

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5323 GIBRALTAR Thursday 9th July 2026

LEGAL NOTICE NO. 162 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

INTERNATIONAL WASTE SHIPMENT (AMENDMENT) REGULATIONS 2026

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 International Waste Shipment (Amendment) Regulations 2026.

Commencement.

2.(1) Subject to subregulations (2), (3) and (4), these Regulations come into operation on the Implementation Date.

(2) Regulations 20, 21 and 80 come into operation on the date falling twelve months after the Implementation Date.

(3) Regulation 105 comes into operation on the date falling twelve months after the date on which Regulations 20, 21 and 80 come into operation.

(4) These Regulations are subject to the transitional provisions set out in the Shipments of Waste Regulations and, in particular, regulation 38 thereof (which provides for the phased replacement of the TSW Regulation by the 2024 Regulation as adapted for Gibraltar). Where a provision of this Part as amended by these Regulations depends upon a provision of the TSW Regulation that continues to have effect during the transitional period by virtue of regulation 38 of the Shipments of Waste Regulations, that provision of this Part shall continue to operate by reference to the TSW Regulation until the relevant transitional date, and shall thereafter operate by reference to the corresponding provision of the 2024 Regulation as adapted by the Shipments of Waste Regulations.

Interpretation.

3. 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, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006, as amended from time to time;

"the Implementation Date" has the meaning given in section 3 of the Treaty on Gibraltar and the European Union Act 2026;

"the Public Health Act" means the Public Health Act 1950;

"the TSW Regulation" means Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, as it forms part of the law of Gibraltar by virtue of section 6 of the European Union (Withdrawal) Act 2019 and as amended from time to time.

"the Shipments of Waste Regulations" means the Shipments of Waste (Regulation 2024/1157) (Gibraltar) Regulations 2026;

PART 2

AMENDMENTS TO THE PUBLIC HEALTH ACT

Amendment to section 98A.

4. Section 98A of the Public Health Act is amended as follows—

(a) in subsection (1)—

(i) after the definition of "Annex VII document" insert—

"audited facility" means a facility outside Gibraltar in respect of which an audit has been carried out in accordance with section 98RA;";

(ii) after the definition of "EFTA" insert—

"electronic submission system" means any system operated by the Government for the electronic submission and exchange of information and documents relating to shipments of waste under this Part, including any system the Government may establish for the purpose of facilitating interoperability with the central system referred to in Article 27(3) of the 2024 Regulation;";

(iii) after the definition of “OECD Decision” insert—

“person who arranges the shipment” means—

(a) in the case of waste subject to the prior written notification and consent procedures, the notifier; and

(b) in the case of waste subject to the general information requirements of Article 18 of the TSW Regulation, the natural or legal person under the jurisdiction of Gibraltar who arranges the shipment, being—

(i) the original waste producer; or

(ii) where that is not practicable, a new waste producer, a licensed or registered collector, a registered dealer or a registered broker;”;

(iv) after the definition of "Transfrontier Shipments of Wastes Regulation" or "TSW Regulation" insert—

“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 it has effect in EU law;”;

(b) In subsection (2), after “TSW Regulation” in the second place that it appears insert “, and, where the context so requires, expressions used in this Part that are also used in the 2024 Regulation have the same meaning in this Part as they have in that Regulation”.

Insertion of new section 98AB.

5. After section 98A insert—

“Meaning of the 2024 Regulation.

98AB.(1) References in this Part to the 2024 Regulation are references to Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, as it has effect in EU law as amended from time to time, and, where relevant, as applied to and adapted for Gibraltar by the Shipments of Waste Regulations.

(2) Where a provision of the TSW Regulation as law in Gibraltar corresponds to a provision of the 2024 Regulation as adapted by the Shipments of Waste Regulations, and the 2024 Regulation has introduced new or different requirements in relation to that provision, the Minister may by regulations make such provision as the Minister considers appropriate to give effect to the new or different requirements in relation to shipments to or from Gibraltar, subject to and

in accordance with the transitional provisions set out in Regulation 38 of the Shipments of Waste Regulations.

