

UK Plan for Shipments of Waste

May 2012

Withdrawn content



Llywodraeth Cymru
Welsh Government



Contents

UK Plan for Shipments of Waste	3
Introduction	3
Statutory requirements	4
Shipments of waste for disposal: Summary	4
Shipments of waste for disposal: Detail.....	5
Emergency situations	5
Shipments for Trial Runs.....	5
Shipments between Northern Ireland and Ireland	6
Shipments to and from Member States or EFTA countries of hazardous waste, or contaminated river sediments that are classified as non-hazardous waste, produced in such small quantity overall per year	7
Shipments from outside the European Union.....	7
Shipments to the UK from UK Overseas Territories.....	8
Review	8
Explanatory Note	9
General policy objectives	9
Emergency Situations	10
Shipments for trial runs	11
Shipments between Northern Ireland and Ireland	12
Shipments to and from Member States or EFTA countries of hazardous waste, or contaminated river sediments that are classified as non-hazardous waste, produced in such a small quantity overall per year	12
Shipments from outside the European Union.....	13

Annex A17

 Summary of key legislation on waste shipments.....17

Annex B18

 UK Crown Dependencies and Overseas Territories.....18

Annex C20

 List of contacts20

Annex D23

 Glossary23

Withdrawn content

UK Plan for Shipments of Waste

Introduction

1. This Plan, which entered into force on 9 August 2007 and amended with effect from 15 May 2012, sets out Government policy on shipments of waste for disposal to and from the United Kingdom.
2. It replaces the UK Management Plan for Exports and Imports of Waste (published in 1996). Any shipment of waste for which notification is required under Regulation (EC) No. 1013/2006 on shipments of waste (the EU Regulation) is subject to this Plan.
3. Shipments notified in accordance with the EU Regulation that are not in accordance with this Plan should not be brought into or dispatched from the UK. UK competent authorities of destination or dispatch must object to such shipments.
4. This Plan takes into account the UK's obligations under international, EU and national law, particularly under the UN Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal (the Basel Convention) and the EU Regulation, which implements the Basel Convention within the EU.
5. This Plan has been prepared to meet the requirement of regulation 11 of the Transfrontier Shipments of Waste Regulations 2007 as amended (the TFS SI) which requires the Secretary of State to prepare a waste management plan containing his policies in relation to the shipment of waste for disposal into and out of the UK.
6. Anyone shipping waste should ensure that they are doing so in compliance with the EU Regulation, the TFS SI and this Plan. It should be noted that an exception to the general prohibition on the shipment of waste to and from the UK for disposal does not set aside the procedures and controls in the EU Regulation. All shipments for disposal to and from the UK are subject to the procedure of prior written notification and consent.
7. UK competent authorities that are responsible for the controls on shipments of waste may be contacted for advice (see the Explanatory Note, annex C, for details).
8. Expressions used in this Plan have the same meaning as they have in the EU Regulation.¹

¹ A glossary is included in the Explanatory Note to the UK Plan, annex D, for further information.

Statutory requirements

Shipments of waste for disposal: Summary

Shipments of waste **to and from** the UK for disposal are, save for the exceptions below, prohibited:

- emergency situations that may require the shipment of hazardous waste to the UK from any country;
- emergency situations that may require shipment of hazardous waste from the UK to other Member States and EFTA countries;
- trial runs to the UK from any country in order to test a specific specialised treatment technology which results in the disposal of waste, except where the technology to be tested exists in the country of dispatch;
- trial runs from the UK to other Member States or EFTA countries in order to test a specific specialised treatment technology which results in the disposal of waste, except where the technology exists in the UK;
- shipments of hazardous waste between Northern Ireland and the Republic of Ireland, in either direction, for disposal operations specified in this Plan and where the waste is generated and disposed of within Northern Ireland or the Republic of Ireland;
- shipments of hazardous waste, or contaminated river sediments that are classified as non-hazardous waste, produced in such a small quantity overall per year in the UK, another Member State or an EFTA country that the provision of new specialised disposal installations in the country of dispatch would be uneconomic;
- shipments of waste into the UK from a Party to the Basel Convention outside the EU where a UK competent authority has acceded to a duly reasoned request;
- shipments of waste into the UK from a non-Party to the Basel Convention with which the UK Government has concluded a bilateral agreement.

