

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4631 of 25 October, 2019

LEGAL NOTICE NO. 216 OF 2019

EUROPEAN UNION (WITHDRAWAL) ACT 2019

INTERNATIONAL WASTE SHIPMENTS (EU EXIT) REGULATIONS 2019

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EUROPEAN UNION (WITHDRAWAL) ACT 2019

INTERNATIONAL WASTE SHIPMENTS (EU EXIT) REGULATIONS 2019

In exercise of the powers conferred on him by section 11 of the European Union (Withdrawal) Act 2019, the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the International Waste Shipments (EU Exit) Regulations 2019.

Commencement.

2. These Regulations come into operation on 1 January 2021.

Part 1

Amendments to the Public Health Act

Amendment to Public Health Act.

3. The Public Health Act is amended as follows-

(a) in section 98D delete the words “for the purpose of the TSW Regulation”;

(b) for section 98E substitute-

“98E. For shipments of waste within and through Gibraltar, the Government shall be the competent authority of transit.”;

(c) section 98F is repealed;

(d) section 98H is repealed;

(e) for the heading immediately preceding section 98I substitute “Gibraltar Plans for Shipments of Waste”;

(f) for section 98I substitute-

“Gibraltar Plan for Shipments of Waste: continuation and changes.

98I.(1)The Gibraltar Waste Management Plan 2013 made under section 192M (in this Part referred to as the “Gibraltar Plan”), continues to have effect in relation to shipments of waste.

- (2) Subject to subsection (3) the Government may from time to time amend or replace the provisions of the Gibraltar Plan relating to shipments of waste.
- (3) Before amending or replacing the Gibraltar Plan, the Government must be satisfied that the change meets the objectives set out in -
 - (a) Article 4(2)(b) and (d) and (9)(a) of the Basel Convention; and
 - (b) paragraphs 1 to 3 of Schedule 11B.”;
- (g) in section 98J-
 - (i) for the words “waste management plan” substitute “Gibraltar Plan”;
 - (ii) in paragraphs (a) and (b) for the words “that plan” substitute “the Gibraltar Plan”;
- (h) in the heading after section 98L for the words “within the European Union” substitute “between Gibraltar and EU countries”;
- (i) in section 98M(1)-
 - (i) after the words “that originates in” insert “Gibraltar or”,
 - (ii) for the words “a Member State” substitute “an EU country”, and
 - (iii) for the word “third” substitute “non-EU”;
- (j) in section 98N(1) -
 - (i) after the words “that originates in” insert “Gibraltar or”,
 - (ii) for the words “a Member State” substitute “an EU country”, and
 - (iii) for the word “third” substitute “non-EU”;
- (k) in the heading after section 98M for the word “third” substitute “non-EU”;
- (l) in section 98O-
 - (i) for the word “third” substitute “non-EU”, and
 - (ii) after the words “circumstances, to” insert “EU or”;
- (m) in section 98PA-
 - (i) in the heading, after the words “Annex III or IIIA to” insert “non-EU,”,

- (ii) in subsection (2) after the words “being a” insert “non-EU”,
- (iii) in subsection (3) after the words “recovery in any other “ insert “non-EU”;
- (n) in section 98P-
 - (i) in the section heading, after the words “in Annex III etc. to” insert “non-EU,”, and
 - (ii) in subsection (1)(a) after the words “recovery in a” insert “non-EU”;
- (o) in section 98Q-
 - (i) in the section heading, after the words “for recovery to” insert “non-EU”, and
 - (ii) after the words “for recovery in a “ insert “non-EU”;
- (p) in section 98R-
 - (i) in the section heading, after the words “for recovery to” insert “non-EU”, and
 - (ii) in subsection (1) after the words “through any” insert “non-EU”;
- (q) in section 98U-
 - (i) in the section heading, after the words “from a” insert “non-EU”, and
 - (ii) in subsection (1) after the words “from a” insert “non-EU”;
- (r) in section 98W-
 - (i) in the section heading, for the word “an” insert “a non-EU”,
 - (ii) in subsection (1) after the words “through a” insert “non-EU”, and
 - (iii) in subsection (2) after the words “through, an” insert “EU or”;
- (s) in section 98X-
 - (i) in the section heading after the words “from a” insert “non-EU,”,
 - (ii) in subsection (1)(a) after the words “from a” insert “non-EU”,
 - (iii) in subsection (1)(b) after the words “through a” insert “non-EU”,
 - (iv) in subsection (2) after the words “from a” insert “non-EU,”;

- (t) in section 98Z-
 - (i) in subsection (1)(a) for the word “third” substitute “non-EU”,
 - (ii) in subsection (2) for the word “third” substitute “non-EU”;
- (u) in section 98ZA-
 - (i) in the section heading after the words “recovery:” insert “non-EU,” and
 - (ii) in subsection (1)(a) after the words “destined for, a” insert “non-EU”;
- (v) in section 98ZB-
 - (i) in the section heading after the words “for recovery:” insert “EU”,
 - (ii) in subsection (1)(a) for the words “a non-EU” substitute “an EU”;
- (w) in section 98ZC for the section heading and subsection (1) substitute-
“Requirements for transit of waste between EU or OECD Decision countries and non-EU, non-OECD Decision countries.
- 98ZC.(1) This regulation applies to waste destined for recovery that-
 - (a) originates from a non-EU country to which the OECD Decision does not apply and is destined for an EU country or a country to which the OECD Decision applies; or
 - (b) originates from an EU country or a country to which the OECD Decision applies and is destined for a non-EU country to which the OECD Decision does not apply.”;
- (x) in section 98ZX delete “or Schedule 19”;
- (y) delete Schedule 19.

Part 2

Amendments to annex 20 to EEA Agreement

Amendment to Annex 20 to EEA Agreement.

4. In Annex 20 to the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, so far as that Annex forms part of domestic law by virtue of section 6(2)(b) of the European (Withdrawal) Act 2019, in Chapter 5, omit points 32c and 32cb.

Part 3
Amendments to retained direct EU legislation

Amendments to EU Waste Shipments Regulation.

5. Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (“the Regulation”) is amended in accordance with regulations 6 to 69.

Amendments to Article 1.

6.(1) Article 1 is amended as follows.

(2) For paragraph 2 substitute-

“2. This Regulation shall apply to shipments of waste-

- (a) exported from Gibraltar to a third country, with or without transit through another third country (see Titles II and IV, read together);
- (b) imported into Gibraltar from a third country, with or without transit through another third country (see Titles II and V, read together);
- (c) from one third country to another with transit through Gibraltar (see Titles II and VI, read together).”.

(3) In paragraph 3-

(a) in point (e)-

(i) for the words “the waste referred to in point 1(b)(ii), (iv) and (v) of Article 2 of Directive 2006/12/EC” substitute “decommissioned explosives, waste waters or mining waste (see paragraph 6)”;

(ii) for “Community legislation” substitute “retained EU law”;

(b) in point (f), for “the Community” substitute “Gibraltar”;

(c) in point (g)-

(i) in the first sentence omit “into the Community”;

(ii) for the second sentence substitute-

“In such cases, the competent authority of destination and the competent authority of transit in Gibraltar shall be informed in advance concerning the shipment and its destination;”;

- (d) in point (h), after the words “carbon dioxide” insert “as amended from time to time”;
 - (e) in point (i), for the words “flying the flag of a Member State falling under” substitute “falling within”.
- (4) In paragraph 4, for “the Community”, in both places it occurs, substitute “Gibraltar”.
- (5) Omit paragraph 5.
- (6) At the end insert-
- “6. In paragraph 3(e), ‘decommissioned explosives, waste waters or mining waste’ means the waste referred to in paragraph 1(e) or 2(a) or (d) of Article 2 of Directive 2008/98/EC⁽¹⁾.”.

Amendments to Article 2.

7.(1) Article 2 is amended as follows.

- (2) In point 1, for the words “Article 1(1)(a) of Directive 2006/12/EC” substitute “Article 3(1) of Directive 2008/98/EC”.
- (3) In point 2, for the words “Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste” substitute “Articles 3(2) and 7 of Directive 2008/98/EC”.
- (4) In point 4, for “in Article 1(1)(e) of Directive 2006/12/EC” substitute “by Article 3(19) of Directive 2008/98/EC”.
- (5) In point 5, for “Annex IIA to Directive to 2006/12/EC” substitute “Annex I to Directive 2008/98/EC”.
- (6) In point 6, for “in Article 1(1)(f) of Directive 2006/12/EC” substitute “by Article 3(15) of Directive 2008/98/EC”.
- (7) In point 7, for “Annex IIB to Directive 2006/12/EC” substitute “Annex II to Directive 2008/98/EC”.
- (8) In point 7a, omit “of the European Parliament and of the Council”.
- (9) In point 9, for “Article 1(1)(b) of Directive 2006/12/EC” substitute “Article 3(5) of Directive 2008/98/EC”.
- (10) In point 10, for “Article 1(1)(c) of Directive 2006/12/EC” substitute “Article 3(6) of Directive 2008/98/EC”.

⁽¹⁾ OJ No. L 312, 22.11.2008, p. 3.

- (11) In point 11, for “Article 1(1)(g) of Directive 2006/12/EC” substitute “Article 3(10) of Directive 2008/98/EC”.
- (12) In point 12, for “Article 12 of Directive 2006/12/EC” substitute “Article 3(7) of Directive 2008/98/EC”.
- (13) In point 13, for “Article 12 of Directive 2006/12/EC” substitute “Article 3(8) of Directive 2008/98/EC”.
- (14) In point 15-
- (a) in paragraph (a) -
 - (i) for “a Member State” substitute “Gibraltar”;
 - (ii) for “that Member State” substitute “Gibraltar”;
 - (b) in paragraph (b) for the words “in the case of import into, or transit through, the Community of waste that does not originate in a Member State” substitute “in the case of import of waste into, or transit of waste through, Gibraltar”.
- (15) Omit points 18 to 21.
- (16) For point 26 substitute-
- “26. ‘overseas countries and territories’ means-
- (a) Anguilla,
 - (b) Bermuda,
 - (c) British Antarctic Territory,
 - (d) British Indian Ocean Territory,
 - (e) Cayman Islands,
 - (f) Falkland Islands,
 - (g) Montserrat,
 - (h) Pitcairn, Henderson, Ducie and Oeno Islands,
 - (i) St Helena, Ascension and Tristan da Cunha,
 - (j) South Georgia and the South Sandwich Islands,
 - (k) The Sovereign Base Areas of Akrotiri and Dhekelia,

- (l) Turks and Caicos Islands,
- (m) British Virgin Islands, and
- (n) any overseas country or territory not mentioned above which is listed in Annex 2 to the Treaty on the Functioning of the European Union.”.

(17) In point 29, after “customs territory of the Community” insert “or into the territory of the EFTA countries”.

(18) In point 30, for “the Community”, in both places it occurs, substitute “Gibraltar”.

(19) In point 31, for “the Community”, in both places it occurs, substitute “Gibraltar”.

(20) In point 35(e), for “Community” substitute “retained EU law”.

New Articles 2A to 2C.

8. After Article 2 insert-

“Article 2A
Meaning of “Directive 2008/98/EC””

1. In this Regulation, “Directive 2008/98/EC⁽²⁾” means (except in the expression “Directive 2008/98/EC as amended from time to time”) Directive 2008/98/EC as amended by-

- (a) Commission Regulation (EU) No 1357/2014⁽³⁾;
- (b) Commission Directive (EU) 2015/1127⁽⁴⁾; and
- (c) Council Regulation (EU) 2017/997⁽⁵⁾,

and read in accordance with paragraphs 2 to 6.

2. Article 2 of Directive 2008/98/EC is to be read as if-

- (a) in paragraph 2 in the words before point (a), for “other Community legislation” there were substituted “retained EU law”;
- (b) after paragraph 2 there were inserted-

⁽²⁾ OJ No. L 312, 22.11.2008, p. 3.

⁽³⁾ OJ No. L 365, 19.12.2014, p. 89.

