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STATUTORY INSTRUMENTS

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**2013 No. 0000**

**ENVIRONMENTAL PROTECTION**

**CUSTOMS**

**The Transfrontier Shipment of Waste (Amendment) Regulations  
2013**

<i>Made</i>	- - - -	2013
<i>Laid before Parliament</i>		2013
<i>Coming into force</i>	- -	2013

The Secretary of State, who is designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(a)</sup> in relation to the environment<sup>(b)</sup>, the prevention, reduction and elimination of pollution caused by waste<sup>(c)</sup> and the control of the import and export of goods<sup>(d)</sup>, makes these Regulations in exercise of the powers conferred by that section.

**Citation and commencement**

1. These Regulations may be cited as the Transfrontier Shipment of Waste (Amendment) Regulations 2013 and come into force on [ ] 2013.

**Amendment of the Transfrontier Shipment of Waste Regulations 2007**

2. The Transfrontier Shipment of Waste Regulations 2007<sup>(e)</sup> are amended in accordance with these Regulations.

**Revocation of regulation 2**

3. Regulation 2 is revoked.

**Amendment of regulation 4**

4.—(1) Regulation 4 (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) in the definition of “authorised person”, for “50(2)” substitute “50A(1)”;  
(b) after the definition of “the Community Regulation” insert—

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(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c.7), Part 1 of the Schedule.  
(b) S.I. 2008/301.  
(c) S.I. 1992/2870, to which there are amendments not relevant to these Regulations.  
(d) S.I. 1983/1706.  
(e) S.I. 2007/1711, amended by S.I. 2007/3538, 2008/9, 2010/265, 675 and 1159 and 2011/988.

““English area” means that part of the marine area which is not the Northern Irish area, the Scottish area or the Welsh area;”;

(c) for the definition of “the marine area” substitute—

““the marine area” means—

(a) the area of sea within the seaward limits of the territorial sea adjacent to the United Kingdom, including—

(i) any area submerged at mean high water spring tide, and

(ii) the waters of every estuary, bay, river or channel, so far as the tide flows at mean high water spring tide,

(b) the seabed and the subsoil within any area designated under subsection (7) of section 1 of the Continental Shelf Act 1964(a) (exploration and exploitation of continental shelf), and

(c) waters superjacent to the seabed and the seabed and its subsoil within any area designated under subsection (4) of section 84 of the Energy Act 2004(b) (exploitation of areas outside the territorial sea for energy production);”;

(d) after the definition of “the marine area” insert—

““Northern Irish area” means such of the marine area adjacent to Northern Ireland which lies to the west of the Northern Irish border;”;

(e) after the definition of “notifiable waste” insert—

““Scottish area” means such of the marine area adjacent to Scotland which lies to the north of the Scottish border and east of the Northern Irish border;”;

(f) after the definition of “waste vessel” insert—

““Welsh area” means such of the marine area [*to be completed*];

“working day” means any day except a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(c) in any part of the United Kingdom.”.

(3) After paragraph (1) insert—

“(1A) In these Regulations—

(a) any reference to England, Wales, Scotland or Northern Ireland excludes any part of the marine area; and

(b) except in the case of any reference to the territorial sea adjacent to the United Kingdom and in the definition of “Dividing Line”, any reference to the United Kingdom includes the marine area.”.

## Insertion of regulations 4A and 4B

5. After regulation 4 insert—

**“The Northern Irish border and the Scottish border [*and the Welsh border*]**

**4A.**—(1) In these Regulations, “the Northern Irish border” means a line joining the co-ordinates numbered 1 to 12 in Part 1 of Schedule A1.

(2) In these Regulations, “the Scottish border” means—

(a) in the North Sea, a line—

(i) joining the co-ordinates numbered 1 to 7 in Part 2 of Schedule A1,

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(a) 1964 c.29; section 1(7) was amended by the Oil and Gas (Enterprise) Act 1982 (c.23), paragraph 1 of Schedule 3. Areas have been designated under section 1(7) by S.I. 1987/1265, 2000/3062 and 2001/3670.

(b) 2004 c.20. An area has been designated under section 84(4) by S.I. 2004/2668.

