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STATUTORY INSTRUMENTS

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**2019 No. 590**

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

**PART 5**

Amendments to retained direct EU legislation

**Amendments to Article 11**

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

(2) In paragraph 1—

- (a) in the words before point (a) omit “and in accordance with the Treaty”;
- (b) in point (a), for the words from “the principles” to “[Directive 2006/12/EC](#)” substitute “Article 4(2)(b) and (d) and (9)(a) of the Basel Convention”;
- (c) in point (e), for “Member State” substitute “country of destination”;
- (d) in point (f), for the words from “Member State(s)” to the end substitute “objecting country”;
- (e) for points (g) and (h) substitute—
  - “(g) that the planned shipment or disposal is not, while taking into account geographical circumstances or the need for specialised installations for certain types of waste, in accordance with—
    - (i) the UK Plan within the meaning given by regulation 11A of the Transfrontier Shipment of Waste Regulations 2007; or
    - (ii) a plan established under Article 28 of [Directive 2008/98/EC](#) as amended from time to time;
  - (h) that the waste will be treated—
    - (i) in a relevant facility in the United Kingdom which does not apply best available techniques within the meaning given by Article 3(10) of [Directive 2010/75/EU\(1\)](#) 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 which does not apply the best available techniques within the meaning given by Article 3(10) of that Directive in compliance with the permit of the installation;”;
- (f) in point (j), omit “Community”.

(3) After paragraph 1 insert—

“**1A.** In paragraph (1)(h), “relevant facility” means—

- (a) in relation to England and Wales, a “Part A installation” within the meaning of regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016(2);
  - (b) in relation to Northern Ireland, an “installation” or “mobile plant” within the meaning of regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(3);
  - (c) in relation to Scotland, an “installation” or “mobile plant” within the meaning of regulation 2(1) of the Pollution Prevention and Control (Scotland) Regulations 2012(4).”.
- (4) In paragraph 3—
- (a) in the first subparagraph—
    - (i) for “a Member State” substitute “the country”;
    - (ii) for “Member State”, in the second place it occurs, substitute “country”;
  - (b) omit the third subparagraph.
- (5) Omit paragraph 6.

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(2) S.I. 2016/1154, amended by S.I. 2016/475, 2018/110, 2018/428.

(3) S.R. 2013 No. 160, amended by S.R. 2014 No. 304, 2016 No. 309, 2018 No. 33.

(4) S.S.I. 2012/360, amended by S.S.I. 2014/267, 2016/39, 2017/446.