⁽⁴⁾ OJ No. L 184, 11.7.2015, p. 13.

⁽⁵⁾ OJ No. L 150, 14.6.2017, p. 1.

“2A. In paragraph 2(d) “Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries⁽⁶⁾” means Directive 2006/21/EC read as if-

(a) in Article 2 of Directive 2006/21/EC-

(i) in paragraph 2(c), “Article 11(3)(j) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy⁽⁷⁾” had the meaning given in paragraph 2B;

(ii) paragraphs 3 and 4 were omitted;

(b) in Article 3(1) of Directive 2006/21/EC, for “Article 1(a) of Directive 75/442/EC” there were substituted “Article 3(1) of Directive 2008/98/EC”.

2B. For the purposes of paragraph 2A(a)(i), “Article 11(3)(j) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy” means Article 11(3)(j) of Directive 2000/60/EC read as if—

(a) the reference to “Member States” were a reference to the Minister for the Environment;

(b) in the words after the final indent, “environmental objectives” in relation to the Gibraltar River Basin District has the same meaning as in the Public Health (Water Framework) Rules 2004.”.

3. Article 5 of Directive 2008/98/EC is to be read as if paragraph 2 were omitted.

4. Article 6 of Directive 2008/98/EC is to be read as if-

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4-

(i) in the first sentence, for the words from the beginning to “Member States” there were substituted “Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies, the competent authority of destination and dispatch determined in accordance with section 98D of the Public Health Act”;

⁽⁶⁾ OJ No. L 102, 11.4.2006, p 15.

⁽⁷⁾ OJ No. L 327, 22.12.2000, p 1.

- (ii) the second sentence were omitted.
5. Article 7 of Directive 2008/98/EC is to be read as if-
- (a) in paragraph 1-
 - (i) the first and second sentences were omitted;
 - (ii) in the third sentence, for “shall be binding” there were substituted “shall, subject to paragraph 1A, be binding”;
 - (b) after paragraph 1, there were inserted-
 - “1A. Paragraph 1 is subject to-
 - (a) a designation by the Minister under section 192KA(8) of the Public Health Act, that a specific waste is to be treated as hazardous waste;
 - (b) a designation by the Minister under section 192KA(8A) of the Public Health Act, that specific waste is to be treated as non-hazardous waste”;
 - (c) paragraphs 2, 3 and 5 were omitted;
 - (d) after paragraph 6, there were inserted-
 - “6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;
 - (e) paragraph 7 were omitted.
6. Annex 3 to Directive 2008/98/EC is to be read as if-
- (a) in the entry for HP 9, in the second sentence, “in the Member States” were omitted;
 - (b) in the entry for HP 15, in the sentence immediately after Table 9, for “Member States” there were substituted “the competent authority of destination and dispatch determined in accordance with section 98D of the Public Health Act”.

Article 2B

References to EU country, non-EU country, EFTA country and third country

In this Regulation-

- (a) a reference to an EU country is a reference to a country which is a member State on exit day;

- (b) a reference to a non-EU country is a reference to a country other than Gibraltar which is not a member State on exit day;
- (c) a reference to an EFTA country is a reference to a non-EU country which is a party to the EEA agreement on exit day;
- (d) a reference to a third country is a reference to a country other than Gibraltar.

Article 2C

References to competent authority

1. In this Regulation, a reference to the ‘competent authority’-
 - (a) in relation to Gibraltar, is to be read in accordance with paragraphs 3 and 4;
 - (b) in relation to an EU country, is a reference to the body designated by that country in accordance with Article 53 of Regulation (EC) No. 1013/2006⁽⁸⁾ as it has effect in EU law as amended from time to time; or
 - (c) in relation to a non-EU country that is a Party to the Basel Convention, is a reference to the body designated by that country as the competent authority in accordance with Article 5 of the Convention; or
 - (d) in relation to any country not referred to in points (a) to (c), is a reference to 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).
2. In this Regulation-
 - (a) ‘competent authority of dispatch’ means the competent authority for the area from which the shipment is planned to be initiated or is initiated;
 - (b) ‘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;
 - (c) ‘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.

⁽⁸⁾ OJ No. L 190, 12.7.2006, p. 1.

3. For the competent authority of dispatch, or the competent authority of destination, in Gibraltar see section 98D of the Public Health Act.
4. For the competent authority of transit in Gibraltar see section 98E of the Public Health Act.”.

Amendment to Title II heading.

9. In the Title II heading omit “WITHIN THE COMMUNITY”.

Amendment to Article 3.

10. In Article 3(3), for “91/689/EEC” substitute “2008/98/EC⁽⁹⁾”.

Amendments to Article 6.

- 11.(1) Article 6 is amended as follows.

- (2) In the second subparagraph of paragraph 4-

- (a) for “into the Community” substitute “from a country other than an EU country”;
- (b) omit “in the Community”.

- (3) In paragraph 7 omit “within the Community”.

- (4) Omit paragraph 9.

Amendments to Article 11.

- 12.(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 “the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with 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 “Member State(s) concerned or the Community” substitute “objecting country”;

⁽⁹⁾ OJ No. L 312, 22.11.2008, p. 3.

(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 waste management plan made under section 192M of the Public Health Act; 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 Gibraltar which does not apply best available techniques within the meaning given by Article 3(10) of Directive 2010/75/EU⁽¹⁰⁾ 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 an “installation” or “mobile plant” within the meaning of the Pollution Prevention and Control Regulations 2013.”.

(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.

Amendments to Article 12.

13.(1) Article 12 is amended as follows.

⁽¹⁰⁾ OJ No. L 334, 17.12.2010, p. 17.

