

Subsidiary Legislation made under s.13.

**Shipments of Waste (Regulation 2024/1157) (Gibraltar)
Regulations 2026**

LN.2026/164

Commencement **15.7.2026**

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In exercise of the powers conferred under section 13 of the Treaty on Gibraltar and the European Union Act 2026 and to make provision for the purposes of the implementation of Article 219(4) of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar, the Government has made the following Regulations—

PART 1

GENERAL PROVISIONS

Title.

1. These Regulations may be cited as the Shipments of Waste (Regulation 2024/1157) (Gibraltar) Regulations 2026.

Commencement.

2. These Regulations come into operation on the Implementation Date.

Interpretation.

- 3.(1) In these Regulations—

"the 2024 Regulation" means Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, as amended from time to time, subject to the adaptations set out herein;

"the Basel Convention" means the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal;

"the Minister" means the Minister for the Environment;

"the OECD Decision" means OECD Decision C(2001)107/Final of the Council concerning the revision of Decision C(92)39/Final on the control of transboundary movements of wastes destined for recovery operations;

"the Public Health Act" means the Public Health Act of Gibraltar;

"the Implementation Date" means 21 May 2026 or, if later, the date on which these Regulations come into force;

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"the 1013/2006 Regulation" means Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, as it is applied in Gibraltar immediately before the Implementation Date, together with any Gibraltar adaptations then in force;

"retained EU law" has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2019 (Gibraltar).

(2) Unless the context otherwise requires, expressions used in these Regulations have the same meaning as in the 2024 Regulation, as adapted by these Regulations.

Relationship with the 1013/2006 Regulation.

4.(1) The 1013/2006 Regulation is not revoked by these Regulations but shall continue to apply in Gibraltar during the transitional period and subject to the transitional provisions set out in Regulation 38.

(2) During the transitional period referred to in regulation 39, the 1013/2006 Regulation and the 2024 Regulation as adapted by these Regulations shall be applied concurrently in Gibraltar to the extent provided by regulation 39.

(3) On and after the date on which a provision of the 1013/2006 Regulation ceases to apply by virtue of regulation 39, references in any enactment to that provision of the 1013/2006 Regulation shall, so far as the context permits, be construed as references to the corresponding provision of the 2024 Regulation as adapted by these Regulations and as identified in the correlation table set out in Annex XIII to the 2024 Regulation.

(4) On the date determined in accordance with regulation 40, the 1013/2006 Regulation shall cease to be applied in Gibraltar for all purposes, and from that date references in any enactment to the 1013/2006 Regulation shall be construed as references to the 2024 Regulation as adapted by these Regulations.

PART 2

GENERAL ADAPTATIONS TO THE 2024 REGULATION

General adaptations.

5.(1) The provisions of the 2024 Regulation shall apply in Gibraltar law subject to the adaptations set out in this Part and in Parts 3 to 10 of these Regulations.

(2) In the 2024 Regulation, unless the context otherwise requires—

- (a) a reference to “the Union” or “the Community” is a reference to Gibraltar;
- (b) a reference to a “Member State” or “Member States” is a reference to Gibraltar, except where the reference is to a Member State other than the one in which the action is being taken, in which case it is a reference to a country which was a Member State of the European Union on exit day;
- (c) a reference to “Union law” or “Union legislation” is a reference to retained EU law;
- (d) a reference to an “EU country” is a reference to a country which was a member State of the European Union on exit day;
- (e) a reference to a “non-EU country” is a reference to a country other than Gibraltar which was not a Member State of the European Union on exit day;
- (f) a reference to an “EFTA country” is a reference to a non-EU country which was a party to the EEA Agreement on exit day;
- (g) a reference to a “third country” is a reference to a country other than Gibraltar;
- (h) a reference to the “Commission” shall, where the context requires the exercise of a function by a public authority in or in relation to Gibraltar, be read as a reference to the Minister, save where otherwise provided in these Regulations;
- (i) a reference to “Directive 2008/98/EC” is a reference to that Directive as it is applied in Gibraltar;
- (j) a reference to “Directive 2010/75/EU” is a reference to that Directive as it is applied in Gibraltar, and in particular as implemented in Gibraltar by the Pollution Prevention and Control Regulations 2013;
- (k) a reference to the “internal market” shall be disregarded;
- (l) a reference to “delegated acts” adopted by the Commission pursuant to the 2024 Regulation shall be read as a reference to regulations made by the Minister under regulation 31 of these Regulations;
- (m) a reference to “implementing acts” adopted by the Commission pursuant to the 2024 Regulation shall be read as a reference to regulations made by the Minister under regulation 31 of these Regulations;

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- (n) a reference to “Regulation (EU) 2016/679” shall be read as a reference to the data protection legislation of Gibraltar as applicable from time to time;
- (o) a reference to “Regulation (EU) 2020/1056”, “Regulation (EU) 2022/2399” or other EU legislation not forming part of retained EU law in Gibraltar shall be disregarded, save to the extent that the Government or the Minister has by regulations made equivalent provision;
- (p) a reference to “Directive (EU) 2015/1535” shall be disregarded;
- (q) a reference to “Directive 2008/99/EC” shall be read as a reference to any Gibraltar legislation, in particular the Public Health Act, implementing equivalent obligations in relation to environmental offences.

