

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 25/10/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Johannes **BLOKLAND** (IND/DEM, NL), and made several amendments to the common position. Parliament negotiated a series of compromise amendments with the Council. With the exception of the Greens/EFA, EUL/NGL and UEN groups, the leading political groups in Parliament agreed on these compromise amendments, which were accepted by the Council in order to ensure that the legislation is adopted after second reading. The main points are as follows:

Parliament strengthened proposed provisions guaranteeing public access to the decision-making process and legal redress in accordance with the Aarhus Convention. The competent authorities of

- dispatch or destination may make publicly available by appropriate means, such as the Internet, information on notifications of shipments they have consented to, where such information is not confidential under national or Community legislation.
- One amendment relates to the safe and environmentally sound management of ship dismantling and the work going on to establish mandatory requirements at the global level in this regard.
- The application of the Regulation is excluded in certain cases where it would be disproportionate with regard to waste generated on board vehicles, trains, ships and aeroplanes.
- The implementation of take-back schemes for non-hazardous waste is facilitated.
- The competent authorities of transit are enabled to raise certain objections to shipments of waste where this would be justified.

A new clause states that the competent authority of destination may also, within the 30-day time limit, lay down a condition that the receiving facility shall keep a regular record of inputs, outputs and/or balances for wastes and their associated recovery or disposal operations as contained in the notification, and for the period of validity of the notification. Such records shall be signed by a person legally responsible for the facility and be sent to the competent authority of destination within one month of completion of the notified recovery or disposal operation.

- Information on shipment notifications should be made public;
- In order to encourage local recycling of household waste, the authorities in reception states may object to shipments of mixed municipal waste from private households;

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.

The European Commission originally proposed a double legal basis for its draft Regulation, which would thus be founded both on environment policy (Article 175 of the EC Treaty) and commercial policy (Article 133). Parliament opted for the environment and the Council has endorsed this opinion. In view of the Commission's persistent opposition, the Council will need to settle this point unanimously.