

# UK Plan for Shipments of Waste

UK government policy on shipments of waste for disposal to and from the United Kingdom

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Llywodraeth Cymru  
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Department of  
**Agriculture, Environment  
and Rural Affairs**

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# UK Plan for Shipments of Waste

## Introduction

1. This Plan, entered into force on 9 August 2007. It was amended in May 2012 and is now amended with effect from XX March 2021. It 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 the relevant regulations<sup>1</sup> is subject to this Plan.
3. Shipments notified in accordance with the relevant regulations 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 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 relevant regulations which implement the Basel Convention within the UK, as well as the OECD Decision.
5. This Plan has been prepared to meet the requirement of regulation 11A of the Transfrontier Shipments of Waste Regulations 2007 as amended<sup>2</sup> (the TFS regs). Regulation 11A provides for the continued effect of the UK Plan for Shipments of Waste of May 2012 and enables the Secretary of State to amend or replace it, provided it meets certain objectives for waste management plans.
6. Anyone shipping waste should ensure that they are doing so in compliance with the relevant regulations, the TFS regs 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 relevant regulations. 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).

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<sup>1</sup> The "relevant regulations" here and throughout this document refer to the retained Regulation EC No 1013/2006 as amended by the International Waste Shipments (Amendment) (EU Exit) Regulations 2019 in respect of Great Britain, and Regulation EC No 1013/2006 as it applies by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement in respect of Northern Ireland.

<sup>2</sup> As amended by the International Waste Shipments (Amendment) (EU Exit) Regulations 2019.

8. **Terms** used in this Plan have the same meaning as they have in the **relevant regulations**.<sup>3</sup>

## Statutory requirements

### Shipments of waste for disposal: Summary

9. 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 **the European Union (EU)** and **European Free Trade Area** 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 **EU** 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 **to or from a EU or EFTA country** produced in such a small quantity overall per year in the country of **dispatch** that the provision of new specialised disposal installations in the country of dispatch would be uneconomic;
- **imports of Naturally Occurring Radioactive Material (NORM) into the United Kingdom which repatriate NORM waste of UK origin;**
- shipments of waste into the UK from a Party to the Basel Convention 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 **g**overnment has concluded a bilateral agreement;
- **shipments to the UK from UK Overseas Territories;**
- **exports of mercury waste or mercury-contaminated wastes to an EU or EFTA country produced in such quantities overall per year in the UK, that the provision of new specialised disposal installations in the UK would be uneconomic;**

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<sup>3</sup> A glossary is included in the Explanatory Note to the UK Plan, **Annex D**, for further information.

10. 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 **relevant regulations**.

## Shipments of waste for disposal: Detail

11. Consistent with the **relevant regulations**, 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.

12. Shipments of waste destined for a biological or physico-chemical treatment operation (D8/D9) or an interim disposal operation are **permissible** provided that such treatment results in final compounds which are disposed of in a manner that is in accordance with the exceptions below **and in the case of proposed exports from the UK there are no suitable UK facilities that can provide these interim disposal operations**.

13. A UK competent authority of destination or dispatch must object to any shipment notified in accordance with the **relevant regulations** which this Plan indicates should not be brought into or dispatched from the UK.

## Emergency situations

14. 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.

15. Where the above condition is met, shipments of hazardous waste in emergency situations are allowed **to the UK from any country**.

16. Shipments of hazardous waste in emergency situations are allowed **from the UK to EU or EFTA countries**.

## Shipments for Trial Runs

17. 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 **a hazardous or non-hazardous** 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.

18. Shipments for trial runs **from the UK to EU or EFTA countries** are allowed in order to assess the suitability of a specific specialised treatment technology which results in the disposal of **a hazardous or non-hazardous** 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**

19. 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.

20. 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 EU or EFTA countries of hazardous waste, produced in such small quantity overall per year that the provision of new specialised disposal installations would be uneconomic**

21. 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 **European Union** or EFTA country of dispatch or in the UK (see [Explanatory Note](#), paragraphs 21 – 27).

