

Environment Act 1995

Transfrontier Shipment of Waste Regulations 2007

The Transfrontier Shipment of Waste Fees and Charges (Scotland) Scheme 2024

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We have powers to make charging schemes in relation to the transfrontier shipment of waste. These powers are contained in the Environment Act 1995, sections 41 and 42. We have obtained the approval of the Scottish Ministers and so we make the following charging scheme.

## 1. Citation, Extent, Commencement and Revocation

1.1 This scheme shall be cited and referred to as the Transfrontier Shipment of Waste Fees and Charges (Scotland) Scheme 2024 (and it shall be referred to here as "the Scheme").

1.2 The Scheme shall apply to the Scotland and Scottish Area only and shall come into force on 1 April 2024. The Scheme shall remain in full force and effect unless revoked, varied or withdrawn by us.

1.3 The Transfrontier Shipment of Waste Fees and Charges (Scotland) Scheme 2015 which came into effect on 1 April 2015 is revoked in so far as it relates to any period on or after 1 April 2024.

## 2. Interpretation

2.1 In the Scheme, unless the contrary intention appears:

2.1.1 any meanings given to words or phrases within the 2007 Regulations and the Waste Shipment Regulation shall have the same meanings here;

2.1.2 “article” shall mean an article within “the Waste Shipment Regulation”;

2.1.3 "regulation" shall mean a regulation within "the 2007 Regulations";

2.1.4 "the 2007 Regulations" means the Transfrontier Shipment of Waste Regulations 2007, as amended;

2.1.5 “the applicant” means, for the purposes of (a) Paragraphs 4.1, [4.2.1], [4.2.3], [4.2.4] and [4.2.5] of the Scheme, the applicant of a notification application; and (b) Paragraph [4.2.2] of the Scheme, the applicant of a pre-consent application for a recovery facility and (c ) Sections 5, 6 and 7 of the Scheme the applicant of a notification application and/or as the case may be the applicant of a pre-consent application for a recovery facility.

2.1.6 “the responsible person” means, for the purposes of paragraph [4.2.4] of the Scheme and, as the case may be, (a) the person who arranges the shipment (b) the consignee (c) the notifier.

2.1.7 “the Waste Shipment Regulation” means Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, as amended.

2.1.8 “SEPA" means the Scottish Environment Protection Agency, incorporated under the Environment Act 1995 and having its principal office at Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4 WQ;

2.1.9 "us" and "we" means SEPA;

2.1.10 "you" means you (i) the applicant and/or as the case may be (ii) the responsible person.

2.1.11 “single shipment” means a shipment consisting of -

2.1.11.1 one shipping container,

2.1.11.2 one lorry trailer,

2.1.11.3 a bulk shipment, where the waste is transported in a ship (and the waste is not in shipping containers or in lorry trailers while on the ship),

2.1.11.4 one ship (where the waste is a ship), or

2.1.11.5 one offshore installation, or part of an offshore installation (where the waste is an offshore installation or part of an offshore installation);

2.2 The Interpretation and Legislative Reform (Scotland) Act 2010 shall apply to the Scheme; under exception of the term "financial year" which shall be defined as meaning a period of 12 consecutive months ending with 31 March.

2.3 The headings of each of the clauses are for information only and do not affect the meaning of the clauses.

## 3. Annual Increases

3.1 Fees under this Scheme shall increase annually on 1 April in each year after the year the Scheme is made. The increase will be in the range from and including 0% up to and including the Retail Prices Index published by the Office for National Statistics as at 30 September in the immediately preceding year.

## 4. Fees — General

4.1 Subject to sub-paragraph 4.2, where a notification is made under the 2007 Regulations the following charges are payable by the applicant –in the case of a notification relating to a single shipment which consists of a ship or an offshore installation, the sum of £9,884; or

4.1.1 in the case of any other notification, the charge is determined by the type of notification and the number of single shipments included in the notification, in accordance with the Table 1.

Table 1

| Notification type | Single shipment | 2 to 5 shipments (general notification) | 6 to 20 shipments (general notification) | 21 to 100 shipments (general notification) | 101 to 500 shipments (general notification) | More than 500 shipments (general notification) |
| --- | --- | --- | --- | --- | --- | --- |
| Shipment from Scotland for recovery (non-interim)  | £2,830 | £3,048 | £4,028 | £5,519 | £9,710 | £16,743 |
| Shipment from Scotland for non-interim disposal  | £3,048 | £3,266 | £4,714 | £7,076 | £12,628 | £22,316 |
| Shipment from Scotland, including interim disposal  | £3,266 | £3,484 | £4,714 | £7,620 | £15,132 | £27,215 |
| Shipment from Scotland for recovery (interim)   | £3,375 | £3,592 | £5,116 | £6,608 | £10,799 | £17,831 |
| Shipment to Scotland for non-interim recovery  | £2,449 | £2,667 | £4,028 | £6,423 | £12,628 | £22,316 |
| Shipment to Scotland, including interim recovery  | £2,667 | £2,885 | £4,169 | £7,076 | £15,132 | £27,215 |
| Shipment to Scotland for non-interim disposal  | £3,092 | £3,309 | £4,714 | £7,076 | £12,628 | £22,316 |
| Shipment to Scotland including interim disposal  | £3,266 | £3,484 | £4,714 | £7,620 | £15,132 | £27,215 |

