

Shipments of waste, Basel Convention 1989 and OECD Decision 1992

2003/0139(COD) - 14/06/2006 - Final act

PURPOSE: to establish procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.

LEGISLATIVE ACT: Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste.

CONTENT: The Regulation establishes procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination. It will apply to:

- shipments of waste between Member States, within the Community or with transit through third countries;
- imported into the Community from third countries;
- exported from the Community to third countries; and
- in transit through the Community, on the way from and to third countries.

The main objectives of the Regulation are:

- to incorporate in Community legislation an OECD Council Decision and the revised Basel Convention on the control of transboundary movements of waste;
- to encourage harmonisation of the rules at international level in the field of cross-border shipments of waste;
- to resolve the problems that have arisen with the implementation of existing Community legislation in the field of the supervision and control of shipments of waste.

The main procedure envisaged under the Regulation is a procedure requiring prior written notification and consent for all shipments of waste destined for disposal, and of hazardous (like asbestos) and semi-hazardous waste (like ashes and other residues containing metals) destined for recovery. The second procedure under the Regulation applies to shipments of non-hazardous waste (like glass and paper) destined for recovery. It only requires that certain information is made available to accompany the shipments and neither notification nor consent is required in relation to such shipments.

The Regulation also provides for several new procedural safeguards in order to protect the notifier's rights and to ensure that the competent authorities respect certain different deadlines. It clarifies that a shipment has to be controlled "all the way to the end" - meaning until completion of final recovery and disposal. This will ensure that waste cannot be left at an interim facility untreated and unmonitored. Final treatment in terms of final recovery and disposal must thus be proven before the shipment can be considered completed and thus "released" from further controls under this regime.

The agreement reached with the European Parliament concerns in particular two key elements; the application of the Regulation and ship decommissioning. With regard to the application of the Regulation, Member States are required to carry out physical inspections and to cooperate in the prevention and detection of ships carrying illegal waste. With regard to ship decommissioning, the regulation includes a Council declaration that the Member States will use their best endeavours to increase ship dismantling in

the EU and that the Member States will do their utmost to ensure good progress in international negotiations to establish mandatory requirements at the global level.

This Regulation repeals Regulation (EEC) No 259/93 and Decision 94/774/EC with effect from the date of its application, as well as Decision 1999/412/EC with effect from 1 January of the year following the year of its application.

ENTRY INTO FORCE : 15/07/2006.

DATE OF APPLICATION : 12/07/2007. Should the date of accession of Bulgaria or Romania be later than this date, Article 63 (4) and (5) (on transitional arrangements for certain Member States) shall apply from the date of accession and not the date of application.