## **Shipments of Naturally Occurring Radioactive Material (NORM) to the United Kingdom which repatriate NORM waste of UK origin**

22. This exception applies to NORM waste of UK origin which is the output from the treatment or recovery of NORM contaminated wastes which have previously been exported. Such treatment or recovery operations make the subsequent storage and disposal of the NORM waste more manageable. Under this exception NORM waste of UK origin is repatriated to the UK for final disposal following a request from the competent authority of dispatch (see [Explanatory Note](#), paragraphs 28-30).

## **Shipments to the UK from a Party to the Basel Convention where a duly reasoned request has been acceded to by a UK competent authority**

23. This exception applies where a UK competent authority has assessed a duly reasoned request and is in agreement that the country of dispatch 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 31 – 42).

## **Shipments to the UK from a non-Party to the Basel Convention where the UK government has concluded a bilateral agreement**

24. This exception applies where the UK government has concluded a bilateral agreement or arrangement 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**

25. This exception applies to shipments from the UK Overseas Territories as listed in [Annex D](#) to the [Explanatory Note](#).

## **Shipments of mercury waste or mercury-contaminated wastes from the UK to a European Union or EFTA country produced in such quantities overall per year in the UK, that the provision of new specialised disposal installations in the UK would be uneconomic**

26. This exception for shipments from the UK only applies when competent authorities have been informed by UK government that it has accepted that the above circumstances apply (see [Explanatory Note](#), paragraphs 43-44)

## **Review**

27. 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.

# 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, 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 **relevant regulations**.
2. As a Party to the Basel convention, the UK aims to protect human health and the environment against the adverse effects of hazardous wastes. In particular, the UK is committed to **reducing the quantities of hazardous wastes generated**, minimising the movement of waste for disposal, self-sufficiency in the disposal of waste and **allowing the transboundary movement of hazardous wastes for disposal only where the country of export does not have the necessary technical capacity and facilities**.
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 4(2)(b) of the **Basel Convention** requires **Parties to ensure, where possible, the availability of adequate disposal facilities for the environmentally sound management of hazardous wastes and other wastes**. All **Basel Convention Parties** 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 subject to the exceptions set out in the UK Plan and which are further explained below.
6. **Countries with developed economies** should be able, with very few exceptions, to **provide adequate disposal facilities for their hazardous wastes and manage such waste in an environmentally sound manner**. It is for this reason that shipments of waste for disposal

involving **EU, EFTA and** OECD Decision countries are **generally** prohibited, subject to the exceptions set out in the UK Plan and explained below.

7. **With the exception of shipments of hazardous waste between Northern Ireland and Ireland, all UK competent authorities should inform Defra of any proposed waste shipments for disposal into or from the UK, before determining an application.**
8. The **UK government** has two main policy objectives relevant to shipments of waste for recovery:
  - a. to encourage international trade in waste for recovery where this is of environmental benefit in driving up levels of recovery at national and global levels;
  - b. 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 **EU** or EFTA countries. Under the **relevant regulations** all shipments for disposal, including emergency shipments, are prohibited except to **EU** 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 **requirement in Basel Convention Article 4(2)(d) to ensure that transboundary movements of wastes are reduced to a minimum**, should not prevent the UK from offering the appropriate assistance **in an emergency situation**.

## Guidance to competent authorities

11. Emergency requests from Parties to the Basel Convention would need to be made by a Duly Reasoned Request (DRR) as required by the **relevant regulations**<sup>4</sup> (see **Explanatory Note**, paragraphs 31-42). **A relevant authority in the proposed country of export** 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 **UK**.
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 **Basel Focal Point**, (see **Explanatory Note, Annex C** for details).

## Shipments for trial runs

### Policy Background

15. Shipments for trial runs allows the assessment of 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 **and supports other countries to be self-sufficient in their disposal of hazardous wastes, in accordance with Basel convention Article 4(2)(b)**

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<sup>4</sup> Under the terms of the Northern Ireland Protocol a duly reasoned request is not required in the case of a proposed shipment for disposal between an EU member state and Northern Ireland.