(c) 1971 c.80; see section 1 and Schedule 1.

- (ii) then following, in a south easterly direction, the seaward limits of the territorial sea adjacent to the United Kingdom until the co-ordinate 55° 50' 00" N; 1° 27' 31" W, and
- (iii) then following, in an easterly direction, the parallel of latitude 55° 50' 00" N until its intersection with the Dividing Line; and
- (b) in the Irish Sea, a line—
  - (i) joining the co-ordinates numbered 1 to 8 in Table 1 of Part 3 of Schedule A1,
  - (ii) then following the seaward limits of the territorial sea adjacent to the United Kingdom until the co-ordinate numbered 1 in Table 2 of Part 3 of Schedule A1, and
  - (iii) then joining the co-ordinates numbered 1 to 3 in Table 2 of Part 3 of Schedule A1.
- (3) [*In these Regulations, “the Welsh border” means [to be completed].*]
- (4) In this regulation—
  - “co-ordinate” means a co-ordinate of latitude and longitude on the World Geodetic System 1984;
  - “Dividing Line” means the dividing line as defined in Article 1 of the Agreement between the United Kingdom and the Federal Republic of Germany relating to the Delimitation of the Continental Shelf under the North Sea between the two countries, signed in London on 25th November 1971(a); and
  - “line” means a loxodromic line.

#### **Offshore installations**

**4B.**—(1) In these Regulations, “offshore installation” means an installation or structure, other than a ship, situated in the waters of, or on or under the seabed in, the marine area and used for carrying on any of the following activities—

- (a) the exploitation, or the exploration with a view to exploitation, of mineral resources in or under the shore or bed of waters in the marine area;
  - (b) the exploration of a place in, under or over such waters with a view to the storage of gas;
  - (c) the conversion of a place under the shore or bed of such waters for the purpose of storing gas;
  - (d) the storage of gas in, under or over such waters or the recovery of gas so stored;
  - (e) the unloading of gas at a place in, under or over such waters;
  - (f) the conveyance of things by means of a pipe, or system of pipes, constructed or placed on, in or under the shore or bed of such waters;
  - (g) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity in this paragraph.
- (2) In paragraph (1)—
- (a) “gas” means—
    - (i) gas as defined in section 2(4) of the Energy Act 2008(b), or
    - (ii) carbon dioxide;
  - (b) “installation” includes an installation as defined in section 16 of the Energy Act 2008;

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(a) Treaty Series No. 7 (1973) Cmnd. 5192.  
 (b) 2008 c.32.

- (c) “ship” includes a hovercraft, submersible craft and any other floating craft but not a vessel which—
  - (i) permanently rests on or is permanently attached to the seabed, or
  - (ii) is an installation as defined in section 16 of the Energy Act 2008; and
- (d) references (in whatever form) to storing gas include storing gas with a view to its permanent disposal.”.

#### **Substitution of regulation 6**

6. For regulation 6 substitute—

##### **“Competent authorities of destination and dispatch**

6. The competent authorities of destination and dispatch for the purposes of the Community Regulation are—

- (a) in England and the English area, the Environment Agency;
- (b) in Wales and the Welsh area, the Natural Resources Body for Wales;
- (c) in Scotland and the Scottish area, the Scottish Environment Protection Agency;
- (d) in Northern Ireland and the Northern Irish area, the Department of the Environment in Northern Ireland.”.

#### **Substitution of regulation 7**

7. For regulation 7 substitute—

##### **“Competent authority of transit**

7.—(1) The Environment Agency is the competent authority of transit for the United Kingdom for the purposes of the Community Regulation.

(2) The Natural Resources Body for Wales, the Scottish Environment Protection Agency and the Department of the Environment in Northern Ireland must supply the Environment Agency with any information which the Environment Agency may require in connection with its functions as the competent authority of transit.”.

#### **Amendment of regulation 46**

8. In regulation 46 (fees), omit paragraph (2)(a).

#### **Insertion of regulation 49A**

9. After regulation 49 insert—

##### **“Power to share information**

49A.—(1) Officers of Revenue and Customs may disclose any information in their possession to the following for the purposes of the enforcement of the Community Regulation or these Regulations—

- (a) the Environment Agency;
- (b) the Natural Resources Body for Wales;
- (c) the Scottish Environment Protection Agency; or
- (d) the Department of the Environment in Northern Ireland.