- (3) Before making regulations under subsection (2), the Minister must have regard to—
- (a) the desirability of maintaining regulatory alignment with the standards and procedures applicable in EU countries in relation to waste shipments;
 - (b) the practical circumstances of waste management in Gibraltar, including Gibraltar's reliance on facilities in other countries for the treatment of waste; and
 - (c) the obligations of Gibraltar under the Basel Convention and any bilateral or multilateral agreement relating to the shipment of waste.”.
- (4) In this section and elsewhere in this Part, where a provision refers to the 2024 Regulation, that reference shall, unless the context otherwise requires, be construed as a reference to the 2024 Regulation as adapted for Gibraltar by the Shipments of Waste Regulations.

Amendment to section 98B.

6. In section 98B, after subsection (2) insert—

“(3) This Part is to be construed in the light of, and so far as practicable in a manner consistent with, the standards and requirements of the 2024 Regulation, subject to such adaptations as are necessary to reflect Gibraltar's position as a jurisdiction outside the European Union.”.

Amendment to section 98D.

7. After section 98D insert—

“Competent authority: additional functions.

98DA.(1) The Government, acting as competent authority under section 98D, shall in addition discharge the following functions—

- (a) maintaining a register of pre-consented recovery facilities in Gibraltar in accordance with Article 13A of the TSW Regulation;
- (b) maintaining and publishing on a website lists of—
 - (i) any correspondents designated under section 98DB; and
 - (ii) any frontier crossing points designated under Article 55 of the TSW Regulation;

- (c) establishing and maintaining the electronic submission system referred to in section 98LA; and
- (d) cooperating with the competent authorities of other countries in relation to the prevention and detection of illegal shipments.

Designation of correspondents.

98DB.(1) The Minister may designate one or more correspondents responsible for informing or advising persons or undertakings making enquiries in relation to the implementation of this Part and the TSW Regulation.

- (2) The Minister shall ensure that the Secretariat of the Basel Convention is informed of the designation of correspondents under this section and of any changes therein.”.

Amendment to section 98I.

8. In section 98I—

- (a) in subsection (3)(a), after “Basel Convention” insert “and having regard to the standards applied in EU countries in relation to waste shipments under the 2024 Regulation”;
- (b) after subsection (3) insert—
 - “(4) The Gibraltar Plan shall, in particular, take into account the desirability of ensuring that Gibraltar has in place a regime for the shipment of waste that achieves a level of environmental and human health protection equivalent to that required by the 2024 Regulation.”.

Amendment to section 98J.

9. In section 98J, after “TSW Regulation” in the second place that it appears, insert “, having regard to the grounds for objection set out in Articles 11 and 12 of the 2024 Regulation”.

Amendment to section 98K.

10. For section 98K substitute—

“Environmentally sound management.

98K.(1)A person commits an offence if he fails to comply with Article 49(1) of the TSW Regulation.

- (2) For the purposes of subsection (1) and of any other provision of this Part, waste shall be deemed to be managed in an environmentally sound manner as regards

recovery or disposal if, in addition to the requirements of Article 49 of the TSW Regulation (and, on and after the date on which Regulation 28 of the Shipments of Waste Regulations takes effect, Article 59 of the 2024 Regulation as adapted by those Regulations), it can be demonstrated that the waste, as well as any residual waste generated through recovery or disposal, will be managed in accordance with human health, climate and environmental protection requirements that are considered equivalent to those under the retained EU law applied in Gibraltar.

- (3) When assessing equivalence under subsection (2), full compliance with the requirements of the retained EU law applicable to Gibraltar shall not be required, but it shall be demonstrated that the requirements applied in the country of destination ensure a similar level of protection of human health and the environment.
- (4) In order to perform the equivalence assessment referred to in subsection (3), the provisions of the retained EU law applied in Gibraltar and any relevant international guidance shall be used as points of reference.”.

Insertion of new section 98KA.

11. After section 98K insert—

“Environmentally sound management: additional duties.