## 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 **need for Parties to the Basel Convention to ensure the location of adequate disposal facilities for the environmentally sound management of hazardous wastes and other wastes within their jurisdiction**, but rather to recognise that, in the case of the distinct geographical situation of Northern Ireland, there is a balance to be struck between **this objective** and **minimising movements of waste for disposal**.

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.<sup>5</sup>

19. In order to support the development of a cross-border approach to waste management, and consistent with the **provisions of Basel Convention Article 4(2)(b) and 4(9)(a)**, 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.

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<sup>5</sup> 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.

## Shipments to and from European Union or EFTA countries of hazardous waste, produced in such a small quantity overall per year that the provision of new specialised disposal installations would be uneconomic

### Policy background

21. The UK supports the need to ensure that adequate waste disposal facilities exist in the country of waste generation, and that the movement of hazardous and other wastes is reduced to a minimum and allowed only when the country of export does not have the technical capacity and the necessary facilities for the disposal of waste, as set out in the Basel Convention in Article 4(2)(b), 4(2)(d), and (9)(a). In recognition of these provisions, 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:
- in relation to England regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005;
  - in relation to Wales, regulation 6 of the Hazardous Waste (Wales) Regulations 2005;
  - in relation to Scotland, waste that is special waste within the meaning of regulation 2 of the Special Waste Regulations 1996; and,
  - in relation to Northern Ireland, regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005.
- The exception will not be applied in the case of unsorted municipal waste since the UK and EU or EFTA countries generate sufficient quantities of such waste to render disposal facilities economically viable.
23. This exception is only applicable in respect of shipments between the UK and EU or EFTA countries as the relevant regulations prohibit the export of waste from the UK for disposal, except for shipments to EU and EFTA countries that are also Parties to the Basel Convention. Shipments for disposal from outside the EU or EFTA to the UK are subject to separate procedures.
24. EU 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. 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.
26. **This exception** This exception will not include any waste shipped to or from the UK for disposal in **non-specialist** landfill facilities because all **EU** and EFTA countries should be in a position to acquire these.
27. **In the UK, NORM waste is regulated as radioactive waste and all government policy relating to radioactive waste applies. Government's general policy is that radioactive waste should not be imported to or exported from the UK except:**
- in light of an assessment of all practicable options, and should not be permitted except:
    - a. for the recovery of re-usable materials; or
    - b. for treatment that will make its subsequent storage and disposal more manageable.

In all cases where such processes would add materially to the wastes needing to be disposed of in the country of destination, the presumption should be that they will be returned to the country of origin to a timescale agreed by the competent authorities in the countries of destination and origin<sup>6</sup>. This is in line with the UK's 2014 NORM Strategy and 2007 policy on the management of solid low-level radioactive waste. The policy on imports of NORM waste of UK origin is covered by paragraph 22 of the UK Plan above.

## **Shipments of Naturally Occurring Radioactive Material (NORM) to the United Kingdom which repatriate NORM waste of UK origin**

### **Policy Background**

28. The UK recognises that there may be NORM contaminated waste streams exported for treatment or recovery to make its subsequent storage and disposal more manageable. The output of these treatment and recovery operations as NORM waste of UK origin should be repatriated to the UK. This is in accordance with the strategy for the management of Naturally Occurring Radioactive Material (NORM) waste in the United Kingdom and the Low-Level Waste (LLW) Strategy.

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<sup>6</sup> Page 22 of the 2014 'Strategy for the Management of Naturally Occurring Radioactive Material (NORM) waste in the United Kingdom'. Policy on shipments of NORM waste may be subject to future review and/or consultations. For the latest position and further details on this policy, please see this strategy and 'Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom' (2007).

