



Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1995/0107(SYN)	Procedure completed
Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)		
Subject 3.70.12 Waste management, domestic waste, packaging, light industrial waste		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Consumer Protection	PPE VIRGIN Ivar	31/05/1995
	Former committee responsible		
	ENVI Environment, Public Health and Consumer Protection	PPE VIRGIN Ivar	31/05/1995
	Former committee for opinion		
	RELA External Economic Relations	PPE TOIVONEN Kyösti	23/05/1995
	JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
	DEVE Development and Cooperation		31/05/1995
		PSE SCHMID Gerhard	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	1985	20/01/1997
	Environment	1978	09/12/1996
	Competitiveness (Internal Market, Industry, Research and Space)	1929	28/05/1996
	Environment	1905	04/03/1996
	Environment	1873	06/10/1995

Key events			
26/04/1995	Legislative proposal published	COM(1995)0143	Summary
16/06/1995	Committee referral announced in Parliament		
06/10/1995	Debate in Council	1873	Summary

18/10/1995	Vote in committee		Summary
18/10/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0267/1995	
16/11/1995	Debate in Parliament		Summary
16/11/1995	Decision by Parliament	T4-0551/1995	Summary
09/01/1996	Vote in committee		Summary
16/01/1996	Decision by Parliament	T4-0005/1996	Summary
20/02/1996	Modified legislative proposal published	COM(1996)0062	Summary
28/05/1996	Council position published	05601/2/1996	Summary
20/06/1996	Committee referral announced in Parliament, 2nd reading		
03/09/1996	Vote in committee, 2nd reading		Summary
03/09/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0266/1996	
17/09/1996	Debate in Parliament		Summary
18/09/1996	Decision by Parliament, 2nd reading	T4-0458/1996	Summary
21/10/1996	Modified legislative proposal published	COM(1996)0515	
20/01/1997	Act adopted by Council after consultation of Parliament		
20/01/1997	End of procedure in Parliament		
24/01/1997	Final act published in Official Journal		

Technical information

Procedure reference	1995/0107(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Legal basis	EC before Amsterdam E 130S-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/07903

Documentation gateway

Legislative proposal	COM(1995)0143 OJ C 164 30.06.1995, p. 0008	26/04/1995	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0267/1995 OJ C 323 04.12.1995, p. 0005	18/10/1995	EP	
Economic and Social Committee: opinion, report	CES1155/1995 OJ C 018 22.01.1996, p. 0018	25/10/1995	ESC	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading	T4-0551/1995 OJ C 323 04.12.1995, p. 0077-0109	16/11/1995	EP	Summary
Text adopted by Parliament, 1st reading/single	T4-0005/1996	16/01/1996	EP	Summary

reading		OJ C 032 05.02.1996, p. 0016-0031			
Modified legislative proposal		COM(1996)0062	20/02/1996	EC	Summary
Council position		05601/2/1996 OJ C 219 27.07.1996, p. 0019	28/05/1996	CSL	Summary
Commission communication on Council's position		SEC(1996)1014	14/06/1996	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0266/1996 OJ C 320 28.10.1996, p. 0004	03/09/1996	EP	
Text adopted by Parliament, 2nd reading		T4-0458/1996 OJ C 320 28.10.1996, p. 0064-0075	18/09/1996	EP	Summary
Modified legislative proposal		COM(1996)0515	21/10/1996	EC	

Additional information

European Commission

[EUR-Lex](#)

Final act

[Regulation 1997/120](#)

[OJ L 022 24.01.1997, p. 0014](#) Summary

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

The proposal for a regulation amends Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community with a view to prohibiting all exports of hazardous waste for the purposes of recycling from OECD countries to non-OECD countries as of 1 January 1998. This amendment implements Decision II/12 adopted during the Second Conference of the parties to the Basle Convention in March 1994.?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

