in Great Britain and is destined for Great Britain, with transport through Northern Ireland.”.

#### **Amendments to regulation 34**

**8.** In regulation 34—

- (a) in the heading, after “recovery:” insert “EU or”;
- (b) in paragraph (1)(a), for “for, a” substitute “for, an EU country or a”.

## **PART 3**

### **Amendments to retained direct EU legislation**

#### **Amendments to Regulation (EC) No 1013/2006 on shipments of waste**

**9.** Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste<sup>(3)</sup> is amended in accordance with regulations 10 to 39.

#### **Amendments to Article 1**

**10.—**(1) Article 1 is amended as follows.

(2) For paragraphs 1 and 2 substitute—

“**1.** This Regulation establishes procedures and control regimes for—

- (a) the shipment of waste, and
- (b) the transport of waste from Great Britain to Northern Ireland,

depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.

**2.** This Regulation shall apply to—

- (a) the shipment of waste exported from Great Britain to a third country, with or without transit through another third country (see Titles 2 and 4, read together);
- (b) the shipment of waste imported into Great Britain from a third country, with or without transit through another third country (see Titles 2 and 5, read together);
- (c) the shipment of waste from one third country to another with transit through the United Kingdom (see Titles 2 and 6, read together);
- (d) the shipment and transport of waste within the United Kingdom, with or without transit via third countries (see Title 2, Chapter 6).”.

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(3) Regulation (EC) No 1013/2006 as it forms part of domestic law on and after IP completion day (see section 3 of the European Union (Withdrawal) Act 2018 (c. 16)) was amended by S.I. 2019/473, 2019/590, 2020/1455.

(3) In paragraph 3—

- (a) in point (f), for “the United Kingdom” substitute “Great Britain”;
- (b) in point (g), for the second sentence substitute—

“In such cases, the competent authority of destination and the competent authority of transit in Great Britain shall be informed in advance concerning the shipment and its destination;”.

(4) In paragraph 4, for “the United Kingdom”, in the second place it occurs, substitute “Great Britain”.

## **Amendments to Article 2**

**11.**—(1) Article 2 is amended as follows.

(2) In point 15—

- (a) in point (a), for “the United Kingdom”, in both places it occurs, substitute “Great Britain”;
- (b) in point (b), for “the United Kingdom” substitute “Great Britain”.

(3) For points 22 to 24 substitute—

**“22. ‘country of dispatch’ means—**

- (a) where the area from which a shipment of waste is planned to be initiated or is initiated is within Great Britain, the United Kingdom; or
- (b) in any other case, the country from which a shipment of waste is planned to be initiated or is initiated;

**23. ‘country of destination’ means—**

- (a) where the area to which a shipment of waste—
  - (i) for recovery or disposal is planned or takes place is within Great Britain; or
  - (ii) for the purpose of loading prior to recovery or disposal in an area not under the national jurisdiction of any country is within Great Britain, the United Kingdom;
- (b) in any other case, the country to which a shipment of waste is planned or takes place—
  - (i) for recovery or disposal; or
  - (ii) for the purpose of loading prior to recovery or disposal in an area not under the national jurisdiction of that country;

**24. ‘country of transit’ means—**

- (a) where the area, other than the country of dispatch or destination, through which a shipment of waste is planned or takes place is within Great Britain, the United Kingdom; or
- (b) in any other case, the country, other than the country of dispatch or destination, through which a shipment of waste is planned or takes place;”.

## **Substitution of Article 2A**

**12.** For Article 2A substitute—

*“Article 2A*

*Meaning of “Directive 2008/98/EC”*

1. In this Regulation, “[Directive 2008/98/EC\(4\)](#)” means (except in the expression “[Directive 2008/98/EC](#) as amended from time to time”) [Directive 2008/98/EC](#) as last amended by Directive (EU) 2018/851(5) and read in accordance with paragraphs 2 to 6.