# Shipments to the UK for disposal

## Policy Background

### *Shipments from non-OECD Decision countries<sup>7</sup>*

29. It is recognised in the **relevant regulations** 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 **relevant regulations**, 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 38).
31. This position recognises that in the case of non-OECD Decision countries:
- they might not have the economic resources to acquire **high temperature incineration (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. **For the position in relation to imports of NORM waste from non-OECD Decision countries, please see paragraph 27 of the Explanatory Note above.**
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, EU countries and EFTA countries*

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<sup>7</sup> 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, **which are a Party to the Basel Convention** required to submit a DRR to a UK competent authority explaining why they do not have and cannot reasonably acquire the appropriate disposal facilities<sup>8</sup>. Given their level of economic development, it is unlikely that a DRR would be submitted by an OECD Decision country, **EU country** or an EFTA country or accepted by a UK competent authority.
35. **Article 42(d) of the Basel Convention requires that Parties take appropriate measures to ensure that the transboundary movement of hazardous waste is reduced to a minimum. In support of this requirement**, 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.
36. **Waste coming to the UK from outside the EU or EFTA will generally have to be transported over a substantial distance relative to any subsequent transport within the EU or EFTA. Consequently, where the nearest suitable disposal facility is within the EU or EFTA, Article 4(2)(d) of the Basel Convention does not preclude a decision by a UK competent authority to agree to an import of waste for disposal to the UK, even if another EU or EFTA country is geographically closer to the country of dispatch.**
37. **For the position in relation to imports of NORM waste from OECD Decision countries, EU countries and EFTA countries, please see paragraph 27 of the Explanatory Note above.**

## **Guidance to competent authorities**

### *Duly Reasoned Requests (DRR)*

38. Imports of waste into the **UK** 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 **relevant regulations**). 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.
39. 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;

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<sup>8</sup> A duly reasoned request is not required in the case of a proposed shipment for disposal from an EU member state to Northern Ireland.

- 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, EU 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) or specialist landfill in the case of mercury waste;
- 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;
- for shipments of NORM waste, the decision of the competent authority must be supported by an assessment of all practicable waste management options, as set out in the LLW strategy<sup>9</sup> and detailed further in the NORM strategy<sup>10</sup>.

#### *Criteria for assessing DRRs*

40. In order to comply with Article 42(4) of the relevant regulations, 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.

<sup>9</sup> The UK Strategy for the Management of Solid Low Level Waste from the Nuclear Industry (2016)

<sup>10</sup> The Strategy for the management of Naturally Occurring Radioactive Material (NORM) waste in the United Kingdom (2014)

41. 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 **Basel Focal Point** (see Annex C). In any case, UK competent authorities should inform the UK **Basel Focal Point** 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 **Basel Focal Point**.
42. 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.

## **Shipments of mercury waste or mercury-contaminated wastes from the UK to a EU or EFTA country produced in such quantities overall per year in the UK, that the provision of new specialised disposal facilities in the UK would be uneconomic**

### **Policy Background**

43. This exception recognises that the irregular frequency and diminishing future arisings of mercury waste from the UK means that provision of the required specialist disposal facilities within the UK is currently not economically viable. There are currently no permitted facilities in the UK that can stabilise elemental mercury into mercury sulphide or that can dispose of mercury waste safely and in accordance with the retained Mercury Regulations<sup>11</sup>
44. The UK supports the need to ensure that movements of hazardous waste should be allowed only when the country of export does not have the necessary facilities for the disposal of waste, as set out in Article 4(9)(a) of the Basel Convention). In recognition of this provision, this exception will be applied narrowly. The UK government will determine whether this exception is appropriate on a case-by-case basis.

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<sup>11</sup> The retained Mercury Regulations here refers to the retained Regulation (EU) 2017/852 as amended by the The Control of Mercury (Amendment) (EU Exit) Regulations 2020 in respect of Great Britain, and Regulation EU 2017/852 as it applies by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement in respect of Northern Ireland.

# 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 **the United Kingdom** 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 **or the EU** and Liechtenstein. This provision took effect in the **UK** 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. 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. **This regulation became retained law in Great Britain after the end of the transition period and was amended to ensure its continued operability.** It is supplemented in the UK by the **TFS regs**, 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. **From 1 January 2021 the relevant regulations will apply, and these are supplemented by the TFS regs. Article 11 of the relevant regulations sets out the grounds by which competent authorities may object to shipments of waste for disposal.**

# Annex B

## UK Crown Dependencies and Overseas Territories

### UK Crown Dependencies

1. The UK Crown Dependencies are the Isle of Man, the Bailiwick of Guernsey and the Bailiwick of Jersey. 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 the relevant regulations they are regarded as independent countries, 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 Crown Dependencies.
3. Crown Dependencies to which ratification has been extended may use the duly reasoned request procedure in the relevant regulations in respect of the shipment of waste for disposal.