References to competent authority.

6.(1) In the 2024 Regulation, a reference to the "competent authority"—

- (a) in relation to Gibraltar, is to be read in accordance with subregulations (2), (3) and (4) of this regulation;
- (b) in relation to an EU country, is a reference to the body designated by that country in accordance with Article 75 of Regulation (EU) 2024/1157 as it has effect in EU law as amended from time to time, or, where that Article has not been implemented by the country in question, the body designated pursuant to Article 53 of Regulation (EC) No 1013/2006 as it has effect in EU law;
- (c) in relation to a country which is a Party to the Basel Convention (other than a country falling within sub-paragraph (b)), is a reference to the body designated by that country as the competent authority for the purposes of the Basel Convention in accordance with Article 5 thereof;
- (d) in relation to any country not referred to in subregulations (1)(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) For the competent authority of dispatch, or the competent authority of destination, in Gibraltar, see section 98D of the Public Health Act.

(3) For the competent authority of transit in Gibraltar, see section 98E of the Public Health Act.

(4) In the 2024 Regulation, a reference to—

- (a) “competent authority of dispatch” means the competent authority for the area from which the shipment is initiated or from which it is planned that the shipment will be initiated;
- (b) “competent authority of destination” means the competent authority for the area to which the shipment is carried out or is planned to be carried out, 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 the country of the competent authority of dispatch or destination, through which the shipment is carried out or is planned to be carried out.

References to overseas countries and territories.

7. In the 2024 Regulation, a reference to "overseas countries and territories" is a reference to—

- (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;

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- (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 II to the Treaty on the Functioning of the European Union.

References to Directive 2008/98/EC.

8.(1) In the 2024 Regulation, references to provisions of Directive 2008/98/EC shall be read as references to those provisions as they apply in Gibraltar, and subject to the following further adaptations.

(2) Article 3(1) of Directive 2008/98/EC is to be read as modified by the law applicable in Gibraltar.

(3) Articles 3(2) and 7 of Directive 2008/98/EC (hazardous waste) are to be read as if—

- (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; and
- (b) a designation by the Minister under section 192KA(8A) of the Public Health Act, that a specific waste is to be treated as non-hazardous waste, were binding.

(4) Article 5 of Directive 2008/98/EC is to be read as if paragraphs 1 to 3 were omitted and as if, in paragraph 4, 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”.

(5) Article 6 of Directive 2008/98/EC is to be read as if paragraphs 1 to 3 were omitted, and as if the reference to “Member States” in paragraph 4 were a reference to the Minister for the Environment.

(6) Article 7 of Directive 2008/98/EC is to be read as if—

- (a) paragraphs 2, 3 and 5 were omitted;

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(b) after paragraph 6, there were inserted—

“6A. In this Article, the 'list of waste' means the list established by Commission Decision 2000/532/EC.”;

(c) paragraph 7 were omitted.

(7) Annex III 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”.

PART 3

ADAPTATIONS TO TITLE I (GENERAL PROVISIONS) OF THE 2024 REGULATION

Subject matter and scope.

9.(1) Article 1 of the 2024 Regulation shall be read as if references to “climate neutrality” and “the European Green Deal” were references to the environmental objectives of the Government.

(2) Article 2 of the 2024 Regulation shall be read as if—

(a) in paragraph 1—

(i) the reference to “within the Community” were a reference to “within Gibraltar”;

(ii) in point (a), for “between Member States, with or without transit through third countries” there were substituted “exported from Gibraltar to a third country, with or without transit through another third country (see Titles II and IV of the 2024 Regulation, read together)”;

(iii) in point (b), for “imported into the Community from third countries” there were substituted “imported into Gibraltar from a third country, with or without transit through another third country (see Titles II and V of the 2024 Regulation, read together)”;

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(iv) in point (c), for “in transit through the Community, from and to third countries” there were substituted “from one third country to another with transit through Gibraltar (see Titles II and VI of the 2024 Regulation, read together)”;

(v) point (d) were omitted;

(b) paragraph 2 were omitted;

(c) in paragraph 4, for “Shipments of waste from the Antarctic to countries outside the Union, which transit through the Union” there were substituted “Shipments of waste from the Antarctic to countries outside Gibraltar, which transit through Gibraltar”;

(d) paragraph 5 were omitted;

(e) in paragraph 6, for “Member States” there were substituted “Gibraltar”.

(3) In Article 2(3) of the 2024 Regulation, references to specific EU legislation shall be read as references to such legislation as forms part of retained EU law or Gibraltar law applicable to Gibraltar, and—

(a) the reference to "Regulation (EU) No 1257/2013" shall be read as a reference to that Regulation as it applies to Gibraltar;

(b) the reference to "Directive 2009/31/EC" shall be read as a reference to that Directive as it applies to Gibraltar.

Definitions.

