

Maintaining the continuity of waste shipments if there's no Brexit deal

Summary

How waste shipments between the UK and the EU would be maintained if the UK leaves the EU with no deal.

Detail

If the UK leaves the EU in March 2019 without a deal, find out how this would affect businesses involved in the import or export of waste between the UK and the EU.

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

Purpose

This notice sets out for businesses involved in the import or export of waste how the UK government will maintain the continuity of waste shipments between the UK and the EU in the unlikely event the UK leaves the EU without a deal.

Before 29 March 2019

Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, international shipments of waste are controlled through a process of prior written consent. This allows countries exporting hazardous waste to verify that the authorities in destination countries are content to accept the proposed shipment and that the waste can be managed in an environmentally sound manner at its final destination. An OECD (Organisation for Economic Co-operation and Development) decision (C (2001)107) provides the control framework for the transboundary movement of waste between OECD countries for energy recovery and recycling.

The EU Waste Shipment Regulation (WSR) implements the provisions of the Basel Convention and the OECD decision into EU law and provides a system to control the movement of waste into, within, and from, Europe for energy recovery or recycling. It prohibits the shipment of waste for disposal, by landfill or incineration, to countries outside the EU and the European Free Trade Area (EFTA) (Iceland, Liechtenstein, Norway, and Switzerland) and the export of hazardous waste to countries that are not members of the OECD.

The UK has national legislation on waste shipments: the Transfrontier Shipment of Waste Regulations (2007) designates the UK competent authorities and sets out offences and penalties. The UK Plan for Waste Shipments prohibits shipments of waste for disposal to or from the UK unless they fall under specific exceptions. For example, Ireland and Greece were granted an exception to allow the shipment of hazardous waste to the UK for disposal by High Temperature Incineration in August 2017 because the UK has specialist facilities for disposal that the exporting countries did not have.

After March 2019 if there's no deal

Validity of approvals to ship notified waste to, from and through the EU

On 25 January 2018 the European Commission issued a [notice to stakeholders](http://trade.ec.europa.eu/doclib/docs/2018/january/tradoc_156568.pdf) stating that if the UK leaves the EU without a deal, import/export licences issued by the UK would no longer be valid for shipments of waste to the 27 remaining EU

countries, and licenses issued by the EU would no longer be valid for shipments to the UK, from the day the UK leaves.

This means current approvals to ship notified waste between the UK and the EU that extend beyond the 29 March 2019 would be subject to a re-approval process to ensure continuity. The same applies to waste shipments transiting the EU. There is currently no process set out in the EU Waste Shipment Regulations on how notified shipments that have already been approved by UK and EU competent authorities should be re-approved. Defra is contacting other EU countries to discuss arrangements. UK and EU exporters of notified shipments will be advised before the end of November 2018 on next steps.

Waste shipments from the UK to the EU

When we leave the EU, the UK will remain a party to the Basel Convention and a member of the OECD, and will continue to implement the international rules contained in these agreements.

In the unlikely event the UK leaves the EU without a deal, the UK would be treated in the same way as any other OECD country, or any country that is party to the Basel Convention, looking to export waste to an EU country. UK exporters would need to familiarise themselves with [the customs guidelines](<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015XC0512%2803%29>) the EU has laid down for imports of waste from outside the EU.

Under the WSR, OECD countries wishing to export waste to the EU for disposal must submit a duly reasoned request (DRR) to the relevant EU competent authority, explaining why the country does not have and cannot reasonably acquire the appropriate disposal facilities. The UK government would need to submit DRRs for any exports to the EU of waste for disposal, before a notification to export could be submitted by a UK exporter to the relevant UK competent authority. In most cases the export of UK waste for disposal is already prohibited so the impact of this additional step is unlikely to be significant.

There would be no changes to the procedure for exports of waste for recycling that are eligible to be shipped under the Green Control procedure as laid down in the OECD decision and the WSR.

Waste shipments from the EU to the UK

In the unlikely event the UK leaves the EU without a deal, the UK would be treated in the same way as any other OECD country looking to import waste from an EU country and would continue to apply the procedures laid down in the Basel Convention and the OECD decision.

The WSR prohibits the export of waste for disposal, and the export of mixed municipal waste for recovery, to states other than EU and EFTA states. EU states would be prohibited from exporting waste for disposal, or exporting mixed municipal waste for recovery, to the UK under EU law.

There would be no changes to the procedure for imports of waste for recycling that are eligible to be shipped under the Green Control procedure as laid down in the OECD decision and the WSR.

Further information

The [[UK government's website on the import and export of waste](https://www.gov.uk/guidance/importing-and-exporting-waste)](<https://www.gov.uk/guidance/importing-and-exporting-waste>) provides general information concerning shipments of waste.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. It enshrines the consent principle on which Northern Ireland's constitutional status rests. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government, as the sovereign government in Northern Ireland, to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.