Pending delivery of Parliament's opinion, the Council held a detailed discussion on the proposal for the amendment of Regulation (EC) No 259/93 on shipments of waste so as to ban all exports of dangerous waste intended for recycling operations to non-OECD countries. This proposal corresponds to the outcome of the Third Conference of Parties to the Basle Convention (Geneva, 18 to 22 September 1995); at the Community's instigation the Conference approved the introduction of an amendment to the Convention providing for a ban on exports to non-OECD countries of dangerous waste for the purpose of disposal or recovery no later than 31 December 1997. The discussion made it possible to establish the existence of a common approach within the Council in favour of the proposal. Regulation (EC) No 259/93 already bans exports of waste for disposal to non-EFTA countries not parties to the Basle Convention. In addition, all exports of waste to the ACP states is banned under the Lomé Convention.

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

Adopted was the report of Mr. Ivar VIRGIN (Sw., EPP) on the proposal for a Council Regulation amending Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the EU to prohibit all exports of hazardous wastes destined for recovery operations from OECD to non-OECD countries. The rapporteur was just in time to table 3 amendments which update his report and which are the result of the outcome of the Conference of Parties to the Basel Convention (18-25 September 1995, Geneva). That conference agreed on an amendment of the Basel Convention in order to prohibit the export of hazardous waste, for final disposal, from OECD to non-OECD countries, immediately, and to prohibit the export of hazardous waste, for recycling purposes, from OECD to non-OECD countries, from 1 January 1998. In his most important amendment, no 3., like the other amendments adopted unanimously, Mr. VIRGIN proposes to add, to the export ban, hazardous waste covered by the Basle Convention's definition of hazardous waste as well as waste covered by the EU's hazardous waste list. a. Background: on 20 January 1993, the EP gave its opinion on the Commission proposal for a Regulation on the supervision and control of shipments of waste, within, into and out of the EU. Then, it was unable to reach any agreement with the Commission on whether the export of hazardous waste to non-OECD countries for recycling was to be permitted or not. In Regulation 259/93 the export of hazardous waste for recycling (recovery) was not prohibited. The EP continued to oppose this state of affairs, since 'recycling' is often merely a euphemism for final disposal. b. The Commission proposal: on 5 April 1995, Parliament adopted a resolution in which it reiterated its view that the export of hazardous waste to non-OECD countries for recycling should be prohibited as soon as possible and called on upon Council and Commission to give their formal endorsement to Decision II/12, taken by the Basle Convention in March 1994. Under this decision, all transboundary movements of hazardous wastes which are destined for final disposal from OECD to non-OECD States are

immediately prohibited. The transboundary movements of hazardous wastes which are destined for recycling or recovery operations. (cf. COM(93)0143 final, 26 April 1995). The Commission proposal reflects Parliament's latest requests. c. The Commission's position Rapporteur VIRGIN is of the opinion that the Commission is in a difficult position. On the one hand it should protect the needs of the environment, on the other hand the pressure of business interests is very strong. A number of groups within the waste sector in non-OECD countries want the trade in all hazardous wastes to be as unrestricted as possible to enable them to use waste substances as raw materials. Some Member states would like to retain the ability to export their hazardous waste. This makes it very difficult for decisions to be taken by the Commission. d. The rapporteur's conclusions: although rapporteur VIRGIN was not entirely satisfied this morning by the Commission's proposal, the Committee agreed with him that the proposal could be accepted by adopting the above mentioned amendments. In the future, when the problems of defining hazardous waste have been to some extent resolved, the proposal can be tightened up somewhat.