10. Article 3 of the 2024 Regulation shall be read subject to the following modifications—

(a) the definition of “waste” in point (1) shall be read as referring to Article 3(1) of Directive 2008/98/EC as it is applicable to Gibraltar;

(b) the definition of “hazardous waste” in point (2) shall be read as referring to Articles 3(2) and 7 of Directive 2008/98/EC as they are applicable to Gibraltar;

(c) in point (5), for the definition of “notifier” in sub-point (a), in relation to a shipment originating from Gibraltar, this means any natural or legal person in Gibraltar who

intends to carry out a shipment of waste or intends to have a shipment of waste carried out and to whom the duty to notify is assigned, being—

- (i) the waste producer; or
 - (ii) where the waste is produced by a number of small quantities from the same or similar type of waste originating from different sources, the collector authorised for such purpose by the competent authority of dispatch; or
 - (iii) the dealer or broker who has been authorised in writing by the waste producer or by a person referred to in subregulation (c)(ii) to act on their behalf; or
 - (iv) the waste holder, where the waste producer is unknown or insolvent;
- (d) the definition of “competent authority” in point (9) shall be read in accordance with regulation 6 of these Regulations;
 - (e) the definition of “overseas countries and territories” in point (17) shall be read in accordance with regulation 7 of these Regulations;
 - (f) the definitions of “customs office of export” in point (18), “customs office of exit” in point (19), and “customs office of entry” in point (20) shall be read as references to the corresponding customs facilities in Gibraltar;
 - (g) in the definition of “import” in point (21), for “into the Union” there shall be substituted “into Gibraltar” and for “through the Union” there shall be substituted “through Gibraltar”;
 - (h) in the definition of “export” in point (22), for “from the Union” there shall be substituted “from Gibraltar” and for “through the Union” there shall be substituted “through Gibraltar”;
 - (i) in the definition of “transit” in point (23), for “through the Union” there shall be substituted “through Gibraltar”.

PART 4

ADAPTATIONS TO TITLE II (SHIPMENTS WITH OR WITHOUT TRANSIT THROUGH THIRD COUNTRIES) OF THE 2024 REGULATION

Overall procedural framework.

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11.(1) Article 4 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

(2) In Article 4(4), the reference to “within the Union” shall be read as “from, to, or through Gibraltar” as the context may require.

Notification, contract, financial guarantee.

12.(1) Articles 5 to 7 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

(2) In Article 5 of the 2024 Regulation, references to submission “to and through the competent authority of dispatch” shall, where the shipment originates from Gibraltar, be read as requiring submission to and through the competent authority determined in accordance with section 98D of the Public Health Act.

(3) In Article 7 of the 2024 Regulation, the reference to “a bank or other financial institution approved by the Member State where the notification is submitted” shall be read as “a bank or other financial institution approved by the competent authority of dispatch or destination in Gibraltar, as the case may be”.

Consents, conditions and objections

13.(1) Articles 8 to 12 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

(2) In Article 11 of the 2024 Regulation—

- (a) in paragraph 1(g), for the reference to “waste management plans drawn up pursuant to Article 28 of Directive 2008/98/EC” there shall be substituted “the waste management plan made under section 192M of the Public Health Act or a plan established under Article 28 of Directive 2008/98/EC as amended from time to time in an EU country”;
- (b) in paragraph 1(h), the reference to a facility which “does not apply the best available techniques as defined in Article 3(10) of Directive 2010/75/EU” shall, where the facility is in Gibraltar, be read as a reference to a facility within the meaning of regulation 2(1) of the Pollution Prevention and Control Regulations 2013 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.

(3) In Article 11(1)(h), for the purposes of Gibraltar, “relevant facility” means an “installation” or “mobile plant” within the meaning of the Pollution Prevention and Control Regulations 2013.

(4) In Article 12 of the 2024 Regulation—

- (a) in paragraph 1(b), the reference to “waste management plans or waste prevention programmes drawn up by the countries of dispatch or destination, respectively, pursuant to Articles 28 and 29 of Directive 2008/98/EC” shall, where Gibraltar is the country of dispatch or destination, be read as including the waste management plan made under Part VA of the Public Health Act;
- (b) in paragraph 1(d), references to “national legislation in the country of dispatch relating to the recovery of waste” shall, where the country of dispatch is Gibraltar, be read as references to retained EU law and Gibraltar legislation relating to the recovery of waste;
- (c) in paragraph 1(k), the reference to a facility “which is covered by Directive 2010/75/EU” which “does not apply the best available techniques as defined in Article 3(10) of that Directive” shall, where the facility is in Gibraltar, be read in accordance with subregulation (3);
- (d) paragraph 5 shall be read as requiring the competent authority in Gibraltar to record the objections and the reasons therefor and to make such records available to the Minister;
- (e) paragraphs 7 and 8 shall be omitted.

Pre-consented recovery facilities.

14.(1) Article 14 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

(2) In Article 14(13), the requirement to inform “the Commission and, where appropriate, the OECD Secretariat” shall be read as a requirement to ensure, where appropriate, that the OECD Secretariat is informed.

Requirements following consent.

15. Articles 15 to 17 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

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General information requirements.

16.(1) Article 18 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

(2) In Article 18(5), for “the competent authority concerned in the Member State” there shall be substituted “the competent authority in Gibraltar”.

(3) In Article 18(6), for “national legislation” there shall be substituted “Gibraltar legislation”.

Take-back obligations and costs.

17. Articles 22 to 26 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

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ADAPTATIONS TO TITLE II CHAPTER 5 (GENERAL PROVISIONS) AND CHAPTER 6 (SHIPMENTS WITH TRANSIT VIA THIRD COUNTRIES) OF THE 2024 REGULATION

Electronic submission and exchange of information.