(2) In paragraph 1-

- (a) in the words before point (a) omit “and in accordance with the Treaty”;
- (b) omit point (a);
- (c) in point (c)-
 - (i) in the first subparagraph omit the words “, respecting the need to ensure the proper functioning of the internal market”;
 - (ii) omit point (i);
 - (iii) omit point (iii);
- (d) in point (f), for the words from “Member State(s) concerned of the community” substitute “objecting country”;
- (e) for point (i) substitute-
 - “(i) that the waste will be treated-
 - (i) in a relevant facility in Gibraltar which does not apply best available techniques within the meaning given by Article 3(10) of Directive 2010/75/EU 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”.
 - (g) for point (k) substitute-
 - “(k) that the waste concerned will not be treated in accordance with a plan established under Part VA of the Public Health Act or Article 28 of Directive 2008/98/EC as amended from time to time.”.

(3) After paragraph 1 insert-

“1A. In paragraph 1 “relevant facility” has the meaning given by Article 11(1A).

(4) For paragraph 5 substitute-

“(5) Objections raised in accordance with paragraph 1(c) shall be recorded by the competent authority.”

(5) Omit paragraph 6.

Amendment to Article 14.

14. In Article 14(3), for the words “inform the Commission and, where appropriate, the OECD Secretariat of:” substitute “, where appropriate, ensure the OECD Secretariat is informed of”.

Amendment to Article 15.

15. In Article 15(f), in point (i) omit “or in another Member State”.

Amendments to Article 18.

16.(1) Article 18 is amended as follows.

(2) In paragraph 3, for “Member States” substitute “the competent authority in Gibraltar”.

(3) In paragraph 4 omit “by Community and”.

Amendments to Article 20.

17.(1) Article 20 is amended as follows.

(2) In paragraph 1 omit “in the Community”.

(3) In paragraph 2 omit “in the Community”.

Amendments to Article 21.

18. In Article 21-

(a) for “The competent authorities” substitute “A competent authority”;

(b) for “they have” substitute “it has”;

(c) omit “or Community”.

Amendment to Article 22.

19. In Article 22(9) omit “within a Member State”.

Amendment to Article 23.

20. In Article 23(2), omit “Community and”.

Amendments to Article 24.

21.(1) Article 24 is amended as follows.

(2) In paragraph 7 omit “within a Member State”.

(3) In paragraph 10, omit “Community and”.

Amendment to Article 25.

22. In Article 25(5), omit “Community and”.

Amendment to Article 26.

23. In Article 26-

(a) in paragraph 4-

(i) in the first subparagraph for the words “Directive 1999/93/EC of the European Parliament and of the Council (1)” substitute “Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market”

(ii) delete the second subparagraph;

(b) after paragraph 4 insert -

“5. The Minister may, if the condition in paragraph 6 is met, make regulations setting out the technical and organisational requirements for the practical implementation of electronic data interchange for the submission of documents and information with a view to facilitating the implementation of paragraph 4.

6. The condition is that the Minister-

(a) has taken into consideration any relevant international standards, and

(b) is satisfied that the requirements set out in the regulations are in conformity with Regulation (EU) No 910/2014 or provide at least the same level of security as provided for under that Regulation.”.

Amendment to Article 28.

24. In Article 28(1), in the second sentence for “Community” substitute “retained EU”.

Omission of Article 30.

25. Omit Article 30.

Amendment to Title II, Chapter 6 heading

26. In Title II, in the heading of Chapter 6 omit “within the Community”.

Amendment to Article 31.

27. In Article 31, in the words before point (a), for “the Community” substitute “Gibraltar”.

Amendments to Article 32.

28.(1) Article 32 is amended as follows.

(2) In paragraph 1-

(a) for “the Community” substitute “Gibraltar”;

(b) for “third” substitute “non-EU”.

(3) In paragraph 2-

(a) for the words “the Community, including shipments between localities in the same Member State” substitute “Gibraltar,”;

(b) for “third” substitute “non-EU”.

Omission of Title III.

29. Omit Title III.

Amendment to Title IV heading.

30. In the heading of Title IV omit “FROM THE COMMUNITY”.

Amendments to Article 34.

31.(1) Article 34 is amended as follows.

(2) In the heading for the words from “prohibited” to the end substitute “prohibitions etc.”.

(3) In paragraph 1 for “the Community” substitute “Gibraltar”.

(4) In paragraph 2, after “disposal in” insert “the United Kingdom, the EU or”.

(5) After paragraph 4 insert-

“5. Where a person proposes to export waste destined for disposal in an EU or EFTA country, the Government shall be required to present a prior duly reasoned request to the competent authority of the EU or EFTA country of destination on the basis that technical capacity and the necessary facilities in order to dispose of

the waste in an environmentally sound manner do not exist, or cannot reasonably be acquired, in Gibraltar.”.

Amendments to Article 35.

32.(1) Article 35 is amended as follows.

(2) In the heading after “exporting to” insert “the UK, EU or”.

(3) In paragraph 1-

- (a) for “the Community” substitute “Gibraltar”;
- (b) after “disposal in” insert “the United Kingdom, EU or”;
- (c) omit “*mutatis mutandis*”.

(4) In paragraph 2-

- (a) in the words before point (a), for “The” substitute “Where waste is exported with transit via one or more non-EU countries, the”;
- (b) in point (a), for “the Community” substitute “Gibraltar”;
- (c) in point (b)-
 - (i) for “the Community”, in the first place it occurs, substitute “Gibraltar”;
 - (ii) omit “outside the Community”.

(5) In paragraph 3-

- (a) omit points (a) to (d);
- (b) in point (e)-
 - (i) for “the Community”, in the first place it occurs, substitute “Gibraltar”;
 - (ii) omit “in the Community”;
- (c) in point (f), in the words before point (i), at the beginning insert “where waste is destined for disposal in an EFTA country Party to the Basel Convention,”.

(5) In paragraph 4(a) omit “outside the Community”.

(6) In paragraph 5, for “exported” substitute “destined for disposal in an EFTA country Party to the Basel Convention”.

(7) For paragraph 6 substitute-

“6. If a customs officer discovers an illegal shipment, that officer must-

- (a) without delay inform the competent authority of dispatch; and
- (b) ensure detention of the waste until the competent authority of dispatch has decided otherwise.”.

Amendment to Chapter 2, Section 1 heading.

33. In Chapter 2, in the heading of Section 1 after “Exports to” insert “non-EU,”.

Amendments to Article 36.