(2) Paragraph (1) is without prejudice to any other power of officers of Revenue and Customs to disclose information.

(3) Nothing in paragraph (1) authorises the making of a disclosure which contravenes the Data Protection Act 1998(a).

(4) Paragraph (5) applies to information—

- (a) which was obtained by means of a disclosure authorised by paragraph (1); and
- (b) which relates to a person whose identity is specified in the disclosure or can be deduced from it.

(5) No person, including a servant of the Crown, may disclose any information to which this paragraph applies unless—

- (a) the disclosure is for a purpose specified in paragraph (1); and
- (b) the Commissioners for Her Majesty’s Revenue and Customs have given their consent to the disclosure.

(6) Consent for the purposes of paragraph (5)(b) may be given in relation to a particular disclosure or in relation to disclosures made in such circumstances as may be specified or described in the consent.

(7) A person who breaches paragraph (5) is guilty of an offence.

(8) It is a defence for a person charged with an offence under paragraph (7) to prove a reasonable belief—

- (a) that the disclosure was lawful; or
- (b) that the information had previously been made available to the public lawfully.”.

### **Substitution of regulation 50**

10. For regulation 50 substitute—

#### **“Enforcement**

**50.**—(1) The Community Regulation and these Regulations are enforced by—

- (a) in relation to England and the English area, the Environment Agency;
- (b) in relation to Wales and the Welsh area, the Natural Resources Body for Wales;
- (c) in relation to Scotland and the Scottish area, the Scottish Environment Protection Agency;
- (d) in relation to Northern Ireland and the Northern Irish area, the Department of the Environment in Northern Ireland.

(2) Nothing in this regulation authorises a competent authority to bring proceedings in Scotland for an offence.

#### **Authorised persons**

**50A.**—(1) A competent authority may authorise persons in writing for the purposes of enforcing the Community Regulation and these Regulations.

(2) An authorisation under either of the following is an authorisation for the purposes of paragraph (1), unless the body which issued the authorisation specifies to the contrary—

- (a) section 108 of the Environment Act 1995(b);
- (b) Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997(c).

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(a) 1998 c.29.

(b) 1995 c.25; section 108 was amended by the Anti-social Behaviour Act 2003 (c.38), section 55(6), (7), (8) and (9); the Clean Neighbourhoods and Environment Act 2005 (c.16), section 53; the Protection of Freedoms Act 2012 (c.9), paragraph 3(1), (2), (3) and (4) of Schedule 2; S.I. 2000/1973 and 2010/675; and S.S.I. 2000/323 and 2006/181.

(c) S.I. 1997/2778 (N.I. 19). [*check footnote with NI lawyers including amendments made by the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011*]

### **Assistance by the Secretary of State in relation to offshore installations**

**50B.**—(1) The Secretary of State may assist a competent authority in its enforcement of the Community Regulation and these Regulations on or in relation to offshore installations, in particular by inspecting such installations and providing a competent authority with information to facilitate the effective enforcement of the Community Regulation and these Regulations.

(2) The Secretary of State may authorise persons in writing for the purposes of exercising the function described in paragraph (1).

(3) An authorisation under either of the following is an authorisation for the purposes of paragraph (2), unless the Secretary of State specifies to the contrary—

- (a) regulation 16 of the Offshore Chemicals Regulations 2002(a);
- (b) regulation 12 of the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005(b).”.

### **Amendment of regulation 59**

**11.** In regulation 59 (fixed penalties), in paragraph (1), after “Regulations” insert “(except an offence under regulation 49A(7))”.

### **Insertion of regulation 59B**

**12.** After regulation 59A(c) insert—

#### **“Review**

**59B.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(3) The first report under this regulation must be published before the end of the period of five years beginning on [*insert date of commencement of these Regulations*] 2013.

(4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”.