4.2 The following additional charges are payable –

4.2.1 Where a notification application is amended after transmission the sum of £191 will be due by the applicant. For each subsequent amendment a further sum of £191 will be due.

4.2.2 Where a recovery facility applies to become ‘pre-consented’ then the sum of £305 will be due by the applicant for each pre-consent application.

4.2.3 Where an applicant does not input movement data in connection with a notification application for the shipment of waste from Scotland, a fee of £27 per shipment will be due by the applicant, except for those digitally excluded applicants.

4.2.4 Where an applicant does not use SEPA’s standard financial guarantee template in connection with a notification a fee of £414 will be due by the applicant.

4.2.5 SEPA will charge the responsible person for all work undertaken at an hourly rate of £120.21 arising from or in connection with the return of waste including a shipment that cannot be completed and an illegal shipment.

4.3 SEPA has the ability, in terms of the 2007 Regulations, to recover its costs arising from:-

4.3.1 The return of waste from a shipment that cannot be completed in terms of Article 23 of the Waste Shipment Regulation (including the costs of transportation, recovery and disposal);

4.3.2 The take-back, recovery or disposal of waste from an illegal shipment in terms of Article 25 of the Waste Shipment Regulation (including the costs of transportation and storage); and

4.3.3 The take-back of waste in terms of Schedule 5 paragraph 12 of the 2007 Regulations (the costs of recovery or disposal).

4.4 Other than as provided for in terms of paragraph 4.2.4 of the Scheme all fees and charges must be paid in full at the same time as submission of the application to which the fee and/or charge relates. An application submitted without the requisite fee and/or charge shall be treated as an invalid application.

4.5 We shall issue an invoice for any fee or charge which does not have to be paid at the same time as an application is submitted. If, however, an invoice is not received or if an invoice is issued incorrectly the fee is still payable.

4.6 Subject to the remainder of the terms in the Scheme, refunds or credits will be issued where:

4.6.1 A notification application is objected to by a Competent Authority. Upon written request by the applicant, a refund or credit for the difference between the charge paid and the minimum charge specified for the relevant type of notification will be given to the applicant.

4.6.2 No waste approved under a notification application is shipped as intended. Upon written request by the applicant, a refund or credit for the difference between the charge paid and the minimum charge specified for the relevant type of notification will be given to the applicant.

4.7 In terms of Clauses 4.6.1 and 4.6.2 written requests must be received by SEPA within 12 months from the date of SEPA’s approval of the notification application. Where consent has not yet expired, the applicant must also request that consent is withdrawn by SEPA for the remaining period of consent under the notification application. An administration charge of £218 will be deducted from the refund or credit to cover the cost of SEPA’s file closure and reporting requirements.

## 5. Methods of Payment

5.1 Payment of a fee shall not be deemed to have been made until we are in receipt of cleared funds.

5.2 Subject to the terms of Clause 5.3 and 5.4, payment may be made to us by any of the following methods:

5.2.1 by BACS transfer, to the Royal Bank of Scotland, Sort Code: 83-34-00, Account No: 00137187, or such other sort code and account details as we may from time to time determine or

5.2.2 by credit card or debit card online at via the 'Pay my Account' link on the SEPA website, or such other details as we may from time to time determine and on completion of the appropriate form included with application forms/invoices.

5.3 Please note that it is your responsibility to inform us that you have made a payment to us by BACS and to provide the date of that payment and full details of the relevant matter to which it relates.

5.4 We reserve the right to withdraw any current permitted method of payment and to introduce any new method(s) of payment as we may deem appropriate, all without notice.

## 6. Liability to pay fees and charges

6.1 You are obliged to make payment in full to us of all fees and charges stated in the Scheme.

## 7. Time to make payment of fees and charges

7.1 Fees and charges payable by you under the Scheme shall fall due and be payable in full.

<Report date here (month, year)>

**For information on accessing this document in an alternative format or language, please contact SEPA by emailing** **equalities@sepa.org.uk**

**If you are a user of British Sign Language (BSL), the Contact Scotland BSL service gives you access to an online interpreter, enabling you to communicate with us using sign language.** [**contactscotland-bsl.org**](http://contactscotland-bsl.org/)