It should be noted that even where these exceptions apply, shipments of waste for disposal to and from the UK are subject to the procedure of prior written notification and consent as set out in the EU Regulation.

Shipments of waste for disposal: Detail

9. Consistent with the EU Regulation, shipments of hazardous waste **to and from the UK** for disposal are, with the exceptions below, prohibited. Shipments of non-hazardous waste into or out of the UK for disposal are prohibited except for shipments for trial runs or shipments of contaminated river sediments.
10. Shipments of waste destined for a biological or physico-chemical treatment operation (D8/D9) or an interim disposal operation are allowed provided that such treatment results in final compounds which are disposed of in a manner that is in accordance with the exceptions below.
11. A UK competent authority of destination or dispatch must object to any shipment notified in accordance with the EU Regulation which this Plan indicates should not be brought into or dispatched from the UK.

Emergency situations

12. An emergency situation exists when there is a clear and immediate risk to human health and/or the environment which cannot be removed without a shipment of hazardous waste taking place. If the waste can be stored or disposed of in an environmentally sound manner in the country of dispatch, this exception does not apply.
13. Where the above condition is met, shipments of hazardous waste in emergency situations are allowed **to the UK from any country**.
14. Shipments of hazardous waste in emergency situations are allowed **from the UK to other Member States or EFTA countries**.

Shipments for Trial Runs

15. Shipments for trial runs **to the UK** are allowed from any country in order to assess the suitability of a specific specialised treatment technology which results in the disposal of waste. The amount of waste allowed for a trial run shall be no more than is needed to assess the technology under trial. This exception does not apply if the technology to be tested is available in the country of dispatch.

16. Shipments for trial runs **from the UK to other Member States or EFTA countries** are allowed in order to assess the suitability of a specific specialised treatment technology which results in the disposal of waste. The amount of waste allowed for a trial run shall be no more than the minimum needed to assess the disposal technology under trial. This exception does not apply if the technology to be tested is available in the UK.

Shipments between Northern Ireland and Ireland

17. Shipments of hazardous waste for disposal are allowed between Northern Ireland and Ireland. Such shipments will be allowed in either direction provided that such waste is both generated and disposed of within Northern Ireland or Ireland.
18. Shipments made under this exception are restricted to those destined for the following disposal operations:
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc); for disposal
 - D 10 Incineration on land;
 - D 9 Physico-chemical treatment which results in final compounds or mixtures which are discarded by means of any of the operations above.

Shipments to and from Member States or EFTA countries of hazardous waste, or contaminated river sediments that are classified as non-hazardous waste, produced in such small quantity overall per year that the provision of new specialised disposal installations would be uneconomic

19. This exception for shipments to and from the UK only applies when competent authorities have been informed by UK Government that it has accepted that the above circumstances apply in a Member State or EFTA country of dispatch or in the UK (see explanatory note, paragraphs 21 – 28).

Shipments from outside the European Union to the UK from a Party to the Basel Convention where a duly reasoned request has been acceded to by a UK competent authority

20. This exception applies where a UK competent authority has assessed a duly reasoned request and is in agreement that the country of dispatch outside the EU does not have and cannot reasonably acquire the technical capacity and the necessary facilities in order to dispose of waste in an environmentally sound manner (see explanatory note, paragraphs 29 – 41).

Shipments from outside the European Union to the UK from a non-Party to the Basel Convention where the UK Government has concluded a bilateral agreement

21. This exception applies where the UK Government has concluded a bilateral agreement with the government of a country of dispatch for the disposal of specific waste within the UK.

Shipments to the UK from UK Overseas Territories

22. This exception applies to shipments from the UK Overseas Territories as listed in annex B to the Explanatory Note.

Review

23. The UK Government will review this Plan where the Secretary of State considers that this is necessary, for example where there are changes to the UK's international obligations regarding shipments of waste.

Withdrawn content

Explanatory Note

This explanatory note is not part of the UK Plan for Shipments of Waste.

