



Llywodraeth Cymru
Welsh Government

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

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

DATE **30 December 2020**

BY **Rebecca Evans MS, Minister for Finance and Trefnydd**

SI laid in Parliament, which amends secondary legislation in a devolved area

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

The 2021 Regulations amend the following legislation:

EU Legislation

- Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (the “Waste Shipments Regulation”); and
- Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to the Waste Regulations to certain countries to which the Organisation for Economic Cooperation and Development (“OECD”) decision on the control of transboundary movements of wastes does not apply.

Domestic secondary legislation

- The Transfrontier Shipment of Waste Regulations 2007.

Any impact the SI may have on the Senedd’s legislative competence and/or the Welsh Ministers’ executive competence

The 2021 Regulations do not impact on the Senedd’s legislative competence or the Welsh Ministers’ executive competence.

The 2021 Regulations amend both European Union (EU) law and domestic legislation to implement the Protocol on Ireland / Northern Ireland (“the Protocol”), and to enable the continued operability of retained EU law, in the field of environmental protection in relation to the transboundary movement of waste, under the European Union (Withdrawal) Act 2018 (the “Withdrawal Act”), following the United Kingdom’s (UK’s) withdrawal from the EU.

The purpose of the amendments

The purpose of the 2021 Regulations is to make the necessary corrections to the retained legislation to implement controls on movements of waste from GB to NI.

The EU Waste Shipments Regulation makes provisions for the supervision and control of shipments of waste within its borders and with the countries of the European Free Trade Association, the Organisation for Economic Cooperation and Development (“OECD”) and non-EU countries that have signed the Basel Convention.

Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, shipments of waste are controlled to make sure they are managed in an environmentally sound manner. The provisions include preventing shipments to countries where environmentally sound management is not guaranteed and a notification procedure for the transboundary movements of waste.

Under the terms of the Protocol, Northern Ireland (NI) will continue to apply the EU Waste Shipments Regulation for the duration of the Protocol. This means Great Britain (GB) will treat NI as an EU Member State in the context of the movement of waste from GB to NI.

The operability changes and other consequential amendments made by the 2021 Regulations will establish regulatory and administrative controls on the movement of waste from GB to NI which are necessary to give effect to the Protocol.

The EU control regime for waste shipments will be retained in UK law after the Transition Period. The UK will remain a party to the Basel Convention and a member of the OECD and will continue to implement the international rules contained in these agreements.

The 2021 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here: <https://www.legislation.gov.uk/ukdsi/2021/9780348217650>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. There is no divergence in policy after full and careful consideration of the proposed amendments, assessment of the policy instructions and legal analysis of the drafting. These amendments are to ensure that the statute book remains functional at the end of the Implementation Period.