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

The ESC fully agreed that it was necessary to control the shipment of waste within and outside the Community, and to avoid the uncontrolled export of hazardous waste to countries that lacked the requisite instruments for detecting and neutralising the hazards. The ESC therefore approved in principle the objective of the proposal for a regulation. It feared, however, that this objective could only be achieved by revising the entire body of legislation on the matter. In particular, it was concerned at the differing interpretations that surround the classification of hazardous waste, and reiterated the view of its 1991 Opinion that the total export ban should apply to hazardous waste alone. The conventions, regulations and decisions of the different bodies (European Union, OECD, Basel Convention) were not mutually consistent. The ESC feared that their discrepancies, shortcomings and overlaps could be exploited improperly or give an active stimulus to 'waste exports?'. The ESC also considered that the proposed regulation should be more flexible and give consideration to waste for recycling, given that the recovery of reusable materials from waste was, in principle, economically and ecologically sound. However, the existing Regulation and the proposal (Decision II/12 of the Basel Convention) indiscriminately restricted the recovery of recycling materials, when this should only be prohibited in the case of hazardous waste or of waste that was exported for recovery without sufficient guarantees that recovery would actually be effected. Indeed, strict controls should be exercised on waste for recycling in the country of origin, together with controls on its processing in the country of destination.

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

The European Parliament approved the proposal but the vote on the draft resolution was postponed under Article 60 (2) of the Rules of Procedure. The report by Mr Ivar VIRGIN (PPE, S) was therefore referred back to committee. The amendments approved by plenary repeated the objectives of the Basle Convention in the recitals (ban on exports of hazardous waste from OECD countries to non-OECD countries for the purposes of recycling as of 1 January 1998). The European Parliament again pointed out that the definitions of hazardous waste all differ and deplored the fact that specifically Community definitions were not completely in line with the definitions in the Basle Convention. The European Parliament therefore called for the list of banned products in Community legislation to be revised and for the "Community" definitions of hazardous waste to be brought into line with the Basle Convention.?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

The rapporteur, Mr VIRGIN, pointed out that the three amendments adopted in committee incorporated the results of the Conference of the Parties to the recent Basle Convention. One of the amendments sought to ban exports from OECD countries to non-OECD countries of hazardous waste to be disposed of (effective immediately) or recycled (from 1 January 1998). A further amendment proposed adding to the export ban hazardous waste covered by the Basle Convention's definition of hazardous waste. The rapporteur recognised the Commission's difficult task as guardian of the environment: it had to deal with pressure groups on the one hand, and the resistance of certain Member States, which wanted to retain the possibility of exporting their hazardous waste, on the other. The Commissioner, Mrs BJERREGAARD, stated that the main objective was to extend the net of protection; from 1 January 1998 there would be a complete ban on exporting waste, in accordance with the Basle Convention. The Commission was committed to this proposal, particularly as regards the recycling of waste.

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

There will be a total ban on the export of hazardous waste to Third World countries from 1 January 1998. This morning, the Committee on the Environment, Public Health and Consumer Protection adopted a compromise amendment by which all hazardous waste will be put on a EU hazardous waste list. In November 1995, Parliament decided to refer the proposal back to the Committee, after the Environment Commissioner Ritt Bjerregaard declared she could not totally accept an amendment asking for the strictest interpretation of the laws and for a ban on the export of ALL hazardous waste. Rapporteur Ivar VIRGIN (Sw., EPP) and the Commission worked out a compromise amendment, that satisfies Parliament's repeated requests to stop the export of all hazardous waste and not only the hazardous waste streams mentioned in the amber and red lists of the annexes III and IV of Regulation 259/93 on the shipment of waste. The compromise amendment puts all hazardous waste streams of the EC hazardous waste list, which do not appear in the red and amber list on a special separate annex IIa to this Regulation. Consequently, export of these waste streams will also be banned from 1 January 1998. The VIRGIN report will be voted next week in plenary in Strasbourg. (A4-0267/95). The stricter application of the export rules is in line with the Basel Convention seeking to ensure an international ban. ?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

This proposal for a regulation was approved by the European Parliament with the amendments adopted at the sitting of 16 November 1996, together with the following compromise amendment: - the Commission must draw up as soon as possible an Annex IIa listing the wastes

appearing on the list of hazardous waste as adopted by Council Decision (EC) 94/904 (and which are not listed in Annex III or IV of this regulation) and exports of which will also be prohibited from 1 January 1998 onwards. This amendment replaces the amendment adopted at the plenary sitting of 16 November 1996 which prohibited exports of all wastes listed in Annex I and II of the Basel Convention, and those set out in Decision 94/904/EC.?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