General policy objectives

1. This section sets out UK Government policies on shipments of waste into and out of the United Kingdom. These policies take into account the UK's obligations under international, EU and national law, particularly under the UN Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal (the Basel Convention) and the EU Regulation.
2. As a Party to the Basel Convention, the UK is committed to minimising the movement of waste for disposal, consistent with the principles of proximity, self-sufficiency and priority for recovery, and to reducing the quantities of hazardous wastes generated.
3. The UK is keen to promote the environmentally sound management of waste. In doing so, it recognises that many countries, particularly developing countries, do not have and cannot reasonably develop the specialised facilities needed to deal with certain wastes in an environmentally sound manner. Where that is the case, the UK is potentially willing to accept such wastes for disposal.
4. The UK Government and the devolved administrations are committed to putting environmental, economic and social objectives at the heart of decision-making. That means ensuring a high level of protection of human health and the environment when dealing with wastes, especially where these are hazardous. It also includes encouraging more sustainable management of wastes, with more re-use, recycling, composting and recovery of energy from waste and – above all – a reduction in the amount of waste generated by business and consumers.
5. Article 16 of the Waste Framework Directive (Directive 2008/98/EC on waste and repealing certain Directives) requires each Member State to work towards self-sufficiency in the disposal of its waste at EU and national level. All countries should aim to be self-sufficient in the disposal of non-hazardous wastes and consequently the shipment of these wastes **to or from the UK** for disposal is prohibited, with the exception of shipments for trial runs or shipments of contaminated river sediments.
6. Since the UK has the ability or the means to acquire the ability to dispose of its own hazardous waste, shipments of such waste from the UK for disposal are prohibited subject to the exceptions set out in the UK Plan and which are further explained below.
7. Economically developed countries should be able, with very few exceptions, to be self-sufficient in the disposal of their hazardous waste. It is for this reason that shipments

for disposal involving OECD Decision countries are prohibited subject to the exceptions set out in the UK Plan and explained below.

8. The Government has two main policy objectives relevant to shipments of waste for recovery:
 - to encourage international trade in waste for recovery where this is of environmental benefit in driving up levels of recovery at national, EU and global levels;
 - to prevent damage to human health or the environment occurring as a result of this international trade.

Emergency Situations

Policy background

9. An emergency situation affecting the UK, to the extent that hazardous waste cannot be safely disposed of or stored until capacity is restored, is difficult to foresee. However, these circumstances may arise, and, in order to protect human health and the environment, it could be necessary to ship hazardous waste for specialised disposal in other Member States or EFTA countries. Under the EU Regulation all shipments for disposal, including emergency shipments, are prohibited except to Member States and EFTA countries.
10. As regards imports, the UK will accept shipments of hazardous waste in emergency situations from any other country. This assistance, which is available on humanitarian and environmental grounds, is limited in scope to extreme situations where an immediate and significant risk exists. It may not be practicable to determine if there is an environmentally sound disposal facility closer to the country of dispatch in the case of such emergencies, and in these circumstances the application of the proximity principle should not prevent the UK from offering the appropriate assistance.

Guidance to competent authorities

11. Emergency requests from Parties to the Basel Convention from outside the EU would need to be made by a Duly Reasoned Request (DRR) as required by the WSR (see paragraphs 29-41). Member States would need to provide relevant information accompanying the notification of a proposed import into the UK.
12. The UK competent authorities should deal with emergency requests as quickly as is practicable, and in doing so will need to be satisfied that:

- the emergency is genuine and that the wastes pose a significant threat to human health or the environment if not treated immediately;
- the exporting country does not currently have adequate storage or disposal facilities or the capacity to deal with the wastes in question; and
- the intended destination facility has the capacity to deal with the proposed import in an environmentally sound manner.

13. Given the urgency of emergency situations it is unlikely to be possible for competent authorities to be satisfied that there are no facilities closer to the country of dispatch than those within the EU.

14. Emergency requests from countries which are not Parties to the Basel Convention or situations which could lead to the emergency shipment of waste from the UK should be referred to the UK Correspondent (see explanatory note, annex C for details).

Shipments for trial runs

Policy Background

15. Shipments for trial runs allows the assessment a specific specialised treatment technology which results in the disposal of waste that is already in use in other countries. These tests assist in identifying whether a technology would be practicable if relocated to another country. The ability of waste management companies to conduct such trials supports the UK policy aim of ensuring self sufficiency in waste disposal.

Guidance to competent authorities

16. In assessing notifications for such shipments, UK competent authorities should:

- determine the amount of waste that is permitted for a trial run on a case-by-case basis, depending on the type of waste and nature of the operation;
- ensure that the proposed shipment is not used to circumvent the general prohibition on shipments for disposal; and
- ensure that such shipments will be handled in an environmentally sound manner.