34.(1) Article 36 is amended as follows.

(2) In paragraph 1, in the words before point (a)-

- (a) for “the Community” substitute “Gibraltar”;
- (b) for “countries” substitute “non-EU countries”.

(3) In paragraph 3-

- (a) for the words “Member States may, in exceptional cases, adopt provisions” substitute “A competent authority may, in an exceptional case, adopt a procedure”;
- (b) for “91/689/EEC” substitute “2008/98/EC”;
- (c) omit the words from “of 3 May 2000” to the end.

(4) In paragraph 4-

- (a) for “91/689/EEC”, in the first place it occurs, substitute “2008/98/EC”;
- (b) for the words “Article 1(4), second indent, of Directive 91/689/EEC” substitute “Articles 3(2) and 7 of Directive 2008/98/EC”.

(5) For paragraph 5 substitute-

“5. In the cases referred to in paragraphs 3 and 4, the competent authority shall inform the envisaged country of destination prior to taking a decision. The Minister shall ensure that the Secretariat of the Basel Convention is informed by the end of each calendar year of the occasions where a paragraph 3 and 4 have

been applied during the course of that year. On the basis of the information provided, the Minister may make comments and, where appropriate, amend Annex V in accordance with Article 58.”.

(6) After paragraph 5 insert-

“6. For the purposes of this Article, Liechtenstein shall be deemed to be a country to which the OECD Decision applies.”.

Amendments to Article 37.

35.(1) Article 37 is amended as follows.

(2) In paragraph 1-

(a) in the first subparagraph, in the words before point (i)-

(i) for the words from “Commission shall, within 20 days of the entry into force of this Regulation,” substitute “Minister may”;

(ii) after “each” insert “non-EU”;

(b) in point (i), for “the Community” substitute “Gibraltar”;

(c) in the second subparagraph, after “Each” insert “non-EU”.

(2A) In paragraph 2-

(a) for the first subparagraph substitute-

“The Minister may, by regulations, amend Commission Regulation (EC) No 1418/2007 in order to take into account any replies received pursuant to paragraph 1 on or after 1 January 2021.”;

(b) omit the third subparagraph.

(3) After paragraph 5 insert-

“6. For the purposes of this Article, Liechtenstein shall be deemed to be a country to which the OECD Decision applies.”.

Amendment to Chapter 2, Section 2 heading.

36. In Chapter 2, in the heading of Section 2 after “to” insert “EU or”.

Amendments to Article 38

37.(1) Article 38 is amended as follows.

(2) In paragraph 1-

- (a) for “the Community” substitute “Gibraltar”;
- (b) for “countries”, in the first place it occurs, substitute “an EU country or country”;
- (c) after “transit through” insert “one or more EU countries or”;
- (d) omit “mutatis mutandis”.

(3) In paragraph 2-

- (a) in the words before point (a), for “The” substitute “Except where waste is destined for recovery in an EU country, the”;
- (b) in point (a) after “in a” insert “non-EU”;
- (c) in point (c) omit “outside the Community”.

(4) In paragraph 3-

- (a) omit points (a) to (c);
- (b) in point (d), for “the Community”, in both places it occurs, substitute “Gibraltar”;
- (c) in point (e), at the beginning insert “except where waste is destined for recovery in an EU country,”.

(5) In paragraph 4(a), for “authorities of destination and transit outside the Community” substitute “authority of destination in any non-EU country or tacit consent from the competent authority of transit in any country”.

(6) In paragraph 5-

- (a) in the words before point (a), after “through a” insert “non-EU”;
- (b) in point (a) omit “to which the OECD Decision does not apply”;
- (c) in point (b)-
 - (i) omit “in the Community”;
 - (ii) omit “to which the OECD Decision does not apply”.

(7) In paragraph 6, for “Where waste is exported” substitute “Except where waste is destined for recovery in an EU country”.

(8) For paragraph 7 substitute-

- “7. If a customs officer discovers an illegal shipment, that officer must-
- (a) without delay inform the competent authority of dispatch; and
 - (b) ensure detention of the waste until the competent authority of dispatch has decided otherwise.
8. For the purposes of this Article, Liechtenstein shall be deemed to be a country to which the OECD Decision applies.”.

Amendment to Article 39.

38. In Article 39, for “the Community” substitute “Gibraltar”.

Amendment to Article 40.

39.(1) Article 40 is amended as follows.

- (2) In paragraph 1, for “the Community” substitute “Gibraltar”.
- (3) In paragraph 2, omit “*mutatis mutandis*”.

Amendment to Title V heading.

40. In the heading of Title V omit “INTO THE COMMUNITY”.

Amendments to Article 41.

41.(1) Article 41 is amended as follows.

- (2) In paragraph 1-
 - (a) in the words before point (a), for “the Community” substitute “Gibraltar”;
 - (b) in point (b)-
 - (i) for the words from “the Community, or the Community and its Member States, have” substitute “Gibraltar has”;
 - (ii) for “Community legislation” substitute “retained EU law”;
 - (c) in point (c) for “individual Member States have” substitute “Gibraltar has”.

(3) In paragraph 2-

- (a) in the first subparagraph-
 - (i) for “individual Member States” substitute “the Minister”;

- (ii) for “those Member States” substitute “Gibraltar”;
- (b) in the second subparagraph for “Community legislation” substitute “retained EU law”;
- (c) in the fourth subparagraph for the words “the Member State which has concluded the agreement or arrangement” substitute “Gibraltar”;
- (d) omit the fifth subparagraph.

(4) In paragraph 4 omit “the Member State of”.

Amendments to Article 42.

42.(1) Article 42 is amended as follows.

(2) In paragraph 1-

- (a) for “the Community” substitute “Gibraltar”;
- (b) omit “*mutatis mutandis*”;
- (c) for “paragraphs 2 and 3” substitute “paragraph 2”.

(3) In paragraph 2(a), for “outside the Community” substitute “in any non-EU country”.

(4) Omit paragraph 3.