98KA.(1) The waste producer, the notifier, the person who arranges the shipment and any other undertaking involved in a shipment of waste or its recovery or disposal shall take the necessary steps to ensure that the waste is managed without endangering human health and in an environmentally sound manner throughout the duration of the shipment and during the recovery and disposal of the waste.

- (2) A person who fails to comply with subsection (1) commits an offence.”.

Amendment to section 98L.

12. In section 98L—

- (a) in paragraph (b), after “Article 18(1)” insert “and with any requirements relating to the electronic submission of information under section 98LA;”;
- (b) in paragraph (b) replace “.” with “;”.
- (c) after paragraph (b) insert—
 - “(c) any requirement imposed under or by virtue of the TSW Regulation concerning the electronic submission and exchange of information relating to the shipment.”.

Insertion of new section 98LA.

13. After section 98L insert—

“Electronic submission of information.

98LA.(1) The Minister may by regulations make provision for the electronic submission and exchange of information and documents relating to the shipment of waste, having regard to the requirements of Article 27 of the 2024 Regulation as adapted by the Shipments of Waste Regulations, including—

- (a) information and documents relating to prior written notification and consent;
- (b) information and documents relating to the general information requirements of Article 18 of the TSW Regulation;
- (c) information and documents relating to the export, import and transit of waste under Titles IV, V and VI of the TSW Regulation;
- (d) confirmations of receipt of waste, certificates of recovery or disposal, and other notifications and communications required under the TSW Regulation.

(2) Regulations made under subsection (1) may in particular—

- (a) require the submission of information and documents by electronic means, using such systems as the Minister may specify;
- (b) make provision for the interoperability of any system established by the Minister with the central system referred to in Article 27(3) of the 2024 Regulation;
- (c) specify technical and organisational requirements for the practical implementation of electronic data interchange;
- (d) make provision for cases where electronic submission is not practicable, including by providing for submission by post, fax, or email with digital signature;
- (e) require notifiers, consignees, carriers and facilities to ensure that information is made available by electronic means during the transport of waste, or by other means where electronic availability is not practicable.

(3) Until regulations are made under this section, the provisions of Article 26 of the TSW Regulation as retained law shall continue to be applied.

- (4) A person who, without reasonable excuse, fails to comply with a requirement imposed by regulations made under this section commits an offence.”.

Amendment to section 98M.

14. In section 98M—

- (a) in subsection (2)(e)(i), after “Article 16” insert “, and with any requirements imposed by regulations made under section 98LA”;

- (b) after subsection (3) insert—

“(4) A person who transports waste specified in this section commits an offence if he fails to ensure that the information required to be submitted by electronic means pursuant to regulations made under section 98LA is so submitted.

- (5) A person who arranges a shipment of waste under this section commits an offence if, in the case of waste destined for recovery, he exports waste to a facility that does not hold a permit or registration in accordance with Chapter IV of Directive 2008/98/EC or an equivalent authorisation under Gibraltar law.”.

Amendment to section 98N.

15. In section 98N, after subsection (2) insert—

- “(3) A person who arranges a shipment of waste under this section commits an offence if he fails to ensure that the waste is shipped only to a recovery facility that holds a permit or registration in accordance with Chapter IV of Directive 2008/98/EC or an equivalent authorisation under Gibraltar law.

- (4) A person who arranges a shipment under this section commits an offence if he fails to ensure that the form set out in Annex VII is completed and, where regulations have been made under section 98LA, made electronically available in accordance with those regulations.”.

Amendment to section 98O.

16. In section 98O, for the words “Article 34 (prohibition on export except, in certain circumstances, to EU or EFTA countries Parties to the Basel Convention)” substitute “Article 37 of the 2024 Regulation as adapted by the Shipments of Waste Regulations (prohibition on export of waste destined for disposal except, in certain circumstances, to the United Kingdom, EU or EFTA countries that are Parties to the Basel Convention).”.

Amendment to section 98P.

17.(1) In section 98P in subsection (2)(a) remove “or”.

(2) In section 98P in subsection (2)(b) replace “.” with “; or”.