### **Insertion of Schedule A1**

**13.** Before Schedule 1 insert the Schedule set out in the Schedule to these Regulations.

### **Amendment of Schedule 1**

**14.** In Schedule 1 (transitional provisions for shipments to Latvia, Poland, Slovakia, Bulgaria or Romania)—

- (a) in the heading, omit “Latvia,” and “Slovakia,”; and

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(a) S.I. 2002/1355; relevant amending instruments are S.I. 2005/2055 and 2011/982.

(b) S.I. 2005/2055, amended by S.I. 2011/983.

(c) Regulation 59A was inserted by S.I. 2010/1159.

- (b) omit paragraphs 1 and 3.

**Omission of Schedule 2**

15. Schedule 2 (transitional fees in Great Britain) is omitted.

**Amendment of Schedule 3**

16. In Schedule 3 (fees in Northern Ireland), for paragraphs 2 and 3 substitute the following Table—

“Notification type	<i>General notification</i>				
	<i>1 to 5 shipments</i>	<i>6 to 20 shipments</i>	<i>21 to 100 shipments</i>	<i>101 to 500 shipments</i>	<i>More than 500 shipments</i>
Shipment from Northern Ireland	£1,090	£2,025	£3,050	£5,940	£10,785
Shipment to Northern Ireland	£940	£2,025	£3,675	£7,950	£14,625”

**Amendment of Schedule 4**

17. In Schedule 4 (application for approval of a financial guarantee), omit paragraph 1.

**Amendment of Schedule 5**

18.—(1) Schedule 5 (enforcement powers) is amended as follows.

(2) Before Part 1 insert—

“PART A1

Powers of authorised persons under the Environment Act 1995 and the Waste and Contaminated Land (Northern Ireland) Order 1997

**Powers under the Environment Act 1995**

**A1.** For the purposes of enforcing the Community Regulation and these Regulations, a person on whom the powers in section 108 of the Environment Act 1995 are conferred may exercise those powers in the English area, the Welsh area and the Scottish area.

**Powers under the Waste and Contaminated Land (Northern Ireland) Order 1997**

**A2.** For the purposes of enforcing the Community Regulation and these Regulations, a person on whom the powers in Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997 are conferred may exercise those powers in the Northern Irish area.”.

(3) In Part 1—

(a) omit paragraph 1;

(b) for paragraph 5(2) substitute—

“(2) An authorised person—

(a) may take any or all of the actions specified in sub-paragraph (2A), (2B) or (2C) in relation to that waste;

- (b) where the action specified in sub-paragraph (2C) is taken, may take either or both of the actions specified in sub-paragraph (2D).
- (2A) The authorised person may seize the waste.
- (2B) The authorised person may serve a notice on any person appearing to the authorised person to be in control of the waste prohibiting or restricting the movement of the waste.
- (2C) The authorised person may serve a notice on any person appearing to the authorised person to be in control of the waste requiring that person to send the waste to a place specified in the notice (referred to in sub-paragraph (2D) as “the specified place”).
- (2D) The authorised person may serve a notice on any person appearing to the authorised person to be in control of the specified place and involved in the shipment of the waste—
  - (a) requiring that person to accept the waste at that place;
  - (b) prohibiting or restricting the movement of the waste from that place.”; and
- (c) in paragraph 6(4)(b), for “23” substitute “24”.
- (4) For Part 2 substitute—

## “PART 2

### Powers of general customs officials

#### **Powers of general customs officials**

- 8.—(1) A general customs official may seize and detain any waste that has been brought into the United Kingdom or is to be dispatched from the United Kingdom—
  - (a) if requested to do so by a competent authority in the United Kingdom; or
  - (b) if that official suspects that, in respect of that waste, there is or is likely to be a breach of any provision of the Community Regulation or of these Regulations.
- (2) A general customs official who seizes and detains any waste under sub-paragraph (1)(b) must inform the competent authority as soon as possible.
- (3) Waste seized and detained under this paragraph may be detained for no more than 5 working days and must be dealt with during the period of its detention in such manner as the Secretary of State may direct under section 5 of the Borders, Citizenship and Immigration Act 2009(a).
- (4) In this paragraph—
  - (a) “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009; and
  - (b) “waste” includes—
    - (i) any thing that the competent authority or general customs official has reasonable grounds to suspect is waste, and
    - (ii) the container in which the waste or thing is carried.”.
- (5) After Part 2 insert—

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(a) 2009 c.11.