(5) For paragraph 5 substitute-

“5. If a customs officer discovers an illegal shipment, that officer must-

- (a) without delay inform the competent authority of destination; and
- (b) ensure detention of the waste until the competent authority of destination has decided otherwise.”.

Amendments to Article 43.

43.(1) Article 43 is amended as follows.

(2) In paragraph 1-

- (a) in the words before point (a) for “the Community” substitute “Gibraltar”;
- (b) in point (c)-

- (i) for the words “the Community, or the Community and its Member States, have” substitute “Gibraltar has”;
 - (ii) for “Community legislation” substitute “retained EU law”;
 - (c) in point (d), for “individual Member States have” substitute “Gibraltar has”.
- (3) In paragraph 2-
- (a) for “individual Member States” substitute “the Minister ”;
 - (b) for “those Member States” substitute “Gibraltar”.

Amendments to Article 44.

44.(1) Article 44 is amended as follows.

- (2) In the heading, after “imports from an” insert “EU or”.
- (3) In paragraph 1-
 - (a) for “the Community” substitute “Gibraltar”;
 - (b) for “countries and through countries” substitute “or through an EU country or country”;
 - (c) omit “*mutatis mutandis*”;
 - (d) for “paragraphs 2 and 3” substitute “paragraph 2”.
- (4) In paragraph 2-
 - (a) in point (a), for “outside the Community” substitute “in any non-EU country”;
 - (b) in point (b), at the beginning insert “where waste is imported from a non-EU country to which the OECD Decision applies, with or without transit via another country,”.
- (5) Omit paragraph 3.
- (6) In paragraph 4(a), for “outside the Community” substitute “in any non-EU country”.
- (7) For paragraph 5 substitute-
 - “5. If a customs officer discovers an illegal shipment, that officer must-
 - (a) without delay inform the competent authority of destination; and

- (b) ensure detention of the waste until the competent authority of destination has decided otherwise.”.

Amendments to Article 45.

45.(1) Article 45 is amended as follows.

- (2) In the heading, after “imports from a” insert “non-EU,”.
- (3) In the words before point (a), for “the Community” substitute “Gibraltar”.
- (4) In point (a), after “from a” insert “non-EU”.
- (5) In point (b), after “through any” insert “non-EU”.

Amendments to Article 46.

46.(1) Article 46 is amended as follows.

- (2) In paragraph 1-
 - (a) for “the Community” substitute “Gibraltar”;
 - (b) omit “*mutatis mutandis*”.
- (3) In paragraph 2-
 - (a) for “and the Member State to which they are linked” substitute “listed in points (a) to (n) of Article 2(26) and Gibraltar”;
 - (b) for “that Member State” substitute “Gibraltar”.
- (4) In paragraph 3, for the words “Member States which apply paragraph 2 shall notify the Commission” substitute “Where paragraph 2 applies, the Minister must ensure that the Secretariat of the Basel Convention is notified”.

Amendment to Title VI heading.

47. In the heading of Title VI, for “THE COMMUNITY” substitute “GIBRALTAR”.

Amendments to Article 47.

48.(1) Article 47 is amended as follows.

- (2) In the heading, for “the Community” substitute “Gibraltar”.
- (3) For “Member States” substitute “Gibraltar”.

- (4) Omit the words “, with the adaptations, and additions listed below:
- (a) the first and last competent authority of transit in the Community shall, where appropriate, send a stamped copy of the decisions to consent to the shipment or, if they have provided tacit consent, a copy of the acknowledgement in accordance with Article 42(3)(a) to the customs offices of entry into and exit from the Community respectively; and
 - (b) as soon as the waste has left the Community, the customs office of exit from the Community shall send a stamped copy of the movement document to the competent authority(ies) of transit in the Community, stating that the waste has left the Community.”.

Amendments to Article 48.

49.(1) Article 48 is amended as follows.

(2) In the heading, for “the Community” substitute “Gibraltar”.

(3) In paragraph 1-

- (a) for “Member States” substitute “Gibraltar”;
- (b) before “country” insert “non-EU”.

(4) In paragraph 2-

- (a) for “Member States” substitute “Gibraltar”;
- (b) after “from and to” insert “an EU country or”;
- (c) omit the words-

“, with the adaptations and additions listed below:

- (a) the first and last competent authority of transit in the Community shall, where appropriate, send a stamped copy of the decisions to consent to the shipment or, if they have provided tacit consent, a copy of the acknowledgement in accordance with Article 42(3)(a) to the customs offices of entry into and exit from the Community respectively; and
- (b) as soon as the waste has left the Community, the customs office of exit from the Community shall send a stamped copy of the movement document to the competent authority(ies) of transit in the Community, stating that the waste has left the Community.”.

(5) For paragraph 3 substitute-

- “3. Where waste destined for recovery is shipped through Gibraltar from a non-EU country to which the OECD Decision does not apply to an EU country or country to which the OECD Decision applies or vice versa, paragraph 1 shall apply as regards the non-EU country to which the OECD Decision does not apply and paragraph 2 shall apply as regards the EU country or country to which the OECD Decision applies.”.

Amendments to Article 49.

50.(1) Article 49 is amended as follows.

- (2) In paragraph 1 omit the second sentence.
- (3) In paragraph 2-
 - (a) in the first subparagraph-
 - (i) for the words before point (a) substitute “In the case of an export from Gibraltar to a non-EU country, the competent authority of dispatch in Gibraltar shall”;
 - (ii) in point (a) omit “third”;
 - (iii) in point (b) omit “to third countries”;
 - (b) in the second subparagraph, for “Community legislation” substitute “retained EU law”;
 - (c) in the third subparagraph omit “third”.
- (4) In paragraph 3-
 - (a) for the words before point (a) substitute “In the case of an import into Gibraltar from a non-EU country, the competent authority of destination in Gibraltar shall”;
 - (b) in point (a) omit the words from “, and in accordance with Article 4 of Directive 2006/12/EC and other Community legislation on waste”;
 - (c) in point (b) omit “from third countries”.

Amendments to Article 50.

51.(1) Article 50 is amended as follows.

- (2) In the heading omit “in Member States”.
- (3) Omit paragraphs 1 and 2.

