Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 30/06/2003 - Legislative proposal

PURPOSE : to establish procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination. CONTENT : the Commission is proposing to simply control procedures for shipments of waste. It has proposed a revision of the 10-year-old Waste Shipment Regulation. This Regulation sets environmental criteria for waste shipments within, into and outside the European Union. It covers shipments of practically all types of waste by all types of means, including vehicles, trains, ships and planes. The proposal strengthens the current control procedures, simplifying and clarifying them to the benefit of both the environment and waste shipment companies. The proposal is also a step towards greater international harmonisation of waste shipments, as it fully implements the UN Basel Convention, which regulates shipments of hazardous waste at international level. The proposal reduces procedures and lists of waste from three to two. The proposal has four main objectives: - Implementing the OECD Council Decision C(2001)107 of 14 June 2001 in Community legislation; - Addressing the problems encountered in the application, administration and enforcement of the 1993 Regulation and establishing greater legal clarity; - Pursuing global harmonisation in the area of transboundary shipments of waste; - Enhancing the structure of the Articles of the Regulation. The Commission's proposal introduces clarifications on the application and implementation of the current Regulation. The proposal does not change the basic logic of the current Regulation - namely that shipments of waste must follow specific procedures, which depend on the type of waste shipped, whether it is hazardous waste or not, and the type of treatment that will be applied to the waste at its destination: recovery or disposal. The main procedure envisaged under the proposal is a procedure requiring prior written notification and consent for all shipments of waste destined for disposal, and of hazardous (like asbestos) and semi-hazardous waste (like ashes and other residues containing metals) destined for recovery. Under the current Regulation there are two procedures for such shipments, one is based on tacit and the other one on written consent. The proposal abolishes the tacit consent procedure, so that the procedure requiring written consent will become the main procedure. This simplification ensures proper control of hazardous waste as required under the Basel Convention, and minimises uncontrolled shipments of hazardous waste. The second procedure under the proposal applies to shipments of non-hazardous waste (like glass and paper) destined for recovery. It only requires that certain information is made available to accompany the shipments and neither notification nor consent is required in relation to such shipments. The proposal also provides for several new procedural safeguards in order to protect the notifier's rights and to ensure that the competent authorities respect certain different deadlines. The proposal also clarifies that a shipment has to be controlled "all the way to the end" - meaning until completion of final recovery and disposal. This will ensure that waste cannot be left at an interim facility untreated and unmonitored. Final treatment in terms of final recovery and disposal must thus be proven before the shipment can be considered completed and thus "released" from further controls under this regime.