(3) In section 98P, after subsection (2)(b) insert—

“(c) without ensuring that the waste will be managed in an environmentally sound manner in the country of destination, having regard to the requirements of section 98K(2) to (4).”.

Amendment to section 98PA.

18. In section 98PA—

- (a) in subsection (1), for “Annex III or IIIA” substitute “Annex III, IIIA or IIIB”;
- (b) in subsection (2), after “commits an offence if he does so in breach of that Regulation” insert “or in breach of any provision of Article 37A of the TSW Regulation.”.

Insertion of new sections 98PAA and 98PAB.

19. After section 98PA insert—

“Prohibition on export of non-hazardous waste to non-OECD countries.

98PAA.(1) A person commits an offence if he exports from Gibraltar any of the following wastes destined for recovery in a country to which the OECD Decision does not apply, in breach of Article 40 of the 2024 Regulation as adapted by Regulation 24(2) of the Shipments of Waste Regulations—

- (a) non-hazardous wastes listed in Annex III or Annex IIIB and mixtures of non-hazardous wastes listed in Annex IIIA;
 - (b) non-hazardous wastes and mixtures of non-hazardous wastes included in the list of waste referred to in Article 7 of Directive 2008/98/EC, when not already listed in Annex III, Annex IIIA or Annex IIIB;
 - (c) non-hazardous wastes and mixtures of non-hazardous wastes not classified under one single entry in Annex III, Annex IIIA or Annex IIIB or in the list of waste referred to in Article 7 of Directive 2008/98/EC;
 - (d) non-hazardous wastes classified under the entry AB130, AC250, AC260 or AC270.
- (2) Subsection (1) shall not apply to exports of wastes or mixtures of wastes destined for recovery to a country included in any list of authorised countries established by the Minister pursuant to Article 37A of the TSW Regulation, for the non-

hazardous wastes and mixtures of non-hazardous wastes specified in that list, provided that—

- (a) the waste is destined for a facility licensed under the domestic legislation of the country concerned to undertake recovery operations for that waste; and
 - (b) the waste is not destined for interim operations, unless all subsequent non-interim or interim recovery operations would take place in the same country of destination or in other countries for which the related waste is included in the list referred to in Article 37A.
- (3) The Minister may by regulations establish a list of countries to which the OECD Decision does not apply, to which exports of non-hazardous waste for recovery from Gibraltar may be authorised, having regard to—
- (a) the criteria applied by the European Commission in establishing the equivalent list under Article 41 of the 2024 Regulation; and
 - (b) any list published by the European Commission under that Article.
- (4) The Minister shall review the list referred to in subsection (3) at least every two years, and may by regulations amend or revoke that list.”.

Prohibition on export of plastic waste to non-OECD countries.

98PAB.(1) A person commits an offence if he exports from Gibraltar plastic waste classified under entry B3011 destined for recovery in a country to which the OECD Decision does not apply, in breach of Article 39(1)(d) of the 2024 Regulation as adapted by regulation 25 of the Shipments of Waste Regulations.

- (2) The prohibition in subsection (1) is without prejudice to the prohibition in section 98Q.”.

Amendment to section 98Q.

20. In section 98Q, for “Article 36(1)” substitute “Article 36(1) of the TSW Regulation and Articles 39 and 40 of the 2024 Regulation as adapted by the Shipments of Waste Regulations.”.

Amendment to section 98R.

21.(1) In section 98R in subsection (2)(a) remove “or”.

- (2) In section 98R, in subsection (2)(b) replace “.” with “;”.

- (3) In section 98R, after subsection (2)(b) insert—

- “(c) without having ensured that the waste will be managed in an environmentally sound manner in the country of destination in accordance with section 98K(2) to (4); or
- (d) where the waste is exported to a facility outside Gibraltar and the requirements of section 98RA apply, without having ensured that the facility has been audited in accordance with that section.”.

Insertion of new sections 98RA and 98RB.

22. After section 98R insert—

"Auditing obligations for exporters.