Shipments between Northern Ireland and Ireland

Policy background

17. The policy aim here is not to reduce the emphasis that the UK places on the principle of self sufficiency in the disposal of waste, but rather to recognise that, in the case of the distinct geographical situation of Northern Ireland, there is a balance to be struck between the aims of ensuring self-sufficiency and proximity in the disposal of waste.
18. For some specific hazardous waste streams it is recognised that approaching disposal capacity issues jointly with Ireland provides the most sensible way forward in ensuring the environmentally sound disposal of specific hazardous waste streams.²
19. In order to support the development of a cross-border approach to waste management, and consistent with the principle of proximity in the disposal of waste, shipments of hazardous waste for disposal between Ireland and Northern Ireland are allowed. These shipments are allowed in either direction, for a restricted number of specialised disposal operations, and provided that such hazardous waste arises and will be disposed of in either Ireland or in Northern Ireland.
20. Without this exemption some waste requiring disposal which arises in Northern Ireland would require transportation to other parts of the UK for disposal, when facilities may become available in Ireland at some point in the future that are either geographically closer or the use of which would require less complex or more environmentally sound transport routes.

Shipments to and from Member States or EFTA countries of hazardous waste, or contaminated river sediments that are classified as non-hazardous waste, produced in such a small quantity overall per year that the provision of new specialised disposal installations would be uneconomic

Policy background

² For further details see the 'Statement of facility needs for hazardous waste in Northern Ireland – supporting report', published by the Environment and Heritage Service 2005.

21. The UK supports the principles of self-sufficiency and proximity in the disposal of waste and in recognition of these principles, this exception will be applied narrowly. The UK Government will determine whether this exception is appropriate on a case-by-case basis.
22. "Hazardous wastes" here are as defined in Article 3(2) of the Waste Framework Directive. It will not be applied in the case of unsorted municipal waste since all Member States or EFTA countries generate sufficient quantities of such waste to render disposal facilities economically viable.
23. These provisions are only applicable in respect of shipments between the UK and other Member States or EFTA countries as the EU Regulation prohibits the export of waste from the EU for disposal, except for shipments to EFTA countries that are also Parties to the Basel Convention. Shipments for disposal from outside the EU to the UK are subject to separate procedures.
24. Member States and EFTA countries generally have the economic and technical resources to dispose of their own hazardous waste. However, this exception recognises that some of these countries would not be able to generate sufficient quantities of hazardous waste requiring specialised disposal facilities to make the provision of such facilities economically viable.
25. Contaminated river sediments that are classified as non-hazardous waste can be problematic to manage and require specialist facilities, and their inclusion in this exception is in recognition of this.
26. Where specialist disposal operations are judged to be economically viable, but time is needed to acquire such facilities, the Government foresees the application of this exception on a transitional basis.
27. This exception aims to support self-sufficiency in the disposal of waste at EU level, and the UK would consider a request on this basis, rather than that of proximity to the UK.
28. This exception will not include any waste shipped to or from the UK for disposal in non-specialist landfill facilities because all Member States and EFTA countries should be in a position to acquire these.

Shipments for disposal from outside the European Union

Policy Background

Shipments from non-OECD Decision countries³

29. It is recognised in the EU Regulation that the above countries may need support in managing wastes which require specific treatments or operations to ensure their disposal in an environmentally sound manner. The basis, under the EU Regulation, for determining **duly reasoned requests** from non-OECD Decision countries to ship waste for disposal to the UK is that they 'do not have and cannot reasonably acquire the technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner' (Article 41).
30. However, non-OECD Decision countries should be in a position to have, or be able to acquire, the less specialised disposal technologies, and it is for this reason that in their assessment of a duly reasoned request to ship waste from a non-OECD Decision country to the UK for disposal, guidance has been given to competent authorities to consider whether the proposed import is destined for a specialised disposal technology (see paragraph 37).
31. This position recognises that in the case of non-OECD Decision countries:
- they might not have the economic resources to acquire HTI or specially engineered landfill facilities;
 - where resources are available, they may not generate sufficient arisings of wastes which require HTI or specially engineered landfill to make such facilities economically viable;
 - they might not yet have had sufficient time to acquire HTI or specially engineered landfill facilities.
32. Article 5 of the Waste Framework Directive requires Member States, possibly in co-operation with other Member States, to produce an adequate network of waste facilities to dispose of waste as close as possible to the place where it is produced. Waste coming to the UK from non-OECD Decision countries will generally have to be transported over a substantial distance relative to any subsequent transport within the EU. Consequently, where the nearest suitable disposal facility is within the EU, this principle of proximity will not negatively affect a decision by a UK competent authority to agree to an import of waste for disposal to the UK, even if another Member State is geographically close to the country of dispatch.
33. Where a request is made from a non-OECD Decision country that is not a Party to the Basel Convention to conclude a bilateral agreement with the UK Government to ship waste to the UK for disposal, the same criteria that apply to the assessment of a duly reasoned request (DRR) will be used.

