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## 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 5 and the Schedule).

Regulation 11 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 12 makes amendments with regard to enforcing authorities, including provision for the Secretary of State to assist enforcing authorities in relation to offshore installations. Regulation 15 contains a review clause.

Regulation 19 provides for revised fees payable to the Department of the Environment in Northern Ireland in relation to waste shipments. Under the previous fee structure, the fee for each notification of a shipment or shipments of waste to or from Northern Ireland was £450 and there was an additional £25 fee in respect of each shipment to which that notification related. That additional fee is abolished. Higher fees now apply for imports of fewer than 300 and more than 500 shipments and for exports of fewer than 220 shipments. Lower fees now apply for imports of 301 to 500 shipments and for exports of 220 shipments or more. The same fee applies for an import of 300 shipments.

Regulation 21 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.

Regulation 22 amends section 41(1)(d) of the Environment Act 1995 to include the Natural Resources Body for Wales as one of the bodies that may require payment to it of charges as a means of recovering its costs in performing functions conferred by the EU Regulation. Regulation 23 makes transitional provisions.

A full impact assessment of the effect that this instrument will have on the costs of business is available at [www.gov.uk/defra](http://www.gov.uk/defra) from the Department for Environment, Food and Rural Affairs, EU and International Waste Unit, Area 2B, Nobel House, 17 Smith Square, London SW1P 3JRL and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).