2. Article 2 of [Directive 2008/98/EC](#) is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for “other Community legislation” there were substituted “retained EU law”;

(ii) for point (d), in relation to Scotland, there were substituted—

“(d) extractive waste, which has the same meaning as in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010(6).”;

(b) after paragraph 2 there were inserted—

“**2A.** In paragraph 2(d), as it relates to England and Wales, “[Directive 2006/21/EC](#) of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries(7)” means [Directive 2006/21/EC](#) read as if—

(a) in Article 2 of [Directive 2006/21/EC](#)—

(i) in paragraph 2(c), “Article 11(3)(j) of [Directive 2000/60/EC\(8\)](#)” had the meaning given by paragraph 2B;

(ii) paragraphs 3 and 4 were omitted;

(b) in Article 3(1) of [Directive 2006/21/EC](#), for “Article 1(a) of [Directive 75/442/EC](#)” there were substituted “Article 3(1) of [Directive 2008/98/EC](#)”.

**2B.** For the purposes of paragraph 2A(a)(i), “Article 11(3)(j) of [Directive 2000/60/EC](#)” means Article 11(3)(j) of [Directive 2000/60/EC](#) read as if—

(a) the first reference to “Member States” were a reference to—

(i) in relation to England, the Secretary of State or the Environment Agency;

(ii) in relation to Scotland, the Scottish Ministers or the Scottish Environment Protection Agency;

(iii) in relation to Wales, the Welsh Ministers or the Natural Resources Body for Wales;

(b) in the words after the final indent, “environmental objectives”—

(i) in relation to the Northumbria River Basin District, means the objectives referred to in the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(9) as applied by regulation 5 of the Water Environment (Water Framework

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(4) OJ No L 312, 22.11.2008, p. 3.

(5) OJ No L 150, 14.6.2018, p. 109.

(6) [S.S.I. 2010/60](#), amended by [S.S.I. 2011/226](#). There are other amending instruments but none is relevant.

(7) OJ No L 102, 11.4.2006, p. 15.

(8) OJ No L 327, 22.12.2000, p. 1.

(9) [S.I. 2017/407](#), amended by [2018/942](#), [2019/558](#), [2019/1290](#).

Directive) (Northumbria River Basin District) Regulations 2003<sup>(10)</sup>;

(ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004<sup>(11)</sup>;

(iii) in relation to a river basin district within the meaning of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, has the same meaning as in those regulations.”.

3. Article 5 of Directive 2008/98/EC is to be read as if—

(a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;

(b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object is a by-product must be made—

(a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and

(b) having regard to any guidance published by the Secretary of State, in relation to England, the Welsh Ministers, in relation to Wales, or the Scottish Ministers, in relation to Scotland or the competent authority of dispatch (within the meaning of Article 2C(3) of Regulation (EC) No 1013/2006) for the purposes of this Article.”;

(c) paragraphs 2 and 3 were omitted.

4. Article 6 of Directive 2008/98/EC is to be read as if—

(a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;

(b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object has ceased to be waste must be made—

(a) in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and

(b) having regard to any guidance published by the Secretary of State, in relation to England, the Welsh Ministers, in relation to Wales, or the Scottish Ministers, in relation to Scotland or the competent authority of dispatch (within the meaning of Article 2C(3) of Regulation (EC) No 1013/2006) for the purposes of this Article.”;

(c) in paragraph 2—

(i) the first subparagraph were omitted;

(ii) in the second subparagraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;

<sup>(10)</sup> S.I. 2003/3245, amended by S.I. 2016/139, 2017/407, 2019/558.

<sup>(11)</sup> S.I. 2004/99, amended by S.I. 2005/2035, 2008/1097, 2011/228, 2011/556, 2013/1675, 2016/139, 2016/1154, 2018/942, 2019/558, 2019/1290.

- (iii) the third and fourth subparagraphs were omitted;
  - (d) paragraph 3 were omitted;
  - (e) in paragraph 4—
    - (i) in the first subparagraph—
      - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set as referred to in paragraph 1A(a), the competent authority of dispatch (within the meaning of Article 2C(3) of Regulation (EC) No 1013/2006)”;
      - (bb) the second sentence were omitted;
    - (ii) in the second subparagraph—
      - (aa) for “Member States” there were substituted “The competent authority of dispatch (within the meaning of Article 2C(3) of Regulation (EC) No 1013/2006)”;
      - (bb) “by competent authorities” were omitted.
5. Article 7 of [Directive 2008/98/EC](#) is to be read as if—
- (a) before paragraph 1 there were inserted—

“A1. In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in England, Wales, Scotland or Northern Ireland (as the case may be).”;
  - (b) in paragraph 1—
    - (i) the first and second sentences were omitted;
    - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
  - (c) paragraphs 2, 3, 6 and 7 were omitted.
6. Annex 3 to [Directive 2008/98/EC](#) is to be read as if—
- (a) in the entry for HP 9, in the second sentence, “in the Member States” were omitted;
  - (b) in the entry for HP 15, in the sentence immediately after Table 9, for “Member States” there were substituted “the competent authority of destination and dispatch determined in accordance with regulation 6 of the Transfrontier Shipment of Waste Regulations 2007”.