Shipments from OECD Decision countries and EFTA countries

³ Iceland and Liechtenstein are EFTA countries but are not OECD members. Norway and Switzerland are EFTA countries and OECD members. Iceland, Liechtenstein, Norway and Switzerland are all Parties to the Basel Convention.

34. The procedure for the above countries is as for shipments from non-OECD Decision countries, with a Basel Party outside the EU required to submit a DRR to a UK competent authority explaining why they do not have and cannot reasonably acquire the appropriate disposal facilities. Given their level of economic development, it is unlikely that a DRR would be submitted by an OECD Decision country or an EFTA country or accepted by a UK competent authority.
35. Furthermore, in support of the principle of proximity in the disposal of waste, waste should not be shipped to the UK for disposal from OECD Decision countries outside the EU or EFTA where there are appropriate facilities closer to the country of dispatch. It is for this reason that the application of these grounds for exception are unlikely to be accepted in the case of OECD Decision countries outside the EU or EFTA.

Guidance to competent authorities

Duly Reasoned Requests (DRR)

36. Imports of waste into the EU for disposal from Parties to the Basel Convention require the submission of a DRR, from the country of origin, to the UK competent authority of destination (see Article 41 of the EU Regulation). This request should contain details which explain why the exporting country does not have and cannot reasonably acquire the technical capacity and necessary facilities in order to dispose of the waste in an environmentally sound manner.
37. In considering DRRs, the UK competent authority of destination should note the following:
- all countries have the resources to acquire the facilities to dispose of non-hazardous waste;
 - non-OECD Decision countries have the resources to acquire the facilities to dispose of hazardous waste except for types of hazardous waste that can only be dealt with by specialised disposal technologies such as D10 (by high temperature incineration) or D5, specialist landfill;
 - OECD Decision countries and EFTA countries have the resources to acquire the facilities to dispose of hazardous waste except for types of hazardous waste that can only be dealt with by specialised disposal technologies such as D10 (by high temperature incineration);
 - the DRR may relate to a single waste stream or to several different types of waste. Once acceded to, shipments will be restricted to the types of waste specified, and to the types of operation specified;
 - there is no fixed period for which the DRR applies. The length of time will be determined on a case-by-case basis by the UK competent authority; and

- a DRR should be submitted by the Government, or a Governmental Agency acting on behalf of the Government, of the country of dispatch.

Criteria for assessing DRRs

38. In order to comply with Article 42(4) of the EU Regulation, the relevant UK competent authority will need to assess information provided by the country of dispatch as to:

- whether the waste(s) in question originates in the country of export;
- the types and typical composition of the waste(s);
- whether the country of dispatch has facilities of a type appropriate to deal with the wastes in question in an environmentally sound manner;
- whether the country of dispatch is likely to be in a position to acquire facilities to dispose of the waste(s) in question in an environmentally sound manner in the short to medium term;
- whether the waste identified in the DRR could be stored safely prior to the acquisition of these facilities;
- whether, based on present and predicted arisings, such facilities would be economically viable;
- whether there are environmentally sound disposal facilities in closer proximity to the country of dispatch than the EU.

39. Waste coming to the UK from outside the EU will generally have to be transported over a substantial distance relative to any subsequent transport within the EU. Consequently, where the nearest suitable disposal facility is within the EU, this **principle of proximity** will not negatively affect a decision by a UK competent authority to agree to an import of waste for disposal to the UK even if another Member State is geographically close to the country of dispatch.