## “PART 2A

### Powers of persons authorised by the Secretary of State

#### **Powers of entry etc.**

**8A.**—(1) A person authorised by the Secretary of State under regulation 50B(2) (“P”) may, for the purposes of assisting a competent authority in its enforcement of the Community Regulation and these Regulations—

- (a) at any reasonable time board an offshore installation;
- (b) on boarding an offshore installation be accompanied by an authorised person and take any equipment or materials that P thinks may be required;
- (c) make such examination or investigation as P considers necessary;
- (d) give a direction requiring that any part of the offshore installation be left undisturbed (whether generally or in particular respects) for so long as reasonably necessary for the purposes of an examination or investigation under paragraph (c);
- (e) take such measurements and photographs and make such recordings as P considers necessary for the purpose of an examination or investigation under paragraph (c);
- (f) take samples of any thing found on the offshore installation or in the atmosphere or any land, seabed (including the subsoil thereof) or water in the vicinity of the offshore installation;
- (g) require any person who P has reasonable cause to believe is able to give any information relevant to an examination or investigation under paragraph (c)—
  - (i) to attend at a place and time specified by P,
  - (ii) to answer (in the absence of any person other than persons whom P may allow to be present and a person nominated to be present by the person on whom the requirement is imposed) such questions as P thinks fit to ask, and
  - (iii) to sign a declaration of truth of that person’s answers;
- (h) require the production of, and inspect and take copies of or of any entry in, any records which P considers it necessary to see for the purposes of an examination or investigation under paragraph (c);
- (i) require any person to afford P such facilities and assistance with respect to any matters or things within that person’s control or in relation to which that person has responsibilities as P considers are necessary to enable P to exercise any of the powers conferred on P by this Part.

(2) P must, if requested to do so, produce a duly authenticated authorisation document.

#### **Supplementary**

**8B.**—(1) An answer given by a person in compliance with a requirement imposed under paragraph 8A(1)(g) is admissible in evidence in England and Wales or Northern Ireland against that person in any proceedings or, in Scotland, against that person in criminal proceedings.

(2) In criminal proceedings in which a person mentioned in sub-paragraph (1) is charged with an offence to which this sub-paragraph applies, no evidence relating to that person’s answer may be adduced and no question relating to it may be asked by or on behalf of the prosecution unless evidence relating to it is adduced by or on behalf of that person.

(3) Sub-paragraph (2) applies to any offence other than one under—

- (a) section 5 of the Perjury Act 1911(a) (false statutory declarations and other false statements without oath);
  - (b) section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995(b) (false statements and declarations not on oath); or
  - (c) article 10 of the Perjury (Northern Ireland) Order 1979(c) (false statutory declarations and other false unsworn statements).
- (4) Nothing in this Part compels the production by a person of a document which—
- (a) except in relation to Scotland, that person would on grounds of legal professional privilege be entitled to withhold on an order for discovery in an action in the County Court or High Court; or
  - (b) in relation to Scotland, contains confidential information made by or to an advocate or solicitor in that capacity and which that person would be entitled to withhold on an order for the production of documents in an action in the Court of Session.”.

Name  
Minister of State

Date Department for Environment, Food and Rural Affairs

## SCHEDULE

Regulation 13

### Schedule A1 to the Transfrontier Shipment of Waste Regulations 2007

The following is the Schedule to be inserted as Schedule A1 to the Transfrontier Shipment of Waste Regulations 2007—

## “SCHEDULE A1

Regulation 4A

### The Scottish border and the Northern Irish border [*and the Welsh border*]

## PART 1

### The Northern Irish border

Points	Latitude	:	Longitude
1	55° 26' 40" N	:	6° 34' 37" W
2	55° 23' 36" N	:	6° 04' 16" W
3	55° 20' 00" N	:	6° 00' 00" W
4	55° 10' 00" N	:	5° 48' 00" W
5	55° 00' 00" N	:	5° 36' 00" W
6	54° 50' 00" N	:	5° 24' 00" W
7	54° 40' 00" N	:	5° 12' 00" W
8	54° 30' 00" N	:	5° 00' 00" W

- (a) 1911 c.6.
- (b) 1995 c.39.
- (c) 1979/1714 (N.I. 19).