### **Amendments to Article 2C**

13.—(1) Article 2C is amended as follows.

(2) In paragraph 1(a), for “the United Kingdom” substitute “Great Britain”.

(3) For paragraphs 3 and 4 substitute—

“3. The competent authority of dispatch, or the competent authority of destination, in Great Britain is—

- (a) where the area concerned is in England or the English area, the Environment Agency;

- (b) where the area concerned is in Wales or the Welsh area, the Natural Resources Body for Wales;
  - (c) where the area concerned is in Scotland or the Scottish area, the Scottish Environment Protection Agency,
- and “English area”, “Welsh area” and “Scottish area” have the meanings given by regulation 4(1) of the Transfrontier Shipment of Waste Regulations 2007.
4. The competent authority of transit in Great Britain is the Environment Agency.”.

#### **Amendments to Article 11**

- 14.—(1) Article 11 is amended as follows.
- (2) In paragraph 1, for point (h) substitute—
- “ (h) that the waste will be treated—
- (i) in a relevant facility in Great Britain which does not apply best available techniques within the meaning given by Article 3(10) of [Directive 2010/75/EU](#)(12) in compliance with the permit of the facility; or
  - (ii) in an installation within the meaning given by Article 3(3) of [Directive 2010/75/EU](#) as amended from time to time in an EU country or Northern Ireland which does not apply the best available techniques within the meaning given by Article 3(10) of that Directive as amended from time to time in compliance with the permit of the installation;”.
- (3) In paragraph 1A, omit point (b).

#### **Amendment to Article 12**

15. In Article 12(1), for point (i) substitute—
- “ (i) that the waste will be treated—
- (i) in a relevant facility in Great Britain which does not apply best available techniques within the meaning given by Article 3(10) of [Directive 2010/75/EU](#) in compliance with the permit of the facility; or
  - (ii) in an installation within the meaning given by Article 3(3) of [Directive 2010/75/EU](#) as amended from time to time in an EU country or Northern Ireland which does not apply the best available techniques within the meaning given by Article 3(10) of that Directive as amended from time to time in compliance with the permit of the installation;”.

#### **Amendment to Article 18**

16. In Article 18(3), for “the United Kingdom” substitute “Great Britain”.

#### **Substitution of Title 2, Chapter 6**

17. In Title 2, for Chapter 6 substitute—

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(12) OJ No L 334, 17.12.2010, p. 17.



## “CHAPTER 6

### The shipment and transport of waste within the United Kingdom

#### Section 1

##### The shipment of waste with transit via third countries

###### *Article 31*

###### *Waste destined for disposal*

Where a shipment of waste takes place within the United Kingdom, except shipments from one place in Northern Ireland into another, with transit via one or more third countries, and the waste is destined for disposal, the competent authority of dispatch shall, in addition to the provisions of Chapters 1 to 5 of this Title, ask the competent authority in the third countries whether it wishes to send its written consent to the planned shipment—

- (a) in the case of Parties to the Basel Convention, within 60 days, unless it has waived this right in accordance with the terms of that Convention; or
- (b) in the case of countries not Parties to the Basel Convention, within a period agreed between the competent authorities.

###### *Article 32*

###### *Waste destined for recovery*

1. Where a shipment of waste takes place within the United Kingdom, except shipments from one place in Northern Ireland into another, with transit via one or more non-EU countries to which the OECD Decision does not apply, and the waste is destined for recovery, Article 31 shall apply.