40. If UK competent authorities require further advice about the circumstances of a particular country in relationship to the assessment of a DRR, they should contact the UK Correspondent (see annex C). In any case, UK competent authorities should inform the UK Correspondent of the receipt of a DRR and their decision relating to it. Requests or enquiries regarding the shipment of waste to the UK for disposal from countries that are not Parties to the Basel Convention should be referred to the UK Correspondent.

41. UK competent authorities will also normally wish to be satisfied that the wastes originated in the country of dispatch. One exception to this rule would be where, for reason of emergency (e.g. an accident at the original destination facility), another country sought to re-export wastes which it had originally imported for disposal, and a UK facility was the only realistic alternative destination.

Annex A

Summary of key legislation on waste shipments

1. The Basel Convention on the control of transboundary movements of hazardous wastes and their disposal (the Basel Convention), provides the framework for a global system for controlling movements of hazardous wastes and other wastes, and ensuring that these wastes are managed in an environmentally sound manner.
2. The Basel Convention entered into force for Member States of the European Union in 1993, via Council Regulation 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community.
3. Decision III/I (Amendment to the Basel Convention) prohibits the transboundary movement of hazardous waste to states that are not members of the OECD, European Union and Liechtenstein. This provision took effect within the EU from 1 January 1998 with the amendment of Council Regulation (EEC) No 259/93 by Council Regulation (EC) No 120/97.
4. OECD Council Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)/Final on the control of transboundary movements of waste destined for recovery operations (the OECD Decision) harmonised lists of waste used in the OECD Decision with those used in the Basel Convention, and revised certain other requirements. These changes, and a number of amendments that had been made to Council Regulation (EEC) No. 259/93, made it necessary to revise this Regulation.
5. A revised EU Regulation on shipments of waste applies directly within the EU from 12 July 2007. Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste incorporates into EU law the provisions of the Basel Convention, including Decision III/I, and the OECD Decision. It is supplemented in the UK by the Transfrontier Shipment of Waste Regulations 2007, which provides for offences and penalties for non-compliance with the EU Regulation and identifies the competent authorities for shipments of waste within the UK.
6. Article 11 of Regulation (EC) No. 1013/2006 sets out the grounds by which Member States may object to shipments for disposal. Member States have the discretion to prohibit imports in order to achieve key objectives under the EU Waste Framework Directive, namely promoting the principles of priority for recovery, and proximity and self-sufficiency in the disposal of waste. The UK Plan, which was drawn up under Regulation 11 of the Transfrontier Shipment of Waste Regulations 2007, seeks to support the key objectives under the Waste Framework Directive, and sets out Government policies on the bringing into, or dispatch from, the United Kingdom for disposal.

Annex B

UK Crown Dependencies and Overseas Territories

UK Crown Dependencies

1. The UK Crown Dependencies are the Isle of Man and the Channel Islands. They are not part of the UK, but are self-governing with their own legislative assemblies and systems of law and administration. The UK represents their interests in certain issues, e.g. foreign affairs and defence. For the purposes of Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste (the EU Regulation) they are regarded as independent countries outside the EU, or 'third parties'.
2. The UK has extended its ratification of the Basel Convention on the transboundary movement of hazardous wastes and their disposal to the Isle of Man and the Bailiwick of Guernsey. Ratification has not yet been extended to the States of Jersey.
3. Crown Dependencies to which ratification has been extended may use the duly reasoned request procedure in the EU Regulation in respect of the shipment of waste for disposal, while those to which ratification has not been extended would need to conclude a bilateral agreement with the government of the proposed country of destination.

UK Overseas Territories

4. For the purposes of this Plan, UK Overseas Territories are: Anguilla; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Montserrat; Pitcairn Islands; Saint Helena, Ascension Island and Tristan da Cunha; South Georgia and South Sandwich Islands; and Turks and Caicos Islands. These countries maintain some form of legislative and fiscal autonomy, but are run by Governors appointed by the UK Government.
5. These Overseas Territories are as listed in Annex IA to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ("Overseas Association Decision"), and are as defined in Article 2 (26) of the EU Regulation. This list does not include Bermuda, Gibraltar or the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus.