18.(1) Article 27 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations.

(2) In Article 27(1), the requirement that information and documents be submitted and exchanged “via the hub of the central system referred to in paragraph 3 or via other available interoperable systems or software in accordance with paragraph 4” shall be read as a requirement that such information and documents be submitted and exchanged by electronic means in a manner which the Minister considers satisfactory.

(3) Article 27(3) shall be read as a power of the Minister to establish, maintain or participate in such electronic systems as the Minister considers appropriate for the purposes of this regulation.

(4) Article 27(4) shall be read as a power of the Minister to operate or designate systems or software for the electronic submission and exchange of information and documents.

(5) Article 27(5) shall be read as a power of the Minister, by regulations, to establish the technical and organisational requirements for the practical implementation of the electronic submission and exchange of information and documents for the purposes of this regulation.

(6) Article 27(6) shall be read as a duty on the Minister to review periodically the functionality of the electronic systems used in Gibraltar for the purposes of this regulation.

(7) Where the electronic systems referred to in this regulation are not available or are not practicable in a particular case, information and documents may be submitted and exchanged in accordance with Article 72 of the 2024 Regulation as adapted by regulation 32 of these regulations.

Language and classification.

19.(1) Article 28 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5. Paragraph 3 shall be read as a power of the Minister to make provision for the translation of documents submitted in connection with notifications and shipments.

(2) Article 29 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) in paragraph 1, references to "Member States" shall be read as references to the competent authority in Gibraltar;
- (b) paragraph 3 shall be read as a power of the Minister to establish, by regulations, criteria for the purpose of distinguishing used goods from waste, having regard to any guidelines or criteria established by the European Commission.

Administrative costs and border-area agreements.

20.(1) Article 30 of the 2024 Regulation shall have effect in Gibraltar subject to the general adaptations set out in regulation 5, save that the second and third sentences of Article 30 shall be omitted.

(2) Article 31 of the 2024 Regulation shall apply to Gibraltar to the extent that the Minister considers it necessary or desirable for the purposes of concluding such agreements with neighbouring jurisdictions, subject to the general adaptations set out in regulation 5.

(3) Paragraph 4 shall be omitted.

Protection of environment and human health.

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21. Article 32 of the 2024 Regulation shall have effect in Gibraltar subject to the general adaptations set out in regulation 5, and references to “Member States” shall be read as references to the competent authority in Gibraltar.

Shipments with transit via third countries.

22. Article 34 of the 2024 Regulation be applied in Gibraltar subject to the following adaptations—

- (a) for “Where a shipment is carried out within the Union and transits through one or more third countries” there shall be substituted “Where a shipment of waste takes place within Gibraltar with transit via one or more third countries”;
- (b) in all other respects, Article 34 shall be read subject to the general adaptations set out in regulation 5.

(2) Article 35 of the 2024 Regulation shall have effect in Gibraltar subject to corresponding adaptations.

PART 6

TITLE III (TRANSPORT OF WASTE EXCLUSIVELY WITHIN GIBRALTAR)

Transport of waste exclusively within Gibraltar.

23. Article 36 of the 2024 Regulation shall be applied in Gibraltar as follows—

- (a) in paragraph 1, for “Each Member State shall establish” there shall be substituted “The Minister shall establish and maintain”;
- (b) paragraph 2 shall be omitted.

PART 7

ADAPTATIONS TO TITLE IV (EXPORTS FROM GIBRALTAR TO THIRD COUNTRIES) OF THE 2024 REGULATION

Exports of waste for disposal.

24.(1) Article 37 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) in paragraph 1, for “Exports from the Union of waste destined for disposal shall be prohibited” there shall be substituted “All exports of waste from Gibraltar destined for disposal shall be prohibited”;
 - (b) the prohibition in paragraph 1 shall not apply to exports of waste destined for disposal in the United Kingdom, the EU or EFTA countries which are also Parties to the Basel Convention;
 - (c) however, exports of waste for disposal to an EFTA country Party to the Basel Convention shall also be prohibited where the EFTA country prohibits imports of such waste, or if the competent authority of dispatch has reason to believe that the waste will not be managed in an environmentally sound manner, as referred to in Article 59 of the 2024 Regulation, in the country of destination concerned;
 - (d) 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;
 - (e) paragraph 2 shall be read subject to the general adaptations in regulation 5.
- (2) Article 38 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—
- (a) in paragraph 1, for “EFTA countries which are also Parties to the Basel Convention” there shall be substituted “the United Kingdom, EU or EFTA countries which are also Parties to the Basel Convention”;
 - (b) all references to “the Union” shall be read as references to “Gibraltar”;
 - (c) in all other respects, Article 38 shall be read subject to the general adaptations set out in regulation 5.

Exports of waste for recovery.

25.(1) Article 39 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

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- (a) in paragraph 1, for “Exports from the Union” there shall be substituted “Exports from Gibraltar”;
- (b) paragraph 3, paragraph 4 and paragraph 5 shall be applied subject to the general adaptations set out in regulation 4, with references to “Member States” read as references to the competent authority in Gibraltar and references to notification to “the Commission” read as a requirement to ensure the Secretariat of the Basel Convention is informed by the Minister before the end of each calendar year;
- (c) for the purposes of this Article, Liechtenstein shall be deemed to be a country to which the OECD Decision applies.