(4) In paragraph 2a, for the first sentence substitute “The Minister shall ensure that, in respect of Gibraltar, one or more plans are maintained, either separately or as a clearly defined part of other plans, for inspections carried out for the purposes of the enforcement of this Regulation (‘inspection plan’).”.

(5) In paragraph 3 for “Union”, in both places it occurs, substitute “Gibraltar”.

(6) In paragraph 4a, for “Directive 2012/19/EC of the European Parliament and of the Council” substitute “Part II of the Environment (Waste) Regulations 2007”.

(7) In paragraph 4b, for “Union legislation” substitute “retained EU law”.

(7A) for paragraph 4e substitute-

“4e. The Minister may, by regulations, amend the correlation table in Commission Implementing Regulation (EU) 2016/1245 in order to-

- (a) reflect changes to the combined nomenclature provided for in Council Regulation (EEC) No 2658/87;
- (b) reflect changes to the entries of waste listed in Annexes 3, 3A, 3B, 4, 4A and 5;
- (c) include any new waste-related codes of the Harmonised System Nomenclature that the World Customs Organisation may adopt.”.

(8) For paragraph 5 substitute-

“5. The competent authorities in Gibraltar shall, where appropriate, cooperate, bilaterally and multilaterally, with the competent authorities of EU countries in order to-

- (a) facilitate the prevention and detection of illegal shipments;
- (b) exchange relevant information on shipments of waste, flows of waste, operators and facilities; and
- (c) share experience and knowledge on enforcement measures, including the risk assessment carried out pursuant to paragraph 2a of this Article.”.

(9) In paragraph 6-

(a) in the first sentence-

- (i) for “Member States” substitute “Each competent authority in Gibraltar”;
- (ii) for “their” substitute “its”;

(b) for the second sentence substitute “The Minister shall, before the end of each calendar year, ensure that the information is sent to the Secretariat of the Basel Convention.”.

(10) Omit paragraph 7.

Amendments to Article 51.

52. For Article 51 substitute-

“Article 51

Reports

1. The Minister must, before the end of each calendar year-
 - (a) prepare the report for the previous calendar year referred to in Article 13(3) of the Basel Convention; and
 - (b) ensure that it is transmitted to the Secretariat of the Basel Convention in accordance with that Article.
2. The Minister must, before the end of each calendar year-
 - (a) prepare a further report for the previous calendar year based on the questionnaire and table in Annex 9; and
 - (b) publish the further report in a manner which the Minister considers appropriate.”.

(4) Omit paragraphs 3 and 4.

Amendments to Article 52.

53. In Article 52-

- (a) for “Member States” substitute “Gibraltar”;
- (b) omit “in liaison with the Commission”.

Omission of Articles 53 and 54.

54. Omit Articles 53 and 54.

Substitution of Article 55.

55. For Article 55 substitute-

“Article 55

Designation of frontier crossing points

The Minister may designate places at which waste entering or leaving Gibraltar is controlled. If the Minister decides to designate such places, a shipment of

waste must not be allowed to use any other places within Gibraltar for the purposes of entering or leaving Gibraltar.”.

Amendments to Article 56.

56.(1) Article 56 is amended as follows.

(2) In paragraph 1-

- (a) in the words before point (a) for “Member States shall notify the Commission of designations of” substitute “The Minister must ensure that the Secretariat of the Basel Convention is informed of designations of:”;
- (b) in point (a) omit “, pursuant to Article 53”;
- (c) omit point (b);
- (d) in point (c), for the words from “customs offices of entry into and exit from the Community,” substitute “frontier crossing points, designated”.

(3) In paragraph 2, in the words before point (a) for “Member States shall notify the Commission” substitute “the Minister must ensure that the Secretariat of the Basel Convention is informed.

(4) In paragraph 3 for “Member States shall immediately notify the Commission” substitute “The Minister must ensure that the Secretariat of the Basel Convention is informed is immediately notified”.

(5) Omit paragraph 4.

(6) In paragraph 5 for “The Commission shall publish on its web-site lists of the designated competent authorities, correspondents and customs offices of entry into and exit from the Community,” substitute “The Minister shall publish on a website lists of the competent authorities in Gibraltar and frontier crossing points designated pursuant to Article 55,”.

Omission of Article 57.

57. Omit Article 57.

Amendments to Article 58.

(57A) Article 58 is amended as follows-

- (a) for the words “Commission shall be empowered to adopt delegated acts in accordance with Article 58a to” substitute “Minister may, by regulations,”;
- (b) in point (b), for the words from “agreed” to the end substitute “any amendments made to Commission Decision 2000/532/EC”.

Omission of Article 58a

58. Omit Article 58a.

Omission of Article 60

59. Omit Article 60.

Omission of Articles 62 to 64

60. Omit Articles 62 to 64.

Omission of text following Article 64

61. After Article 64, omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendments to Annex IC.

62.(1) Annex IC is amended as follows.

(2) In paragraph 2, in the second sentence, for “The European Community Regulation” substitute “This Regulation”.

(3) In paragraph 3, in the fourth sentence, for “Within the EU, the” substitute “The”.

(4) In paragraph 21-

(a) in the third sentence, for “Annexes IIA or IIB of Directive 2006/12/EC on waste” substitute “Annex I or II of Directive 2008/98/EC”;

(b) for the final sentence, substitute “If the recovery or disposal facility is a facility (within the meaning of regulation 2(1) of the Pollution Prevention and Control Regulations 2013), evidence (e.g. a declaration certifying its existence) of a valid permit issued in accordance with the those regulations must be provided in an annex.”.

(5) In paragraph 22-

(a) in the first sentence, for “Annexes IIA or IIB of Directive 2006/12/EC on waste” substitute “Annex I or II of Directive 2008/98/EC”;

(b) in the fifth sentence, for “the Community” substitute “Gibraltar”.

(6) In paragraph 25-

(a) in point (a) omit “Article 63 of this Regulation or”;

(b) in point (c), for the words “European Union Member States should use the codes included in the European Community list of wastes (see Commission Decision 2000/532/EC as amended) ⁽¹⁾” substitute “The codes included in Commission Decision 2000/532/EC should be used”;

(c) in point (g), in the second sentence omit “of the European Parliament and of the Council”.