6. The EU Regulation seeks to reflect the rules regarding exports and imports of waste to and from Overseas Territories laid down in the Overseas Association Decision. In summary, these rules are:
- a prohibition on the exports of waste for disposal and of hazardous waste for recovery to Overseas Territories;
 - the export of non-hazardous waste for recovery to Overseas Territories to which the OECD Decision C(2001)107/Final does not apply, is potentially allowed, subject to the provisions of Article 36 and Title II of the EU Regulation (Shipments within the Community with or without transit through third countries);
 - imports to the UK from UK Overseas Territories are also potentially allowed, subject to the provisions of Title II of the EU Regulation.
7. Following the extension of the UK ratification of the Basel Convention to the Sovereign Base Areas in Cyprus, imports between these Areas and the UK for disposal are subject to the agreement of a duly reasoned request as required by the EU Regulation.
8. Bermuda is not covered by the UK ratification of the Basel Convention and imports to the UK for disposal are only allowed if there is a bilateral agreement in place.
9. Gibraltar is covered by EU environmental legislation, and therefore the provisions of the EU Regulation apply.

Annex C

List of contacts

The UK Correspondent (Waste Shipments)

Waste Strategy and Regulation Division, Defra
Area 6D
Ergon House
Horseferry Road
London SW1P 2AL
Tel: 020 7238 4334

UK Competent Authorities

Competent Authority of Transit

Code Number: GB 00
Environment Agency
Transfrontier Shipments National Service
Richard Fairclough House
Knutsford Road
Warrington
Cheshire WA4 1HG
Tel: 01925 542265
Fax: 01025 542105
Email: nattfs@environment-agency.gov.uk

Competent Authorities of dispatch and destination

For England and Wales

Code Number: GB 01
Environment Agency
Transfrontier Shipments National Service
Richard Fairclough House

Knutsford Road
Warrington
Cheshire WA4 1HG

Tel: 01925 542265

Fax: 01025 542105

Email: nattfs@environment-agency.gov.uk

Website: www.environment-agency.gov.uk/business/444304/444641/595811/1770640/

For Scotland

Code Number: GB 02

The Scottish Environment Protection Agency

Erskine Court

Castle Business Park

Stirling FK9 4TR

Tel: 01786 457700

Fax: 01786 446885

Website: www.sepa.org.uk/regulation/waste/trans/index.htm

For Northern Ireland

Code number: GB 03

The Environment and Heritage Service

Klondyke Building

Cromac Avenue

Gasworks Business Park

Lower Ormeau Road

Belfast BT7 2JA

Tel: 01232 254833

Fax: 01232 254760

Website: [www.ehsni.gov.uk/waste/regulation-and-legislation/transfrontier shipment of waste.htm](http://www.ehsni.gov.uk/waste/regulation-and-legislation/transfrontier%20shipment%20of%20waste.htm)

Other useful contacts, emails and links

For enquiries about the EU Regulation:

European Commission

Environment Directorate General

Sustainable Production and Consumption (ENV G4)

BU-5 05/115

BE-1049 BRUXELLES/BRUSSELS

BELGIUM

Website: www.europa.eu/environment/waste/shipments/links.htm

For enquiries about the Basel Convention:

The Secretariat of the Basel Convention

Geneva Executive Centre

15 Chemin des Anemones (Building D)

1219 Chatelaine (GE)

Switzerland

Tel: 00 41 22 979 9111

Fax: 00 44 22 707 3454

Website: www.unep.ch/basel/

Withdrawn content

Annex D

Glossary

These following terms are taken from Article 2 of the EU Regulation. Any term used in this Plan has the same meaning as in the EU Regulation.

1. 'waste' is as defined in Article 3(1) of Directive 2008/98/EC of 19 November 2008 on waste and repealing certain Directives;
2. 'hazardous waste' is as defined in Article 3(2) of Directive 2008/98/EC ;
3. 'disposal' is as defined in Article 3(19) of Directive 2008/98/EC;
4. 'interim disposal' means disposal operations D 13 to D 15 as defined in Annex I to Directive 2008/98/EC;
5. 'recovery' is as defined in Article 3(15) of Directive 2008/98/EC;
6. 'interim recovery' means recovery operations R 12 and R 13 as defined in Annex II to Directive 2008/98/EC;
7. 'environmentally sound management' means taking all practicable steps to ensure that waste is managed in a manner that will protect human health and the environment against adverse effects which may result from such waste;
8. 'Basel Convention' means the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal;
9. 'OECD Decision' means Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations;
10. 'competent authority' means:
(a) in the case of Member States, the body designated by the Member State concerned in accordance with Article 53 of the EU Regulation; or