98RA.(1) A notifier or person who arranges the shipment intending to export waste from Gibraltar shall ensure that the facilities which will manage the waste in the country of destination have been subject to an audit in accordance with this section and, where applicable, Article 46 of the 2024 Regulation as adapted by regulation 25(6) of the Shipments of Waste Regulations.

(2) The audit referred to in subsection (1) shall—

- (a) be carried out by a third party which is independent of the notifier or person who arranges the shipment and of the audited facility;
 - (b) have appropriate qualifications in the areas of audits and waste treatment;
 - (c) have been authorised or accredited by an official body to perform audits of waste management facilities;
 - (d) include both physical and documentary checks; and
 - (e) verify compliance of the facility concerned with the criteria for environmentally sound management set out in section 98K(2) to (4), having regard to the criteria laid down in Part B of Annex X of the 2024 Regulation.
- (3) A notifier or person who arranges the shipment shall ensure, prior to exporting waste, that the facility which will manage the waste in the country of destination has been subject to an audit carried out no longer than two years prior to the export of waste to the facility concerned and which has demonstrated compliance of the facility with the criteria referred to in subsection (2)(e).
- (4) The notifier or person who arranges the shipment shall also commission an ad hoc audit without delay in the event that he receives reliable information that a facility no longer complies with the criteria referred to in subsection (2)(e), and where the ad hoc audit demonstrates non-compliance, the notifier or person who arranges the

shipment shall immediately stop the export of waste to that facility and inform the competent authority in Gibraltar.

- (5) Upon request by the competent authority or an authorised person, the notifier or person who arranges the shipment shall provide documentary evidence that audits referred to in this section have been carried out.
- (6) A notifier or person who arranges the shipment exporting waste from Gibraltar shall, on a yearly basis, make information on how he complies with his obligations under this section publicly available by electronic means.
- (7) Subsection (1) shall not apply where—
 - (a) an international agreement between Gibraltar or the United Kingdom and the country of destination recognises that the facilities in that country will manage waste in an environmentally sound manner in accordance with criteria equivalent to those applied under section 98K(2) to (4) and Part B of Annex X of the 2024 Regulation; or
 - (b) the waste is destined for a facility in the United Kingdom or an EU country.
- (8) A person who fails to comply with any provision of this section commits an offence.

Obligations on Gibraltar as jurisdiction of export.

- 98RB.(1) The competent authority in Gibraltar shall take all the measures necessary to ensure that legal and natural persons in Gibraltar do not export waste in cases where the conditions for such export laid down in this Part and the TSW Regulation are not met, or where exported waste is not managed in an environmentally sound manner in accordance with section 98K.
- (2) Where the competent authority is in possession of reliable information indicating that natural or legal persons exporting waste from Gibraltar are not complying with their obligations under section 98RA, it shall carry out the necessary verifications.”.

Amendment to section 98S.

23.(1) In section 98S, in paragraph (c) remove the “or”.

(2) In section 98S, in paragraph (d) replace “.” with “; or”.

(3) In section 98S, after paragraph (d) insert—

- “(e) The exports waste from Gibraltar in circumstances where the competent authority has reason to believe that the waste will not be managed in an environmentally sound manner as referred to in section 98K(2) to (4) in the country of destination.”.

Amendment to section 98T.

24. Section 98T is replaced with—

“98T.(1) A person commits an offence if, in breach of Article 41(1), he transports waste destined for disposal that has come from a third country or area other than those specified in that Article.

(2) For the purposes of this section, imports of waste destined for disposal into Gibraltar from countries outside the European Union and outside the European Free Trade Association shall be prohibited, unless the country of dispatch is a Party to the Basel Convention or the import is covered by a bilateral or multilateral agreement.”.

Amendment to section 98U.

25. In section 98U, after subsection (2) insert—

“(3) Where waste destined for disposal is imported into Gibraltar, the competent authority in Gibraltar shall require and take the necessary steps to ensure that any waste shipped into Gibraltar is managed without endangering human health and in an environmentally sound manner in accordance with section 98K and with Article 13 of Directive 2008/98/EC and other retained EU law on waste, throughout the duration of the shipment, including recovery or disposal in Gibraltar.”.

