Resolution on the export of toxic waste to Africa

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The Finnish Presidency adopted conclusions recalling the importance of the effective implementation, including enforcement, of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and reaffirms its firm commitment to such implementation.

It expresses deep concern at the recent incident in Ivory Coast, which again alerted the world to the grave implications of illegal shipments of waste for developing countries and reiterates the willingness of the EU to continue to provide its assistance, together with the United Nations, to protect human health and the environment at the places affected.

Against this background, the Council:

- recalls that the polluter pays principle is a guiding principle at European and international level;

- affirms the importance for the generator and the holder of the waste to manage the waste in a way that guarantees a high level of protection of the environment and human health;

- notes that the 1995 amendment to the Basel Convention which bans hazardous wastes exports for final disposal and recovery from Basel Convention Parties which are EU, OECD members and Liechtenstein to any other Parties to the Basel Convention ("the Ban Amendment") is in force for all Member States, because it has been fully implemented by the Waste Shipment Regulation. It encourages States which have not already done so to ratify the Ban Amendment in order to facilitate its early entry into force;

- expresses concern at the fact that, while the EU is implementing strict requirements for disposal, recovery and recycling of waste, the control of waste exports has not kept pace with these developments;

- reiterates the importance of the EU Waste Shipment Regulation, which explicitly bans such exports;

- notes with concern that its provisions are not sufficiently complied with and enforced and that a significant risk of serious incidents persists, as recent inspection campaigns have shown and recognises that, while the recent revision of the Regulation enables better enforcement and co-operation both at national and EU level, there remains an urgent need to increase compliance and to improve inspections in all Member States and in particular at EU ports to properly implement the export ban on hazardous waste; and stresses the urgent need to significantly reduce illegal waste shipments;

- considers that, where necessary, current efforts to improve implementation, including awareness-raising and training, may have to be strengthened with a view to ensuring, inter alia, that the necessary measures are taken, especially in sea ports, to establish an adequate enforcement capacity to monitor and control waste shipments;

- encourages Member States to strengthen their cooperation within the IMPEL-TFS (Implementation and Enforcement of Environmental Law - Transfrontier Shipment) network in order to achieve better enforcement of the EU Waste Shipment Regulation with regard to illegal shipment of waste.

In view of the upcoming 8th Conference of the Parties in Nairobi (COP 8), the Council recommends that the European Community and the Member States should aim at reaching the following objectives with regard to matters on the COP-8 agenda and related issues: (i) the Ban Amendment (Decision III/1) and Illegal Shipment of Waste; (ii) ship dismantling; (iii) technical guidelines on persistent organic pollutants waste and globally-harmonised forms for the notification and movement of waste; (iv) co-operation and synergies; (v) resource use and mobilisation.