(2) Article 40 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) for references to “the Union” there shall be substituted references to “Gibraltar”;
- (b) paragraphs 2 to 8 shall be read as a power of the Minister, by regulations, to establish and maintain a list of countries to which exports of non-hazardous waste from Gibraltar for recovery are permitted, having regard to any lists or assessments produced by the European Commission under those paragraphs;
- (c) in all other respects, Article 40 shall be read subject to the general adaptations set out in regulation 5.

(3) Articles 41, 42 and 43 of the 2024 Regulation shall be read as conferring corresponding powers on the Minister to regulate the export of non-hazardous waste from Gibraltar to non-OECD countries, having due regard to the environmental conditions and capacity of the countries of destination and to any relevant standards, guidelines or assessments adopted at international level or by the European Commission.

(4) Article 44 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) in paragraph 1, for “Exports from the Union” there shall be substituted “Exports from Gibraltar”;
- (b) all references to “the Union” shall be read as references to “Gibraltar”;
- (c) in all other respects, Article 44 shall be read subject to the general adaptations set out in regulation 5.

(5) Article 45 of the 2024 Regulation shall be read as a duty on the Minister to monitor exports of waste from Gibraltar to countries to which the OECD Decision applies and, where the Minister has reason to believe that such exports are not being managed in an environmentally sound manner, to take such steps as the Minister considers appropriate, including the imposition of conditions, restrictions or prohibitions on such exports by way of regulations.

(6) Article 46 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) references to “Member States” shall be read as references to Gibraltar or the competent authority in Gibraltar, as the context requires;
- (b) references to “the Commission” in the context of implementing acts or guidelines shall be read as references to the Minister;
- (c) paragraph 11 shall have effect subject to the general adaptations in regulation 4;
- (d) in all other respects, Article 46 shall be read subject to the general adaptations set out in regulation 5.

General provisions on exports.

26.(1) Article 47 of the 2024 Regulation shall be applied in Gibraltar, with references to “Member States” read as references to the competent authority in Gibraltar or the Minister, as the context requires.

(2) Article 48 of the 2024 Regulation shall be applied in Gibraltar as follows— “Exports of waste from Gibraltar to the Antarctic shall be prohibited.”.

(3) Article 49 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) in paragraph 1, for “Exports from the Union to an overseas country or territory” there shall be substituted “Exports from Gibraltar to an overseas country or territory”;
- (b) in paragraph 2, the reference to Article 39 shall be read as a reference to Article 39 as adapted by regulation 24(1);
- (c) in paragraph 3, the reference to “Title II” shall be read as a reference to Title II as adapted by these Regulations.

PART 8

ADAPTATIONS TO TITLE V (IMPORTS INTO GIBRALTAR FROM THIRD COUNTRIES) OF THE 2024 REGULATION

Imports of waste for disposal and recovery.

27.(1) Article 50 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) in paragraph 1, for “Imports into the Union of waste destined for disposal shall be prohibited except those from” there shall be substituted “Imports into Gibraltar of waste destined for disposal shall be prohibited except those from”;
- (b) in paragraph 1(b), for “bilateral or multilateral agreements or arrangements” concluded by “a Member State” there shall be substituted “agreements or arrangements concluded by the Minister or the Government”;
- (c) in paragraph 2, references to “a Member State” shall be read as references to the Minister, and the agreements and arrangements shall be compatible with EU law and in accordance with Article 11 of the Basel Convention and shall guarantee that the disposal operations will be carried out in an authorised facility and will comply with the requirements for environmentally sound management, and that the waste is produced in the country of dispatch and that disposal will be carried out exclusively in Gibraltar;
- (d) in all other respects, Article 50 shall be read subject to the general adaptations set out in regulation 5.

(2) Article 51 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5, with “the Union” read as “Gibraltar” throughout.

(3) Article 52 of the 2024 Regulation shall be applied in Gibraltar subject to corresponding adaptations as applied to Article 50 by subregulation (1) above, *mutatis mutandis*.

(4) Articles 53 and 54 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5, with “the Union” read as “Gibraltar” throughout.

(5) Article 55 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5, with references to “the competent authority of destination in the Union” read as “the competent authority in Gibraltar”.

- (6) Article 56 of the 2024 Regulation shall be applied in Gibraltar as follows—
- (a) in paragraph 1, for “Where waste is imported into the Union from overseas countries or territories” there shall be substituted “Where waste is imported into Gibraltar from overseas countries or territories”;
 - (b) paragraph 2 shall be read as follows— “One or more overseas countries and territories listed in Regulation 6 of the Shipments of Waste (Regulation 2024/1157) (Gibraltar) Regulations 2026 and Gibraltar may apply national procedures to shipments from the overseas country or territory to Gibraltar”;
 - (c) the Minister must ensure that the Secretariat of the Basel Convention is notified of the national procedures applied.

PART 9

ADAPTATIONS TO TITLE VI (TRANSIT THROUGH GIBRALTAR) AND TITLE VII (ENVIRONMENTALLY SOUND MANAGEMENT AND ENFORCEMENT) OF THE 2024 REGULATION

Transit through Gibraltar.