2. Where a shipment of waste takes place within the United Kingdom, except shipments from one place in Northern Ireland into another, with transit via one or more EU countries, or non-EU countries to which the OECD Decision applies, and the waste is destined for recovery, the consent referred to in Article 9 may be provided tacitly, and if no objection has been lodged or no conditions have been specified, the shipment may start 30 days after the date of transmission of the acknowledgement by the competent authority of destination in accordance with Article 8.

#### Section 2

##### The transport of waste without transit via third countries

###### *Article 32A*

###### *Waste destined for disposal or recovery in Northern Ireland*

1. Where waste is transported from Great Britain and destined for disposal or recovery in Northern Ireland, without transit via one or more third countries, the provisions of Chapters 1 to 5 of this Title shall apply, subject to the following modifications.

2. The following definitions in Article 2, in their application to Title 2, are to be read as meaning the following—

Definition	Different meaning
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Country of dispatch	Great Britain
Country of destination	Northern Ireland
Country of transit	The third country through which a shipment of waste is planned or takes place
Shipment	The transport of waste destined for recovery or disposal which is planned or takes place from Great Britain to Northern Ireland

3. Article 2C(1)(b), in its application to Title 2, is to be read as if after “EU country” there were inserted “or Northern Ireland”.

4. In Articles 9 to 12, each reference to a period of 30 days following the date of transmission of the acknowledgement of the competent authority of destination in accordance with Article 8 is, in relation to a competent authority of transit in a non-EU country, to be read as a reference to a period of 60 days following that date.

#### *Article 32B*

##### *Waste with transit via Northern Ireland*

1. Where waste is transported from one place in Great Britain to another, with transit via Northern Ireland, the provisions of Chapters 1 to 5 of this Title shall apply, subject to the following modifications.

2. The following definitions in Article 2, in their application to Title 2, are to be read as meaning the following—

Definition	Different meaning
Country of dispatch	Great Britain
Country of destination	Great Britain
Country of transit	Northern Ireland
Shipment	The transport of waste destined for recovery or disposal which is planned or takes place from one place in Great Britain to another with transit via Northern Ireland

3. Article 2C(1)(b), in its application to Title 2, is to be read as if after “EU country” there were inserted “or Northern Ireland”.

4. In Articles 9 to 12, each reference to a period of 30 days following the date of transmission of the acknowledgement of the competent authority of destination in accordance with Article 8 is, in relation to a competent authority of transit in a non-EU country, to be read as a reference to a period of 60 days following that date.”.

#### **Amendments to Article 34**

18.—(1) Article 34 is amended as follows.

(2) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.

(3) For paragraph 5 substitute—

“5. Where a person proposes to export waste from Great Britain destined for disposal in an EU or EFTA country Party to the Basel Convention, the Secretary of State shall be required to present a prior duly reasoned request to the competent authority of the EU or EFTA country of destination on the basis that technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner do not exist, or cannot reasonably be acquired, in Great Britain.”.

#### **Amendments to Article 35**

19.—(1) Article 35 is amended as follows.

(2) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.

(3) In paragraph 2(b), for “the United Kingdom” substitute “Great Britain”.

(4) In paragraph 7, for the definition of “relevant authority” substitute—

““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,

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

#### **Amendment to Article 36**

20. In Article 36(1), for “the United Kingdom” substitute “Great Britain”.

#### **Amendment to Article 37**

21. In Article 37(1)(i), for “the United Kingdom” substitute “Great Britain”.

#### **Amendments to Article 38**

22.—(1) Article 38 is amended as follows.

(2) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.

(3) In paragraph 3(d), for “the United Kingdom”, in the second place it occurs, substitute “Great Britain”.

#### **Amendment to Article 39**

23. In Article 39, for “the United Kingdom” substitute “Great Britain”.

#### **Amendment to Article 40**

24. In Article 40(1) for “the United Kingdom” substitute “Great Britain”.

#### **Amendments to Article 41**

25.—(1) Article 41 is amended as follows.

(2) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.

(3) In paragraph 2—

- (a) in the first subparagraph for “the United Kingdom” substitute “Great Britain”;
- (b) in the fourth subparagraph for “the United Kingdom” substitute “Great Britain”.

**Amendments to Article 42**

- 26.**—(1) Article 42 is amended as follows.
- (2) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.
  - (3) In paragraph 5(a), for “the United Kingdom” substitute “Great Britain”.