### UK Overseas Territories

4. Bermuda, The relevant regulations seek to reflect the rules regarding exports and imports of waste to and from Overseas Territories. 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, is potentially allowed, subject to the provisions of Article 36 and Title II of the relevant regulations;
  - imports to the UK from UK Overseas Territories are also potentially allowed, subject to the provisions of Title V of the relevant regulations.
5. The extension of the UK ratification of the Basel Convention to the British Antarctic Territory, the Sovereign Base Areas in Cyprus and Gibraltar, means that imports between these Areas and the UK for disposal are subject to the agreement of a duly reasoned request as required by the relevant regulations.
6. The Overseas Territories listed below are not covered by the UK ratification of the Basel Convention and imports of waste to the UK for disposal from these Overseas Territories are only allowed if there is a bilateral agreement or arrangement<sup>12</sup> in place.

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<sup>12</sup> In accordance with the provisions of Article 11 of the Basel Convention

- Anguilla,
- Bermuda,
- British Indian Ocean Territory,
- Cayman Islands,
- Falkland Islands,
- Montserrat,
- Pitcairn, Henderson, Ducie and Oeno Islands,
- St Helena, Ascension and Tristan da Cunha,
- South Georgia and the South Sandwich Islands,
- Turks and Caicos Islands,
- British Virgin Islands,

# Annex C

## List of contacts

### **The UK Basel Focal Point**

Chemicals, Pesticides and Hazardous Waste Division, Defra  
Seacole Building, Ground floor  
2 Marsham Street  
London SW1P 4DF  
Tel: 0345 933 5577

### **UK Competent Authorities**

#### **Competent Authority of Transit**

Code Number: GB 00  
Environment Agency  
International Waste Shipments  
Richard Fairclough House  
Knutsford Road  
Warrington  
Cheshire WA4 1HG  
Tel: 01925 542265  
Fax: 01925 542105  
Email: [askshipments@environment-agency.gov.uk](mailto:askshipments@environment-agency.gov.uk)

#### **Competent Authorities of dispatch and destination**

*For England*

Code Number: GB 01  
Environment Agency  
International Waste Shipments  
Richard Fairclough House  
Knutsford Road  
Warrington  
Cheshire WA4 1HG

Tel: 01925 542265

Fax: 01025 542105

### **Competent Authorities of dispatch and destination**

Email: [askshipments@environment-agency.gov.uk](mailto:askshipments@environment-agency.gov.uk)

Website: <https://www.gov.uk/topic/environmental-management/waste>

#### *For Wales*

Code Number: GB 01

Environment Agency

Code number: GB 04

Natural Resources Wales / Cyfoeth Naturiol Cymru

Waste Shipment Unit

Rivers House / Plas-yr-Afon

St Mellons Business Park

Cardiff CF3 0EY

Tel: 03000 653121 / 03000 653245

Email: [cludiant-gwastraff@cyfoethnaturiolcymru.gov.uk](mailto:cludiant-gwastraff@cyfoethnaturiolcymru.gov.uk) / [waste-shipments@naturalresourceswales](mailto:waste-shipments@naturalresourceswales)

Website: <https://naturalresources.wales/permits-and-permissions/waste/international-waste-shipments/>

#### *For Scotland*

Code Number: GB 02

The Scottish Environment Protection Agency

Producer Compliance and Waste Shipment Unit

Strathallan House

Castle Business Park

Stirling FK9 4TZ

Tel: 01786 457700

Email: [transfrontier@sepa.org.uk](mailto:transfrontier@sepa.org.uk)

Website: [www.sepa.org.uk/regulation/waste/trans/index.htm](http://www.sepa.org.uk/regulation/waste/trans/index.htm)