Amendment to section 98W.

26. In section 98W, after subsection (2) insert—

“(3) The competent authority in Gibraltar shall also prohibit imports of waste from countries to which the OECD Decision applies where it has reason to believe that the waste will not be managed in accordance with the requirements of section 98K.”.

Amendment to section 98X.

27. Section 98X is amended in the same terms as regulation 26, *mutatis mutandis*.

Amendment to section 98Y.

28. Section 98Y is amended in the same terms as regulation 26, *mutatis mutandis*.

Insertion of new section 98YA.

29. After section 98Y insert—

“Obligations of competent authority of destination.

98YA.(1) In the case of imports into Gibraltar, the competent authority shall require and take the necessary steps to ensure that any waste shipped into Gibraltar is managed without endangering human health and in an environmentally sound manner in accordance with section 98K, and in accordance with Article 13 of Directive 2008/98/EC and other retained EU law on waste, throughout the duration of the shipment, including recovery or disposal in Gibraltar.

(2) The competent authority shall also prohibit imports of waste from third countries where it has reason to believe that the waste will not be managed in accordance with the requirements set out in subsection (1).”.

Amendment to section 98ZE.

30. In section 98ZE—

- (a) in subsection (2)(a), for “Article 9(7)” substitute “Article 9(7) (or, where the corresponding provision of the 2024 Regulation applies, within the period specified in Article 9(6) of that Regulation);”;
- (b) in subsection (2)(e), after “Article 16(d)” insert “or, where regulations have been made under section 98LA, by electronic means in accordance with those regulations;”;
- (c) in subsection (2)(g), for “Article 20(1)” substitute “Article 20(1), for a period of not less than five years from the date on which a certificate was provided in accordance with Article 15(d) or Article 16(e)”.

Amendment to section 98ZF.

31. In section 98ZF, in subsection (2)—

- (a) after paragraph (a), for “Article 15(c)” substitute “Article 15(c), within two working days of receipt of the waste”;
- (b) in paragraph (b), after “Article 15(d)” insert “, as soon as possible but no later than 30 days after completion of the interim recovery or disposal operation and in any case no later than one year after the receipt of the waste”.

Amendment to section 98ZG.

32. In section 98ZG, in subsection (2)—

- (a) in subsection (2)(a) remove “or”;
- (b) in subsection (2)(b) replace “.” with “,”;

(c) after subsection (2)(b), insert—

“(c) ensure that the information required to be submitted by electronic means pursuant to regulations made under section 98LA is so submitted.”.

Amendment to section 98ZH.

33. In section 98ZH, in subsection (2), for “Article 20(1)” substitute “Article 20(1), for a period of not less than five years from the date on which a certificate was provided in accordance with Article 15(d) or Article 16(e)”.

Amendment to section 98ZI.

34. In section 98ZI-

(a) in subsection (2)(b) remove “or”;

(b) in subsection (2)(c) replace “.” with “;or”.

(c) after subsection (2)(c) insert—

“(d) ensure that information required to be submitted by electronic means pursuant to regulations made under section 98LA is so submitted.”.

Amendment to section 98ZK.

35. In section 98ZK in paragraph (b), for “Article 20(1)” substitute “Article 20(1), for a period of not less than five years from the date on which a certificate was provided in accordance with Article 15(d) or Article 16(e)”.

Amendment to section 98ZL.

36. In section 98ZL—

(a) in subsection (2)(a) remove “or”;

(b) in subsection (2)(b), for “Article 20(2)” substitute “Article 20(2), for a period of not less than five years from the date on which a certificate was provided in accordance with Article 18(9) of the 2024 Regulation as applied by the TSW Regulation; or”;

(c) after subsection (2)(b), insert—

“(c) ensure that information required to be submitted by electronic means pursuant to regulations made under section 98LA is so submitted.”.

Insertion of new sections 98ZLA, 98ZLB and 98ZLC.

37. After section 98ZL insert—

“Duties on carriers.