**Amendments to Article 43**

- 27.**—(1) Article 43 is amended as follows.
- (2) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.
  - (3) In paragraph 2, for “the United Kingdom” substitute “Great Britain”.

**Amendments to Article 44**

- 28.**—(1) Article 44 is amended as follows.
- (2) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.
  - (3) In paragraph 5(a), for “the United Kingdom” substitute “Great Britain”.

**Amendment to Article 45**

- 29.** In Article 45, for “the United Kingdom” substitute “Great Britain”.

**Amendments to Article 46**

- 30.**—(1) Article 46 is amended as follows.
- (2) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.
  - (3) In paragraph 2, for “the United Kingdom” substitute “Great Britain”.

**Amendment to Title 6 heading**

- 31.** In the heading of Title 6, for “THE UNITED KINGDOM” substitute “GREAT BRITAIN”.

**Amendments to Article 47**

- 32.**—(1) Article 47 is amended as follows.
- (2) In the heading, for “the United Kingdom” substitute “Great Britain”.
  - (3) For “the United Kingdom” substitute “Great Britain”.

**Amendments to Article 48**

- 33.**—(1) Article 48 is amended as follows.
- (2) In the heading, for “the United Kingdom” substitute “Great Britain”.
  - (3) In paragraph 1, for “the United Kingdom” substitute “Great Britain”.
  - (4) In paragraph 2, for “the United Kingdom” substitute “Great Britain”.
  - (5) In paragraph 3, for “the United Kingdom” substitute “Great Britain”.

### **Amendments to Article 49**

**34.**—(1) Article 49 is amended as follows.

(2) In paragraph 2, in the first subparagraph, for “the United Kingdom”, in both places it occurs, substitute “Great Britain”.

(3) In paragraph 3, for “the United Kingdom”, in both places it occurs, substitute “Great Britain”.

### **Amendments to Article 50**

**35.**—(1) Article 50 is amended as follows.

(2) In paragraph 2a, for “the United Kingdom” substitute “Great Britain”.

(3) In paragraph 3, for “the United Kingdom”, in both places it occurs, substitute “Great Britain”.

(4) In paragraph 5, for “the United Kingdom” substitute “Great Britain”.

(5) In paragraph 6, in the first sentence, for “the United Kingdom” substitute “Great Britain”.

### **Substitution of Article 55**

**36.** For Article 55 substitute—

#### *“Article 55*

#### *Designation of frontier crossing points*

The Secretary of State may designate places at which waste entering or leaving Great Britain is controlled. If the Secretary of State decides to designate such places, a shipment of waste must not be allowed to use any other places within Great Britain for the purposes of entering or leaving Great Britain.”.

### **Amendment to Article 56**

**37.** In Article 56(5), for “the United Kingdom” substitute “Great Britain”.

### **Amendments to Annex 1C**

**38.**—(1) Annex 1C is amended as follows.

(2) In paragraph 21—

(a) in the definition of “relevant facility” omit point (b);

(b) in the definition of “relevant regulations” omit point (b).

(3) In paragraph 22, in the fifth sentence, for “the United Kingdom” substitute “Great Britain”.

(4) In the endnote for paragraph 22 of Annex 1C, for “the United Kingdom”, in each place it occurs, substitute “Great Britain”.

### **Amendment to Annex 2**

**39.** In Annex 2, in Part 1, in paragraph 5, in the definition of “relevant regulations” omit point (b).

### **Amendment to Regulation (EC) No 1418/2007**

**40.**—(1) [Commission Regulation \(EC\) No 1418/2007](#) concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation [\(EC\) No 1013/2006](#) of the European

Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply is amended as follows.

(2) In Article 1, for “the United Kingdom” substitute “Great Britain”.

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16)—

- (a) in part in order to address failures of retained EU law to operate effectively and other deficiencies (in particular section 8(2)(a), (b), (c) and (g)) arising from the withdrawal of the United Kingdom from the European Union, and
- (b) in part in order to implement the Protocol on Ireland/Northern Ireland in the withdrawal agreement.

These Regulations make amendments to legislation in the field of environmental protection and, in particular, amend legislation on international waste shipments. Part 2 amends subordinate legislation. Part 3 amends retained direct EU legislation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.