*For Northern Ireland*

Code number: GB 03

**Department of Agriculture, Environment and Rural Affairs**

Klondyke Building

Cromac Avenue

Gasworks Business Park

Lower Ormeau Road

Belfast BT7 2JA

Tel: **0289 056 9313**

Fax: **0289 056 9310**

Website: **<https://www.daera-ni.gov.uk/articles/transfrontier-shipment-waste>**

### **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](http://www.europa.eu/environment/waste/shipments/links.htm)** *For enquiries about the Basel Convention:*

**For**

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/](http://www.unep.ch/basel/)**

# Annex D

## Glossary

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

1. 'waste' is as defined in **section 37(1) of the Waste and Emissions Trading Act 2003**;
2. 'hazardous waste' is as defined in relation to England, in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005, in relation to Wales in regulation 6 of the Hazardous Waste (Wales) Regulations 2005, in relation to Scotland, waste that is special waste within the meaning of regulation 2 of the Special Waste Regulations 1996 and in relation to Northern Ireland regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005;
3. 'non-hazardous waste' is as defined in relation to England, in regulation 7 of the Hazardous Waste (England and Wales) Regulations 2005, in relation to Wales, regulation 7 of the Hazardous Waste (Wales) Regulations 2005, in relation to Scotland, waste that is not a special waste within the meaning of regulation 2 of the Special Waste Regulations 1996 and in relation to Northern Ireland, regulation 7 of the Hazardous Waste Regulations (Northern Ireland) 2005;
4. 'disposal' means any operation which is not recovery (see point 5 below) even where the operation has as a secondary consequence the reclamation of substances or energy. Annex E sets out a non-exhaustive list of disposal operations;
5. 'interim disposal' means disposal operations D 13 to D 15 as defined in Annex E;
6. 'recovery' means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex F sets out a non-exhaustive list of recovery operations;
7. 'interim recovery' means recovery operations R 12 and R 13 as defined in Annex F;

8. '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;
9. 'Basel Convention' means the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal;
10. '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;
11. 'competent authority' means:
  - (a) in the case of **the UK**, the body designated by the **Secretary of State** concerned in accordance with Article 53 of the **relevant regulations**; or
  - (b) in the case of 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:

- (a) Anguilla,
- (b) Bermuda,
- (c) British Antarctic Territory,
- (d) British Indian Ocean Territory,
- (e) Cayman Islands,
- (f) Falkland Islands,
- (g) Gibraltar,
- (h) Montserrat,
- (i) Pitcairn, Henderson, Ducie and Oeno Islands,
- (j) St Helena, Ascension and Tristan da Cunha,
- (k) South Georgia and the South Sandwich Islands,
- (l) The Sovereign Base Areas of Akrotiri and Dhekelia,
- (m) Turks and Caicos Islands, and
- (n) British Virgin Islands.

18. 'import' means any entry of waste into the **United Kingdom**;

19. 'export' means the action of waste leaving the **United Kingdom**;

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 *relevant regulation*:

1. The 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.
2. Duly reasoned request (DRR) means a request presented by a Party to the Basel Convention, who wishes to send waste to the UK for disposal, to the competent authority of destination within the UK<sup>13</sup>. 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.
3. Bilateral agreement means an agreement between non-Parties to the Basel Convention, with the UK, should the non-Party wish to send waste to the UK 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 the UK government rather than a UK competent authority.
4. High temperature incineration (HTI) 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 the relevant domestic legislation.<sup>14</sup>
5. Annex IV in the relevant regulation is a list of waste for which notification is required if the waste is subject to a transboundary movement for recovery. 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 in the retained EU law version of Decision 2000/532/EC (establishing a list of wastes).

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<sup>13</sup> A duly reasoned request is not required in the case of a proposed shipment for disposal between an EU member state and Northern Ireland.

<sup>14</sup> These are Schedule 13 of the Environmental Permitting (England and Wales) Regulations 2016 for England and Wales, Regulation 29 of the Pollution Prevention and Control (Scotland) Regulations 2012 for Scotland, and Schedule 11 to the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 for Northern Ireland.