(7) In paragraph 41, in the third sentence, for “Annexes IIA or IIB of Directive 2006/12/EC on waste” substitute “Annex I or II of Directive 2008/98/EC”.

(8) In paragraph 44, in the second sentence, after “including” insert “, where appropriate,”.

(9) In paragraph 47, in the third sentence, for “Annexes IIA or IIB of Directive 2006/12/EC on waste” substitute “Annex I or II of Directive 2008/98/EC”.

(10) In paragraph 50, for “customs offices at the borders of the Community” substitute “customs officers.”.

Amendments to endnotes to provisions of Annex IC.

63.(1) The endnotes to provisions of Annex IC are amended as follows.

(2) In the endnote for “consignee” in paragraph 6 of Annex IC, for “Outside the European Community” substitute “In non-EU countries”.

(3) In the endnote for “notifier” in paragraph 13 of Annex IC, for “Outside the European Community” substitute “In non-EU countries”.

(4) In the endnote for “broker” in paragraph 15 of Annex IC, for “some third” substitute “non-EU”.

(5) In the endnote for “producer of the waste” in paragraph 20 of Annex IC, for “Outside the European Community” substitute “In non-EU countries”.

(6) In the endnote for paragraph 22 of Annex IC, for “the European Community”, in each place it occurs, substitute “Gibraltar”.

(7) In the second endnote for paragraph 26 of Annex IC, for “Outside the European Community” substitute “In non-EU countries”.

Amendments to Annex II.

64.(1) Annex II is amended as follows.

(2) In Part 1-

(a) in the third subparagraph of paragraph 5-

(a) for “96/61/EC” substitute “2010/75/EU⁽¹⁾”;

(b) for “Articles 4 and 5 of that Directive” substitute “the Pollution Prevention and Control Regulations 2013”;

(b) in paragraph 14 after country concerned, including” insert “, where appropriate”;

⁽¹⁾ OJ No. L 334, 17.12.2010, p. 17.

- (c) in paragraph 19 for “Annexes IIA and IIB to Directive 2006/12/EC” substitute “Annex I and II to Directive 2008/98/EC”;

(3) In Part 2, in paragraph 5, after “country concerned, including” insert “, where appropriate,”.

(4) In Part 3, in paragraph 2 for “Articles 4 and 5 of Directive 96/61/EC” substitute “the Pollution Prevention and Control Regulations 2013 or Articles 4 and 5 of Directive 2010/75/EU as amended from time to time”;

Amendment to Annex III.

65. In Annex III, in the words before Part I, in point (a) for “91/689/EEC” substitute “2008/98/EC”.

Amendment to Annex IIIA

66. In Annex IIIA, in paragraph 1(a) for “91/689/EEC” substitute “2008/98/EC”.

Amendment to Annex IIIB.

67. In Annex IIIB, in paragraph 1(a) omit “of the European Parliament and of the Council”.

Amendment to Annex V.

68. In Annex V, in the introductory notes-

(a) omit paragraph 1;

(b) in paragraph 3(a), for “91/689/EEC” substitute “2008/98/EC”.

Substitution of Annex IX.

69. For Annex IX substitute-

“Annex IX

QUESTIONNAIRE FOR REPORTS PURSUANT TO ARTICLE 51(2)

Information on illegal shipments of waste

Has there been any case of an illegal shipment of waste?

(Please tick ✓ as appropriate)

Yes

No

If yes, please complete table 1 for any cases which have been closed during the reporting period.

Please provide information on how illegal shipments of waste are prevented, detected and penalised:

.....
.....
.....
.....
.....

Summary information on the outcome of the inspections carried out in enforcing this Regulation, including:

Number of inspections, including physical checks, of establishments, undertakings, brokers and dealers, related to shipments of waste:

Number of inspections of shipments of waste, including physical checks:

Number of supposed illegalities concerning establishments, undertakings, brokers and dealers, related to shipments of waste:

Number of supposed illegal shipments ascertained during the inspections:

Additional remarks:

.....
.....
.....
.....
.....

Information on the inspection plan(s)

Number of inspection plan(s) for the entire geographical territory:

The date of adoption of the inspection plan(s) and the period covered by them:

The latest review date of the inspection plan(s):

The authorities involved in inspections and the cooperation amongst those authorities:

Indicate the persons or bodies to which concerns or irregularities can be reported:

.....
.....
.....
.....
.....

Table 1

<i>Waste identification code</i>	<i>Quantity (kg/litres)</i>	<i>Country of destination (De) and country of dispatch (Di)</i>	<i>Identification of the reason for illegality (possible reference to violated Articles)</i>	<i>Responsible for illegality (please tick as appropriate)</i>			<i>Measures taken, including any penalties imposed</i>
				<i>Notifier</i>	<i>Consignee</i>	<i>Other.</i>	

”.

Amendments to Regulation (EC) No 1418/2007.

70.(1) Commission Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply is amended as follows.

(2) In Article 1, after “Export” insert “from Gibraltar”.

(3) In Article 1a, omit “by the Commission”.

(4) Omit Article 3 and the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendment to Commission Implementing Regulation (EU) 2016/1245.

71.(1) Commission Implementing Regulation (EU) 2016/1245 setting out a preliminary correlation table between codes of the Combined Nomenclature provided for in Council Regulation (EEC) No 2658/87 and entries of waste listed in Annexes III, IV and V to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste is amended as follows.

(2) Omit Article 2 and the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Dated 25th October 2019.

PROF J CORTES,
Minister with responsibility for the Environment.

EXPLANATORY MEMORANDUM

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2019 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of Gibraltar and Gibraltar from the European Union.

These Regulations make amendments to legislation in the field of environmental protection and, in particular, amend legislation on international waste shipments.

Part 1 amends the Public Health Act.

Part 2 amends Annex 20 to the EEA agreement so far as that Annex forms part of domestic law.

Part 3 amends retained direct EU legislation.

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