The Commission's amended proposal incorporates four of the five amendments adopted by Parliament at first reading. The amendments made by the Commission seek to: - insert a reference to the decision of the Third Conference of the Parties to the Basel Convention and draw attention to the need to bring the EC definitions and lists of hazardous waste into line with the Basel Convention; - establish as soon as possible by way of the appropriate procedure an Annex II(a) listing those wastes which appear on the Community's list of hazardous waste but are not listed in Annexes III or IV to the Regulation, in order to ensure that such wastes are also subject to the export ban from 1 January 1998. ?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

The Council adopted the common position unanimously. It considered that the essential factor was to incorporate as quickly as possible into Regulation (EEC) No 259/93 the substance of Decision II/12 (confirmed by Decision III/1), namely a ban (immediate or delayed, depending on the type of operations involved) on exports of hazardous waste, irrespective of the technical points that would have to be clarified. None of the amendments adopted by Parliament and accepted by the Commission were incorporated into the common position. These amendments covered: - the decision of the Third Conference of the Parties to the Basel Convention; - the need to adjust EU definitions and lists of hazardous waste to bring them into line with the Basel Convention; - the establishment of a new Annex II (a), also subject to the export ban. ?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

The Commission took note of the Council's unanimous decision to adopt the common position. However, it regretted that the Council had not taken account of the Commission's amended proposal in accordance with the relevant provisions of the Treaty.?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

A bid to close a loophole enabling hazardous waste to be exported from the Community for recycling, particularly in developing countries, was made today by the Environment Committee when it adopted a draft recommendation for the second reading of a proposal on the supervision of waste shipments. Amending the Council's common position the committee called on the Commission to introduce a new category for waste, mainly contaminated metal scrap, which would otherwise have escaped the export ban. Under the terms of the Basle Convention, hazardous waste must not be exported for recycling as from 1 January 1998. The committee accepted the argument that the principle of proximity (waste must be disposed of as near as possible to the place where it is discarded) and hazard prevention took precedence over the provision of cheap raw materials to developing countries. The Commission has indicated that it will support the amendments. ?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

The rapporteur, Mrs Virgin (EPP, S), stated that the report complemented the proposal put forward by the Commission, which had been made more effective by the amendments tabled. Commissioner Bjerregaard recalled that at first reading Parliament and the Commission had been in agreement on four amendments aimed in particular at extending the scope of the regulation in question. She therefore intended to retain the said amendments, even though they had not been taken over by the Council.

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

Parliament adopted the recommendation for second reading by Mr Ivar VIRGIN, (PPE, S) on the proposal for a Council Regulation on the control of shipments of waste. In amending the common position of the Council, Parliament called on the Commission to introduce a new waste category, i.e. mainly containing contaminated metal scrap, which would otherwise escape the export ban. Under the Basle Convention, the export of hazardous waste for recycling purposes is prohibited from 1 January 1998. ?

Waste: control of shipments of waste within, into and out of the EC (amend. Regul. 259/93/EEC)

PURPOSE : To amend Regulation 259/93/EEC on the supervision and control of shipments of waste within, into and out of the European Community. COMMUNITY MEASURE : Council Regulation 120/97/EC. CONTENT : The Regulation amends the Regulation 259/93/EEC on the supervision and control of shipments of waste within, into and out of the European Community in view of prohibiting all exports of hazardous waste which are destined for recycling or recovery operations from OECD to non-OECD States as of the 1 January 1998. This amendment brings into play the Decision II/12 adopted at the time of Second Conference of the Parties to the Basle Convention in March 1994. ENTRY INTO FORCE : 27/01/1997.?

