Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 01/07/2005 - Commission communication on Council's position

In its amended proposal, the Commission accepted in full, in part or in principle 43 of the 103 amendments proposed by the European Parliament at its first reading.

The Commission cannot accept the common position with regard to a number of issues. The most important of these issues include the following:

- the Commission maintains that its proposed joint legal base for this regulation, i.e. environment and trade (Articles 175 and 133 of the EC Treaty), is correct and cannot accept a single legal base as proposed by Council (Article 175 of the EC Treaty);

- the Commission cannot support the common position with regard to the possibility for Member States to object to shipments of waste destined for recovery on the grounds of “lower treatment standards” in the country of destination. The Commission considers that such a provision would create barriers in the European waste recycling and recovery market while not improving the environmental standards of waste management in the EU;

- the Council has totally excluded animal by-products from the scope of the Regulation. The Commission considers it to be preferable to bring forward its review of the relationship between this Regulation and regulation 1774/2002/EC laying down health rules concerning animal byproducts not intended for human consumption, so that the results of this review are made public before the entry into force of the Regulation. This would take care of the concerns expressed by some Member States in terms of risks for procedural duplication and allow the Commission to maintain its proposal.