Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 03/10/2005

The committee adopted the report by Johannes BLOKLAND (IND/DEM, NL) amending the Council's common position under the 2nd reading of the codecision procedure. MEPs reinstated a number of amendments adopted by Parliament at 1st reading which were not taken up by Council:

- within 18 months of the regulation's entry into force, the Commission should establish guidelines to determine when a ship or a vehicle becomes waste pursuant to Directive 75/442/EEC;

- it should be possible to object to a shipment of waste destined for disposal or recovery on the grounds that it is mixed municipal waste from private households. MEPs argued that Member States should be encouraged to solve their household waste problems self-sufficiently;

- the facility that receives waste must keep incoming and outgoing volume records for each specific treatment line and for each sub-section thereof, and may be required to issue regular input/output balances to the competent authorities enabling them to verify compliance with the original aim of the notification and oppose any further shipment should discrepancies occur;

- a new Article 49a stipulated that all non-confidential information on waste shipments should be made accessible to the public, inter alia via the Internet;

- it should be made clear that vessels and aircraft are also covered by the category "end-of-life vehicles from different means of transport" listed in Part 2 of Annex V (waste shipments for recovery which may in some cases be subject to a ban on exports to non-EU countries);

- where ships for scrapping still contain any cargo and other materials classified as a dangerous substance or waste, they should be included among the hazardous waste listed in Part 2 of Annex V and hence covered by the ban on exports to non-EU countries. Ships for scrapping which once contained hazardous substances but have been properly emptied should be included among the non-hazardous waste listed in Part 2 of Annex V (this allows for the possibility that they might be covered by the export prohibition if they are deemed to be contaminated);

- the order of the waste lists in Annex V should be changed in such a way that the EU list of hazardous waste has a higher priority than the Basel list of non-hazardous waste.

The committee also tabled various new amendments:

- a new clause in Article 5 was aimed at preserving voluntary product return programmes established by producers (for the return and recovery of their products once discarded by end users) by making it clear that the contractual and financial guarantee obligations relating to waste shipments could be fulfilled in such cases by the producers;

- on enforcement, the committee wanted Member States to be required to carry out checking on at least 3% of the shipments on their territory and to step up coordination amongst themselves by setting up a "common enforcement platform" with permanent staff;

- Annex III B should be deleted, on the grounds that waste awaiting inclusion in the relevant annexes to the Basel Convention or the OECD Decision should not be seen as "green" waste until it has been classified.

Lastly, a series of technical amendments sought to include transitional arrangements for Bulgaria and Romania , which would apply from the date of accession of those countries, and to incorporate changes to the Basel Convention into the Annexes.