

# **Incineration of toxic and dangerous waste: rectification of legal basis**

1992/0406(SYN) - 23/02/1994

The Committee adopted the report of Mr. FLORENZ. There were 77 amendments on this report, of which 16 by the rapporteur. As to the procedure: this is still the first reading, because the Council had to consult the EP under pre-Maastricht legislation on the change of the legal base from Art 100A to art. 130S and Parliament had requested the Council in its legislative resolution in the first step of the first reading to be reconsulted if the Council substantially would modify the text as proposed by the Commission and as represented in the amendments. In the interinstitutional agreement resulting from the Treaty of Maastricht on pending Commission proposals not yet adopted by the Council, it was agreed that the Commission would affirm its positions from the first reading. An exception was made, however, for the proposal on the incineration of hazardous waste. The Council text is much weaker than the original Commission text and much weaker than EP's opinion in the first step of the first reading. The issues on which the Council's draft directive departs substantially from Parliament's opinion include the following: - many types of waste are excluded from the directive even though they may be hazardous. It must be assumed that they will nonetheless be incinerated. As Community law does not, however, include any provisions on the incineration of such waste, there is a danger that it will be incinerated in far less suitable plants. Until specific provisions exist, this exclusion is therefore unacceptable; - the requirement relating to plants which are not specifically intended for the incineration of dangerous waste must be no less stringent than the requirements applicable to incineration plants intended specifically for this purpose. There is a danger that small quantities will be incinerated in unsuitable plants to save money. This is incompatible with the requirements that the incineration of dangerous waste must satisfy. Monitoring emissions is always technically difficult and almost impossible when small quantities of hazardous waste are incinerated with other waste. Rapporteur FLORENZ said this morning that the demands he has made are feasible and necessary in the interests of preventive environmental protection: Furthermore, only if higher standards apply to the incineration of hazardous waste are the justified fears of the public likely to be allayed and greater acceptance for this method of disposal again achieved. The amendments carried were nrs. 17, 20-21, 1-4, 33-35, 5-6, 37-39, 8, 42-43, 45, 49, 51, 9, 54-55, 10-11, 61, 12, 63, 65-66, 13, 71-72, and 14-15.