# Annex E

## Disposal Operations

- D 1 Deposit into or on to land (e.g. landfill, etc.)
- D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
- D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D 6 Release into a water body except seas/oceans
- D 7 Release to seas/oceans including sea-bed insertion
- D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12
- D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
- D 10 Incineration on land
- D 11 Incineration at sea<sup>15</sup>
- D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12<sup>16</sup>
- D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
- D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced)

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<sup>15</sup> This operation is prohibited by international conventions.

<sup>16</sup> If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, inter alia, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12.

# Annex F

## Recovery Operations

- R 1 Use principally as a fuel or other means to generate energy<sup>17</sup>
- R 2 Solvent reclamation/regeneration
- R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)<sup>18</sup>
- R 4 Recycling/reclamation of metals and metal compounds<sup>19</sup>
- R 5 Recycling/reclamation of other inorganic materials<sup>20</sup>

<sup>17</sup> This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

— 0,60 for installations in operation and permitted in accordance with applicable legislation before 1 January 2009,

— 0,65 for installations permitted after 31 December 2008,

using the following formula:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0,97 \times (E_w + E_f))$$

In which:

$E_p$  means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2,6 and heat produced for commercial use multiplied by 1,1 (GJ/year)

$E_f$  means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

$E_w$  means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

$E_i$  means annual energy imported excluding  $E_w$  and  $E_f$  (GJ/year)

0,97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.

The energy efficiency formula value will be multiplied by a climate correction factor (CCF) as shown below:

1. CCF for installations in operation and permitted in accordance with applicable legislation before 1 September 2015.

CCF = 1 if HDD  $\geq$  3 350

CCF = 1,25 if HDD  $\leq$  2 150

CCF =  $-(0,25/1\ 200) \times \text{HDD} + 1,698$  when  $2\ 150 < \text{HDD} < 3\ 350$

2. CCF for installations permitted after 31 August 2015 and for installations under 1 after 31 December 2029:

CCF = 1 if HDD  $\geq$  3 350

CCF = 1,12 if HDD  $\leq$  2 150

CCF =  $-(0,12/1\ 200) \times \text{HDD} + 1,335$  when  $2\ 150 < \text{HDD} < 3\ 350$

The resulting value of CCF will be rounded at three decimal places.

The value of HDD (Heating Degree Days) should be taken as the average of annual HDD values for the incineration facility location, calculated for a period of 20 consecutive years before the year for which CCF is calculated. For the calculation of the value of HDD the following method should be applied: HDD is equal to  $(18\ ^\circ\text{C} - T_m) \times d$  if  $T_m$  is lower than or equal to  $15\ ^\circ\text{C}$  (heating threshold) and is nil if  $T_m$  is greater than  $15\ ^\circ\text{C}$ ; where  $T_m$  is the mean  $(T_{\text{min}} + T_{\text{max}})/2$  outdoor temperature over a period of  $d$  days. Calculations are to be executed on a daily basis ( $d = 1$ ), added up to a year.

<sup>18</sup> This includes preparing for re-use, gasification and pyrolysis using the components as chemicals and recovery of organic materials in the form of backfilling. "Backfilling" means any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes. "Preparing for re-use means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing.

<sup>19</sup> This includes preparing for re-use as defined in footnote 11 above.

<sup>20</sup> This includes preparing for re-use (as defined in footnote 11 above), recycling of inorganic construction materials, recovery of inorganic materials in the form of backfilling [as defined in footnote 11 above] and soil cleaning resulting in recovery of the soil.

- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of waste obtained from any of the operations numbered R 1 to R 10
- R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11<sup>21</sup>
- R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced)<sup>22</sup>

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<sup>21</sup> If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.

<sup>22</sup> Temporary storage means preliminary storage of waste for the purposes of transport to a waste treatment facility.

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3. The Transfrontier Shipment of Waste Regulations 2007. Available at: <https://www.legislation.gov.uk/uksi/2007/1711/contents/made>
4. UN Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal. Available at: <http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>
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16. Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community.

Available at:

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