9	54° 26' 54" N	:	5° 00' 00" W
10	54° 20' 00" N	:	5° 00' 00" W
11	54° 10' 00" N	:	5° 12' 00" W
12	54° 00' 00" N	:	5° 24' 00" W

## PART 2

### The Scottish border: the North Sea

Points	Latitude		Longitude
1	55° 48' 45" N	:	2° 01' 54" W
2	55° 49' 50" N	:	1° 59' 58" W
3	55° 50' 43" N	:	1° 58' 09" W
4	55° 50' 47" N	:	1° 57' 55" W
5	55° 53' 20" N	:	1° 48' 28" W
6	55° 53' 29" N	:	1° 47' 54" W
7	55° 55' 04" N	:	1° 43' 32" W

## PART 3

### The Scottish border: the Irish Sea

TABLE 1

Points	Latitude		Longitude
1	54° 37' 54" N	:	3° 50' 46" W
2	54° 37' 37" N	:	3° 51' 04" W
3	54° 37' 00" N	:	3° 52' 04" W
4	54° 36' 11" N	:	3° 53' 51" W
5	54° 33' 17" N	:	4° 00' 10" W
6	54° 32' 51" N	:	4° 01' 06" W
7	54° 31' 55" N	:	4° 03' 08" W
8	54° 30' 03" N	:	4° 04' 24" W

TABLE 2

Points	Latitude		Longitude
1	54° 30' 22" N	:	4° 04' 50" W
2	54° 30' 00" N	:	4° 05' 29" W
3	54° 30' 00" N	:	5° 00' 00" W"

## [PART 4

### *The Welsh border*

*to be completed]*

## EXPLANATORY NOTE

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

These Regulations amend the Transfrontier Shipment of Waste Regulations 2007 (S.I. 2007/1711) (“the principal Regulations”), which enforce Regulation (EC) No 1013/2006 on shipments of waste (OJ No L 190, 12.7.2006, p.1) (“the EU Regulation”). They extend to the United Kingdom.

Regulations 6 and 7 make changes to the competent authorities designated for the purposes of the EU Regulation. The Environment Agency, the Natural Resources Body for Wales, the Scottish Environment Protection Agency and the Department of the Environment in Northern Ireland are made competent authorities of destination and dispatch for the relevant part of the marine area as well as on land, and the Environment Agency is designated as the competent authority of transit. The division of the marine area is provided for by the insertion of regulation 4A of and Schedule A1 to the principal Regulations.

Regulation 9 provides for an information gateway between Her Majesty’s Revenue and Customs and the competent authorities designated in the principal Regulations, and contains an offence for unlawful disclosure of information.

Regulation 10 makes amendments with regard to authorities which enforce the principal Regulations, including provision for the Secretary of State to assist enforcing authorities in relation to offshore installations.

Regulation 12 requires the Secretary of State to review the operation and effect of the principal Regulations and publish a report within five years after these Regulations come into force and within every five years after that.

Regulation 16 provides for revised fees payable to the Department of the Environment in Northern Ireland in relation to waste shipments. The fee structure has been revised; some fees have been increased and others decreased. *[The changes are designed to more adequately reflect the costs of enforcing the EU Regulation and the principal Regulations in Northern Ireland, and to bring fees payable in Northern Ireland more closely into line with the rest of the United Kingdom.]*

Regulation 18 amends Schedule 5 to the principal Regulations, providing that enforcement powers under the Environment Act 1995 (c.25) and the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778 (N.I. 19)) extend to the marine area, and conferring powers on persons authorised by the Secretary of State in relation to offshore installations. Schedule 5 is also amended to give additional powers to customs officials to detain waste shipments.

A full impact assessment of the effect that this instrument will have on the costs of business is available from *[Department for Environment, Food and Rural Affairs, Hazardous and International Waste Unit, Ergon House, Horseferry Road, London SW1P 2AL]* and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).