(b) in the case of a non-Member State that is a Party to the Basel Convention, the body designated by that country as the competent authority for the purposes of that Convention in accordance with Article 5 thereof; or

(c) in the case of any country not referred to in either (a) or (b), the body that has been designated as the competent authority by the country or region concerned or, in the absence of such designation, the regulatory authority for the country or region, as appropriate, which has jurisdiction over shipments of waste for recovery or disposal or transit, as the case may be;

11. 'competent authority of dispatch' means the competent authority for the area from which the shipment is planned to be initiated or is initiated;

12. 'competent authority of destination' means the competent authority for the area to which the shipment is planned or takes place, or in which waste is loaded prior to recovery or disposal in an area not under the national jurisdiction of any country;

13. 'competent authority of transit' means the competent authority for any country, other than that of the competent authority of dispatch or destination, through which the shipment is planned or takes place;

14. 'country of dispatch' means any country from which a shipment of waste is planned to be initiated or is initiated;

15. 'country of destination' means any country to which a shipment of waste is planned or takes place for recovery or disposal therein, or for the purpose of loading prior to recovery or disposal in an area not under the national jurisdiction of any country;

16. 'country of transit' means any country, other than the country of dispatch or destination, through which a shipment of waste is planned or takes place;

17. 'overseas countries and territories' means the overseas countries and territories as listed in Annex IA to Decision 2001/822/EC;

18. 'import' means any entry of waste into the EU but excluding transit through the EU;

19. 'export' means the action of waste leaving the EU but excluding transit through the EU;

20. 'transit' means a shipment of waste or a planned shipment of waste through one or more countries other than the country of dispatch or destination;

21. 'shipment' means the transport of waste destined for recovery or disposal which is planned or takes place:

- (a) between a country and another country; or
- (b) between a country and overseas countries and territories or other areas, under that country's protection; or
- (c) between a country and any land area which is not part of any country under international law; or
- (d) between a country and the Antarctic; or
- (e) from one country through any of the areas referred to above; or
- (f) within a country through any of the areas referred to above and which originates in and ends in the same country; or
- (g) from a geographic area not under the jurisdiction of any country, to a country;

Terms used in this Plan that are not defined in Article 2 of the EU Regulation:

1. The EU Regulation means Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

2. The Waste Framework Directive means Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

3. OECD Decision country means a country to which the OECD Decision applies, and a non-OECD Decision country means a country to which the OECD Decision does not apply.

4. Duly reasoned request (DRR) means a request presented by a Party to the Basel Convention outside the EU, who wishes to send waste to a Member State for disposal, to the competent authority of destination within a member State. The DRR should give reasons why the country of dispatch does not have and cannot reasonably acquire the technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner.

5. Bilateral agreement means an agreement between non-Parties to the Basel Convention, all of which are outside the EU, with a Member States, should the non-Party wish to send waste into the EU for disposal. Such agreements are required to be compatible with Article 11 of the Basel Convention and to guarantee that the disposal operation will be carried out in an authorised facility and in compliance with the requirements for environmentally sound management. Bilateral agreements are entered into by UK Government rather than a UK competent authority.

6. High temperature incineration means incineration in a dedicated hazardous waste incinerator capable of operating at temperatures in excess of 1100°C for at least two seconds, and which are therefore suitable for the incineration of hazardous wastes with a content of more than 1% of halogenated organic substances, expressed as chlorine. These facilities should also have the appropriate waste handling/feeding and flue gas cleaning/emission control facilities. This is guided by the combustion temperatures specified in Article 6 of Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste.

7. Annex IV to the EU Regulation is a list of waste for which notification is required if the waste is subject to a transboundary movement for recovery within the EU and OECD. It is largely based on Annex VIII of the Basel Convention, which contains wastes characterised as hazardous under Article 1 of the Basel Convention. This list is not the same as the list of waste referenced in Article 7 of the Waste Framework Directive.

Withdrawn content

© Crown copyright 2012

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk

This document/publication is also available on our website at:

<http://www.defra.gov.uk/environment/waste/business/international-shipments/>

Any enquiries regarding this document/publication should be sent to us at:

hiwu@defra.gsi.gov.uk

PB 13770

Withdrawn content