98ZLA.(1) A carrier of waste subject to the provisions of this Part commits an offence if he fails to—

- (a) ensure that documents or information required to accompany the waste during transport are available in the transport vehicle; or
- (b) where regulations have been made under section 98LA, ensure that the required information is made available by electronic means or, where electronic availability is not practicable, by other means in the transport vehicle.

Enhanced inspection plans.

98ZLB.(1) The Minister shall ensure that, in respect of Gibraltar, one or more inspection plans are maintained, either separately or as a clearly defined part of other plans, for inspections carried out for the purposes of enforcing this Part, the TSW Regulation and the 2024 Regulation as adapted by the Shipments of Waste Regulations.

(2) The inspection plans referred to in subsection (1) shall be based on a risk assessment, taking into account specific waste streams and sources of illegal shipments, and shall cover—

- (a) inspections of establishments, undertakings, brokers and dealers;
- (b) inspections of shipments of waste, including physical checks; and
- (c) inspections of the related recovery or disposal operations.

(3) Inspections of shipments shall take place at least at one of the following points—

- (a) at the point of origin;
- (b) at the point of destination, including interim and non-interim recovery or disposal;
- (c) at the borders of Gibraltar; or
- (d) during the shipment within Gibraltar.

- (4) Inspections shall include at least verification of documents, confirmation of the identity of the actors involved and, where appropriate, physical checking of the waste.
- (5) The inspection plans shall be reviewed and, as necessary, updated at least every three years.
- (6) In order to ascertain that a substance or object being carried by any means of transport is not waste, the authorities involved in inspections may require the natural or legal person who is in possession of the substance or object, or who arranges the carriage thereof, to submit documentary evidence as to the origin and destination of the substance or object and evidence that it is not waste.
- (7) The Minister shall ensure that the inspection plans are published and made available to the public.

Penalties for infringement.

98ZLC.(1) The Minister shall ensure that effective, proportionate and dissuasive penalties apply to infringements of this Part, the TSW Regulation and the 2024 Regulation as adapted by the Shipments of Waste Regulations.

- (2) In determining the level of penalties, regard shall be had to—
 - (a) the nature, gravity and duration of the infringement;
 - (b) the economic benefit derived from the infringement;
 - (c) the environmental damage caused;
 - (d) any previous infringements by the person concerned; and
 - (e) any other aggravating or mitigating factors.”.

Amendment to section 98ZN.

38. In section 98ZN-

- (a) in paragraph (a) remove the second “and”;
- (b) in paragraph (b) replace “.” with “; and”;
- (c) after paragraph (b) insert—
 - “(c) the costs of any audit or inspection carried out in relation to the shipment concerned.”.

Amendment to Schedule 20.

39. In Schedule 20, in paragraph 2(1), after “Article 6(4), first paragraph” insert “and Article 7(4) of the 2024 Regulation as applied by the TSW Regulation”.

Amendment to Schedule 21.

40. In Schedule 21—

- (a) in Part 1, in paragraph 4(1)(a), after “the provisions of the TSW Regulation or this Part” insert “or any regulations made under section 98LA or section 98AB”;
- (b) in Part 3, in paragraph 9, after “Article 22” the both times that it appears insert “(or the corresponding provision of the 2024 Regulation)”.

Dated: 9th July 2026.

PROF J CORTES,
Minister with responsibility for the Environment,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Public Health Act to align Gibraltar's waste shipment regime with Regulation (EU) 2024/1157, as applied in Gibraltar by the Shipments of Waste (Regulation 2024/1157) (Gibraltar) Regulations 2026. The principal amendments include the insertion of cross-references to the 2024 Regulation as adapted by the Shipments of Waste Regulations; the creation of new offence provisions relating to the export of non-hazardous and plastic waste; the introduction of facility audit obligations for exporters; new requirements for the electronic submission of information; enhanced inspection plans; an expanded environmentally sound management framework; and a transitional alignment provision ensuring that the phased replacement of the TSW Regulation by the 2024 Regulation, as provided for in Regulation 38 of the Shipments of Waste Regulations, is reflected in the operation of the Public Health Act.

Copies may be purchased at 6, Convent Place, Price. £1.50