28.(1) Article 57 of the 2024 Regulation shall be applied in Gibraltar as follows— “Where waste destined for disposal is shipped through Gibraltar from and to third countries, Article 51 of the 2024 Regulation shall apply mutatis mutandis.”.

- (2) Article 58 of the 2024 Regulation shall be applied in Gibraltar as follows—
- (a) where waste destined for recovery is shipped through Gibraltar from and to a non-EU country to which the OECD Decision does not apply, subregulation (1) above shall apply mutatis mutandis;
 - (b) where waste destined for recovery is shipped through Gibraltar from and to an EU country or a country to which the OECD Decision applies, Article 53 of the 2024 Regulation shall apply mutatis mutandis;
 - (c) 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, subregulation (2)(a) shall apply as regards the non-EU country to which the OECD Decision does not apply

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and subregulation (2)(b) shall apply as regards the EU country or country to which the OECD Decision applies.

Environmentally sound management.

29.(1) Article 59 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) in paragraph 1, the reference to “the waste producer, the notifier, the person who arranges the shipment and any other undertaking” shall be read as applying to all such persons under the jurisdiction of Gibraltar;
- (b) in paragraph 2, the reference to “Union legislation” shall be read as a reference to EU law as may be applicable in Gibraltar;
- (c) in paragraph 2, references to “Annex IX” shall be read as references to Annex IX as it applies in Gibraltar and as adapted by these Regulations.

(2) In the case of an export from Gibraltar to a non-EU country, the competent authority of dispatch in Gibraltar shall—

- (a) require and endeavour to secure that any waste exported is managed in an environmentally sound manner throughout the period of shipment, including recovery or disposal in the country of destination; and
- (b) prohibit an export of waste if it has reason to believe that the waste will not be managed in accordance with the requirements of subregulation (2)(a).

(3) In the case of an import into Gibraltar from a non-EU country, the competent authority of destination in Gibraltar shall—

- (a) require and take the necessary steps to ensure that any waste shipped into its area of jurisdiction is managed without endangering human health and without using processes or methods which could harm the environment throughout the period of shipment, including recovery or disposal in Gibraltar; and
- (b) prohibit an import of waste if it has reason to believe that the waste will not be managed in accordance with the requirements of subregulation (3)(a).

Enforcement and inspections.

30.(1) Article 60 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) references to “Member States” shall be read as references to the Minister or the competent authority in Gibraltar;
- (b) paragraph 1, so far as it requires inspections of establishments, undertakings, brokers and dealers “in accordance with Article 34 of Directive 2008/98/EC”, shall be read as requiring such inspections to be carried out in accordance with the provisions of Gibraltar law implementing the corresponding provisions.

(2) Article 61 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) in paragraph 2, for “the authorities involved in inspections may” there shall be substituted “the authorities involved in inspections in Gibraltar may”;
- (b) in paragraph 2, the reference to “Article 23(2) and Annex VI to Directive 2012/19/EU” and “Article 72(2) and Annex XIV to Regulation (EU) 2023/1542” shall be read as references to the corresponding provisions as they form part of law applicable to Gibraltar;
- (c) paragraphs 4 to 6 shall have effect subject to the general adaptations set out in regulation 5.

(3) Article 62 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) in paragraph 1, for “Each Member State shall ensure that one or more inspection plans” there shall be substituted “The Minister shall ensure that, in respect of Gibraltar, one or more inspection plans”;
- (b) references to “Member States” shall be read as references to the Minister or the competent authority in Gibraltar;
- (c) paragraphs 5 and 6 shall be omitted.

(4) Article 63 of the 2024 Regulation shall be applied in Gibraltar subject to the following adaptations—

- (a) references to “Member States” shall be read as references to the Minister or the Government;

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(b) paragraph 4 shall be omitted.

(5) Article 64 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5, with references to “Member States” read as references to the competent authority in Gibraltar.

(6) Article 65 of the 2024 Regulation shall be applied in Gibraltar as follows—

- (a) the competent authorities in Gibraltar shall, where appropriate, cooperate, bilaterally and multilaterally, with the competent authorities of EU countries and other countries in order to facilitate the prevention and detection of illegal shipments;
- (b) the competent authority in Gibraltar shall identify those members of its permanent staff responsible for such cooperation and identify the focal point(s) for the physical checks referred to in Article 61(1);
- (c) paragraph 2, second sub-paragraph shall be read as a requirement to ensure the information is made available as the Minister considers appropriate.

(7) Article 66 of the 2024 Regulation shall not apply to Gibraltar, but the competent authority in Gibraltar may, if the Minister so directs, participate in or cooperate with any such group or equivalent international enforcement cooperation mechanism.

(8) Articles 67 to 71 of the 2024 Regulation shall not apply to Gibraltar, save that the competent authority in Gibraltar shall cooperate with any requests from the European Commission or competent authorities of EU countries for information or assistance in relation to illegal shipments involving or transiting through Gibraltar.

PART 10

ADAPTATIONS TO TITLE VIII (FINAL PROVISIONS) OF THE 2024 REGULATION

Regulation-making powers.

