

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 24/06/2005 - Council position

The Council unanimously adopted a common position on a draft Regulation on cross-border transfers of waste. The main changes proposed with respect to the arrangements in force include:

- changes concerning the general procedural framework (prior written notification and consent; obligations by way of information);
- changes and specifications concerning the scope and the definitions;
- provisions concerning shipments of waste between and within Member States;
- provisions concerning exports and imports.

Of the 103 amendments proposed by the European Parliament at first reading, the common position incorporates 41 (totally, in part or in principle, by means of identical or similar wording, or in spirit). 62 amendments have not been adopted. The Council considers that the common position does not alter the approach and aims of the original Commission proposal and notes that the Commission cannot accept the choice of legal base, the possibility for Member States to object to shipments of waste destined for recovery and the total exclusion of animal byproducts from the scope of the regulation.

The changes introduced by the Council to the Commission's amended proposal aim to improve the practicality and respond to concerns in certain Member States, while striving to ensure that the Community and the Member States respect and adhere to existing international obligations in the field.

In its common position the Council set aside the dual legal basis proposed by the Commission as it considered Article 175(1) of the Treaty sufficient.

The main amendments incorporated in the common position concern the following issues: the exclusion from the scope of the Regulation of waste generated by the armed forces of a Member State in certain situations; provisions applicable to Annex III waste intended for recovery; mixtures of waste for which no single entry exists; certain operations constituting interim recovery and interim disposal; the definition of notifier; definition of 'country of transit'; subject shipments of mixed municipal waste (waste entry 20 03 01) collected from private households to prior notification and consent; enable all competent authorities to require additional information and documentation within a certain time-period;

the moment which the financial guarantee shall be established and evidence or equivalent insurance of this shall be supplied; requests for information and documentation and the acknowledgment and transmission of notifications within a certain time-limit; extended power to Member States to object to

shipments of waste for disposal; objections to shipments of waste for recovery on the basis that the planned shipment is destined for disposal and not for recovery; setting out the procedures that apply to a general notification; information from the notifier to the competent authorities and the consignee; completion of recovery or disposal; emphasising the need for cooperation between authorities in relation to all cases of illegal shipment; electronic exchange of data; border-area agreements; environmentally sound management; situations of crisis or war; the method for calculating the financial guarantee; guidelines for the application of the provision on so-called 'sham recovery'.

Despite the fact that the Council is not able to accept all the amendments adopted by the European Parliament, it considers that the common position coincides to a large extent with the concerns of the Parliament.