31.(1) The Minister may, by regulations, amend the Annexes to the 2024 Regulation as they have effect in Gibraltar, having regard to—

- (a) changes agreed under the Basel Convention and the OECD Decision;

- (b) changes to the list of waste adopted in accordance with Article 7 of Directive 2008/98/EC;
- (c) changes to the guidelines on environmentally sound management listed in Annex IX;
- (d) any delegated acts or implementing acts adopted by the European Commission under Articles 79, 80, 81 or 82 of the 2024 Regulation.

(2) The Minister may, by regulations, make such further provision as the Minister considers necessary or desirable for the purposes of applying the 2024 Regulation as adapted by these Regulations, including provision—

- (a) establishing the technical and organisational requirements for electronic submission and exchange of information under Article 27;
- (b) establishing criteria for the classification of used goods and waste under Article 29;
- (c) establishing or maintaining a list of countries to which exports of non-hazardous waste for recovery from Gibraltar are permitted under Articles 40 to 43;
- (d) imposing conditions, restrictions or prohibitions on exports of waste from Gibraltar under Articles 44 and 45;
- (e) amending the correlation table between customs nomenclature codes and waste entries for the purposes of Article 61(7);
- (f) making provision for administrative penalties in accordance with Article 63.

Format of communications.

32. Article 72 of the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

Reporting.

33.(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

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- (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 additional reporting questionnaire in Annex XI to the 2024 Regulation, so far as applicable to Gibraltar; and
- (b) publish the further report in a manner which the Minister considers appropriate.

International cooperation.

34. Gibraltar, where appropriate and necessary, shall cooperate with other Parties to the Basel Convention and inter-State organisations, inter alia, via the exchange and/or sharing of information, the promotion of environmentally sound technologies and the development of appropriate codes of good practice.

Designation of competent authorities and correspondents.

35.(1) Articles 75 and 76 of the 2024 Regulation shall not apply directly to Gibraltar.

(2) For the competent authorities of dispatch and destination in Gibraltar, see section 98D of the Public Health Act.

(3) For the competent authority of transit in Gibraltar, see section 98E of the Public Health Act.

(4) The Minister shall appoint such correspondent or correspondents as the Minister considers appropriate for the purpose of informing or advising persons or undertakings making enquiries relating to the implementation of the 2024 Regulation as adapted by these Regulations.

Designation of frontier crossing points.

36.(1) The Minister may designate places at which waste entering or leaving Gibraltar is controlled.

(2) 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.

Notification of designations.

37.(1) The Minister must ensure that the Secretariat of the Basel Convention is informed of designations of—

- (a) competent authorities;
- (b) where appropriate, frontier crossing points designated pursuant to regulation 36.

(2) In relation to those designations, the Minister must ensure that the Secretariat of the Basel Convention is informed of the following information—

- (a) name(s);
- (b) postal address(es);
- (c) e-mail address(es);
- (d) telephone number(s);
- (e) languages acceptable to the competent authorities.

(3) The Minister must ensure that the Secretariat of the Basel Convention is immediately notified of any changes in this information.

(4) The Minister shall publish on a website the frontier crossing points designated pursuant to regulation 36, and shall update this as appropriate.

Committee procedures and delegated acts.

38. Articles 80 and 81 of the 2024 Regulation (exercise of delegation and committee procedure) shall not apply to Gibraltar. The corresponding functions shall be exercised by the Minister by way of regulations under regulation 31 of these Regulations.

Transitional provisions.

39.(1) In this regulation and in regulations 40 and 41—

“the Implementation Date” has the meaning given by Regulation 2(1);

“the transitional period” means the period beginning on the date on which these Regulations come into force and ending on the date determined in accordance with regulation 40.

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(2) Article 85 of the 2024 Regulation shall not apply directly to Gibraltar, but the following provisions shall apply in Gibraltar so as to provide corresponding transitional arrangements.

General continuation of the retained 1013/2006 Regulation (mirroring Article 85(2) and Article 86(2) of the 2024 Regulation, under which Regulation (EC) No 1013/2006 continues to apply in the EU until 21 May 2026).

40. Subject to subregulations 41 to 50 below, the provisions of the 1013/2006 Regulation shall continue to have effect in Gibraltar until the Implementation Date (being 21 May 2026, corresponding to the date of application of the 2024 Regulation in the EU pursuant to Article 86(2), or, if later, the date on which these Regulations come into force), at which point the 2024 Regulation as adapted by these Regulations shall apply in their place, save as otherwise provided in this Regulation.

Early cessation of Article 30 of the 1013/2006 Regulation (mirroring Article 85(2)(a) of the 2024 Regulation, under which Article 30 of the 1013/2006 Regulation ceased to apply in the EU from 20 May 2024).

41. Article 30 of the 1013/2006 Regulation shall cease to apply in Gibraltar on the date on which these Regulations come into force (corresponding, for Gibraltar, to the cessation which took effect in the EU from 20 May 2024 pursuant to Article 85(2)(a) of the 2024 Regulation).

Extended application of Article 51 of the 1013/2006 Regulation (mirroring Article 85(2)(c) of the 2024 Regulation, under which Article 51 of the 1013/2006 Regulation continues to apply in the EU until 31 December 2025).

42. Article 51 of the 1013/2006 Regulation shall continue to apply in Gibraltar until the date falling six months after the Implementation Date and shall thereafter cease to apply.

Extended application of Article 37 of the 1013/2006 Regulation (mirroring Article 85(2)(b) of the 2024 Regulation, under which Article 37 of the 1013/2006 Regulation continues to apply in the EU until 21 May 2027).

43. Article 37 of the 1013/2006 Regulation shall continue to apply in Gibraltar until 21 May 2027 or, if later, until the date falling one year after the Implementation Date.

Savings for shipments notified before the Implementation Date.

44. The 1013/2006 Regulation shall continue to apply in Gibraltar to any shipment for which—

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- (a) a notification has been submitted in accordance with Article 4 of the 1013/2006 Regulation; and
- (b) the competent authority of destination has issued its acknowledgement in accordance with Article 8 of the 1013/2006 Regulation,

before the Implementation Date. For any such shipment, the provisions of the 2024 Regulation as adapted by these Regulations shall not apply.

Time limit for completion of consented shipments.

45. The recovery or disposal of waste in a shipment for which the competent authorities concerned have given their consent in accordance with Article 9 of the 1013/2006 Regulation shall be completed not later than one year after the Implementation Date.

Time limit for completion of pre-consented facility shipments.

46. A shipment for which the competent authorities concerned have given their consent in accordance with Article 14(2) of the 1013/2006 Regulation shall be completed not later than three years after the Implementation Date.

Cessation of pre-consents under the 1013/2006 Regulation.

47. A pre-consent of a facility granted in accordance with Article 14 of the 1013/2006 Regulation shall cease to be valid not later than five years after the date on which these Regulations come into force.

Continuation of Commission Regulation (EC) No 1418/2007.

48. Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to the 1013/2006 Regulations, as it applies in Gibraltar, shall continue to apply in Gibraltar until the date falling three years after the Implementation Date (or, if later, three years after the date on which these Regulations come into force), and shall thereafter cease to have effect.

Phased application of new provisions in the 2024 Regulation.

49. The following provisions of the 2024 Regulation as adapted by these Regulations shall not apply in Gibraltar until the dates specified below—

- (a) Article 39(1)(d) shall apply from the date falling six months after the Implementation Date;

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- (b) Article 40, Article 44(2)(a), Articles 46 and 47 shall apply from the date falling one year after the Implementation Date, save that Article 40(3)(b) shall apply from the Implementation Date;
- (c) Article 38(2)(b) shall apply from the date falling one year after the Implementation Date;
- (d) Article 73 as adapted by Regulation 32 shall apply from 1 January 2027 or, if later, from 1 January of the year following the year in which the Implementation Date falls.

Preservation of acts done under the 1013/2006 Regulation.

50. Any notification, consent, financial guarantee, pre-consent or other act done or instrument issued under or for the purposes of the 1013/2006 Regulation which is in force or effective immediately before the relevant provision of the 1013/2006 Regulation ceases to have effect shall, so far as it could have been done or issued under or for the purposes of the corresponding provision of the 2024 Regulation as adapted by these Regulations, continue in force and have effect as if done or issued under or for the purposes of the 2024 Regulation as so adapted, until such time as it expires, is revoked or is replaced.

Further transitional provision.

51. The Minister may, by regulations, make such further transitional, transitory or saving provision as the Minister considers necessary or desirable for the purposes of facilitating the transition from the 1013/2006 Regulation to the 2024 Regulation as adapted by these Regulations.

Definitive cessation of the 1013/2006 Regulation.

52.(1) Subject to subregulation (2), the 1013/2006 Regulation shall cease to have effect in Gibraltar for all purposes on the date falling five years after the Implementation Date (or, if later, five years after the date on which these Regulations come into force) (the "Cessation Date").

(2) Where, a shipment, recovery or disposal operation, or pre-consent remains governed by the 1013/2006 Regulation after the Cessation Date, the 1013/2006 Regulation shall continue to be applied in Gibraltar solely for the purposes of that shipment, operation or pre-consent until it is completed, expires or ceases to be valid, whichever is the earliest.

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(3) The Minister shall, as soon as reasonably practicable after the Cessation Date, publish a notice confirming the date on which the 1013/2006 Regulation has ceased to be applied in Gibraltar.

Review.

53. Article 84 of the 2024 Regulation shall not apply to Gibraltar, save that the Minister shall keep under review the operation of the 2024 Regulation as adapted by these Regulations and may, by regulations, make such further provision as the Minister considers necessary or desirable in light of any such review.

PART 11

ANNEXES

Annexes to the 2024 Regulation.

54.(1) The Annexes to the 2024 Regulation shall be applied in Gibraltar subject to the general adaptations set out in regulation 5.

(2) In Annexes IA, IB and IC, references to “Member States”, “the Union” and EU institutions shall be read in accordance with the general adaptations set out in regulation 5.

(3) In Annex II, references to permits issued “in accordance with Directive 2010/75/EU” shall, where the facility is in Gibraltar, be read as references to permits issued in accordance with the Pollution Prevention and Control Regulations 2013.

(4) Annexes III, IIIA, IIIB, IV and V shall be applied in Gibraltar as set out in the 2024 Regulation, subject to such modifications as the Minister may make by regulations under regulation 31.

(5) Annex XII shall not apply to Gibraltar, save to the extent that the Minister considers it appropriate to publish equivalent information.

(6) Annex XIII shall not apply to Gibraltar.